

**DRAFT MEETING MINUTES  
Town of Halfmoon Planning Board  
June 8, 2015**

Those present at the June 8, 2015 Planning Board meeting were:

Planning Board Members:     John Ouimet – Chairman  
  Don Roberts – Vice Chairman  
  Rich Berkowitz  
  Marcel Nadeau  
  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 June 8, 2015 Planning Board Meeting at 7:00 pm.

*Mr. Berkowitz made a motion to approve the May 11, 2015 minutes as revised, seconded by Mr. Ruchlicki. Motion was carried. Vice-Chairman Roberts abstained.*

*Vice-Chairman Roberts made a motion to approve the May 26, 2015 minutes, seconded by Mr. Berkowitz. Motion was carried.*

**Public Hearings:**

**15.056     Bradley & Pabello 2-Lot Subdivision, 19 Betts Lane**

**Chairman Ouimet commented:** Would anyone like the public hearing notice read? No one chose to speak.

**Mr. Fred Metzger, Land Surveyor commented:** I am here on behalf of Mr. & Mrs. Bradley they are looking to do a 2-lot subdivision of their lot located at 19 Betts Lane. The existing 6+ acre lot is located in an AR Agricultural-Residential District and they are looking to subdivide a 1.5 acre lot to the west of the existing residence to create a building lot for a single-family 2-bedroom home. Right now we are looking for a proposed well and septic depending if any utilities are improved between the main road

and the development in the rear in the near future. The proposed house and septic will meet all the existing zoning requirements.

**Chairman Ouimet commented:** Thank you. Does anyone from the public wish to speak? No one chose to speak. The public hearing closed. Are there any questions from the Board?

**Mr. Higgins commented:** The proposed well for the new house if Betts Lane is expanded in the future is that still going to be far enough away from the road?

**Mr. Metzger commented:** Yes, I think this was mentioned at the last meeting, I think we pushed it from 15' to 20' away from the road even though the right-of-way is already set up at 50' wide so even if they go to 60' wide right-of-way it is only going to be another 5'.

**Mr. Higgins commented:** There is a concern of road salt, there has been a lot of talk about widening that road through the years.

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

*Vice Chairman Roberts made a motion to declare negative declaration pursuant to SEQRA, seconded by Mr. Higgins. Motion was carried.*

**Chairman Ouimet commented:** Negative Declaration has been declared.

*Vice-Chairman Roberts made a motion to approve the application for the 2-lot subdivision located at 19 Betts Lane as presented, seconded by Mr. Higgins. Motion was carried.*

### **15.053 Falcon Trace PDD Subdivision, 181 Route 236, Lot #4 Minor Subdivision**

**Jeff Williams, Bruce Tanski Construction and Development are present and commented:** I am here tonight to ask for the subdivision of Lot #4, part of Falcon Trace. Last week we went through the Town Board for the amendment that allowed us to create three (3) commercial lots from the original two (2) that were allowed. By doing so, it allows us to subdivide Lot #4 in the Falcon Trace PDD and the original boundaries of the PDD are not changing at all. It allows us to create Lot #4 and creating a third commercial lot. Lot #4 is a 5.13 acre parcel it is zoned commercial through the PDD. The Board may recall we do have site plan approval on it for 2- 3,000 SF office buildings and 1- 4,000 SF office building. The portion we wish to subdivide off would house the 4,000 SF office building. It is across the street from the Town's Park. We would be creating a 0.88 acre parcel or a little bit better than 38,000 SF parcel for the 4,000 SF office building. It is a conforming commercial lot to Town standards and that would leave a 4.25 acre parcel for the part that holds the 2-3,000 SF office buildings. Once again, that is a conforming lot. I am here to ask your consideration of setting a public hearing.

**Chairman Ouimet commented:** My understanding is you have resolved the issue of the trails with the Town Board?

**Mr. Williams commented:** We have set a monetary gift in lieu of the trail that we felt and I think the Town felt was a better all around scenario for the Town.

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

**Mr. Higgins commented:** Even with this subdivision, there is still only an approval for 3 buildings, is that correct?

**Mr. Williams commented:** Exactly, this subdivision after it is said and done will adhere to the original Falcon Trace PDD along with the site plans that were already approved.

**Mr. Higgins commented:** With the two buildings that are being built right now on 4A are there no plans in the future to subdivide those?

**Mr. Williams commented:** No, there isn't. Actually I think it would have to have a variance because the side yards wouldn't meet the zoning.

**Mr. Higgins commented:** Ok, because between the buildings wouldn't meet the side yards, ok. Does the applicant have to come back to us for site plan approval for 4A/4B? If that is the case, I just want to mention that when they were here previously the location of the dumpsters on 4B and the screening of the dumpster, are still in effect as far as the 4B site.

**Mr. Williams commented:** It is the same as what's on the approved site plan.

**Mr. Harris commented:** We renewed their site plan this past January so you have a year and he has already started construction but the tenants themselves will have to come back for a tenant approval. So you will see that but not the site plan.

**Mr. Higgins commented:** I was just concerned about the parking area and the location of the dumpster in relation to the neighbor on the south side. Thank you.

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

*Mr. Higgins made a motion to set a public hearing for Monday, June 22, 2015 at 7:00 PM for a minor subdivision for Falcon Trace Lot #4, seconded by Mr. Ruchlicki. Motion was carried.*

**Chairman Ouimet commented:** A public hearing is scheduled for June 22, 2015.

#### **15.072      Daigle Cleaning Systems, 3 Cemetery Road – Change of Use/Tenant**

**Jeff Williams, Bruce Tanski Construction and Development were present and commented:** I am here tonight to ask for a Change of Tenant for Daigle Cleaning Systems who is a professional residential/commercial cleaner; they are located at 3 Cemetery Road which is on the corner of Cemetery Road and Old Route 146. It also houses Bruce Tanski Clifton Park Apartments Management Office for all of his apartments. Daigle Cleaners have three (3) full time employees, two (2) of them are owners and one is a field manager. They are the ones that are in and out of the office. The office space is 180 SF. There are 14 part time employees who are the cleaners and a majority of the cleaners go directly to their work sites and do not visit the office that much. The regular hours are 7 AM to 9 PM, the office hours are 8 AM-5 PM. There are 15 parking spaces at 3 Cemetery Road. We asked the applicant to park behind the

parking lot at 2 Cemetery Road which houses Bruce Tanski Construction and Development which is 1 cleaning van and 2 cleaning vehicles plus a cleaning trailer. The reason being is the parking lot behind 2 Cemetery Road is unutilized. It is not used at all so we thought we wouldn't mix the three types of uses together and we asked them to park there.

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

**Mr. Higgins commented:** So you are asking for parking on another site?

**Mr. Williams commented:** It is controlled by the same entity.

**Mr. Higgins commented:** I don't think this Board has the authority to authorize that. Lyn could you comment on that?

**Mrs. Murphy commented:** The Local Law is clear that there is no off-site parking and I am sure you are familiar with that.

**Mr. Williams commented:** Yes.

**Mr. Bruce Tanski commented:** Is it possible to do a consolidation of the two properties and put them on the same deed?

**Mrs. Murphy commented:** Because of the road that goes through it won't work.

**Mr. Tanski commented:** There are other properties that have roads through them and it still suffices.

**Mrs. Murphy commented:** You would have to come back and do a consolidation and you would be grieving your subdivision lines. The Board could approve the Change of Tenant tonight with the condition that you park on site for now.

**Mr. Harris commented:** We do have parcels in Town that roads do go through them but they are part of one lot.

**Mr. Tanski commented:** Ok, I will do whatever that Town wants with a consolidation and like Jeff had said the lot is under utilized and rather than have; we have a lot of tenants coming in and out all of the time. It will give us more room. If we absolutely had to we could but if we can do a consolidation would make it for a cleaner area and it seems to work because we have no problems and no complaints.

**Mrs. Murphy commented:** I am saying that if you want to go forward with your Change of Tenant tonight you can do but the parking is limited to on site parking only. If you should choose to make a change in the ownership or the deed/property lines that is up to you.

**Mr. Tanski commented:** Then we could park them over there.

**Chairman Ouimet commented:** Then, you would have to come back.

**Mr. Tanski commented:** I understand. If it gets accepted that is what we will do. Thank you.

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

**Mr. Berkowitz commented:** Are the required number of spots there on the site?

**Mr. Williams commented:** Yes, there are 15 parking spaces.

*Mr. Berkowitz made a motion to approve the Change of Tenant at 3 Cemetery Road, seconded by Mr. Ruchlicki. Motion was carried.*

**Chairman Ouimet commented:** The Change of Tenant is approved and conditioned that the parking has to be on site at 3 Cemetery Road.

**Mrs. Murphy commented:** Does everyone agree with that condition?

**Chairman Ouimet commented:** All in favor. No one was opposed. Thank you.

**15.066 D/N Excavating Site Plan, 21 Fellows Road – Commercial Site Plan**

Mr. Higgins recused himself from this item.

**Mr. Jason Dell, Lansing Engineering commented:** I am here tonight representing D & N Excavating Site Plan addition. The project site is located along the eastern side of Fellows Road and encompasses approximately 3.78 acres. The existing site is currently owned and occupied by D & N Excavating. They use the site now as a shop as well as for storage of equipment and materials for their excavating business. For the proposed project and the proposed addition they would like to add is an approximate 3,000 SF storage building/pole barn. They would like to construct that so that they could have covered storage of plows, plow equipment, mowers as well as construction materials like piping, valves, and structures. Right now when they do have it on site it's outside in the elements and they would like to move that indoors especially in the winter time they can park their plow trucks underneath there so they don't have to clear the snow off of them before they bring them out to use them. They would extend the gravel driveway out to meet the pole barn so they could back their trucks right over to there. There are no plans to connect any water or sewer utilities to the pole barn it would strictly be an open structure on one side. Storm water would be managed in the existing storm system that is there. I did check to see if there was additional capacity and there is. We are only looking to add about .078 acres of imperviousness to the surface. So we are here tonight to introduce the Board to the project and ask the Board to move it forward as it sees fit.

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

**Mr. Nadeau commented:** Which Fellows Road are we talking about?

**Mr. Dell commented:** Right behind the Toyota Dealership right next to Falcon Trace. This lot is part of the original Falcon Trace PDD it was one of the commercial lots.

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

**Mr. Berkowitz commented:** Are there any residences in that area that about this piece of property?

**Mr. Dell commented:** Possibly on this side of the property and quite a bit further away on Upper Newtown Road.

**Mr. Berkowitz commented:** Is it fully wooded back there?

**Mr. Dell commented:** Yes it is. Falcon Trace is to the south and there is a parking area up here and it is heavily wooded.

**Mr. Tanski commented:** I helped D & N Excavating get started it was my property it still is and the whole area is wooded. There are 2 houses to the north of this and there are 2 businesses between us and the residences and the other residences are south of the entrance to Falcon Trace, the Senior Building. There are no residences that are close by. We are directly behind New County.

**Chairman Ouimet commented:** Rich or Paul has this been referred to the County for review?

**Mr. Marlow commented:** It has been and it should be scheduled to be on their June 18<sup>th</sup> meeting.

**Chairman Ouimet commented:** So we don't have anything back from the County yet.

**Mr. Marlow commented:** No.

**Chairman Ouimet commented:** So we will not be able to act on this tonight. Are there any other questions from the Board? Should we get a motion to table?

*Vice Chairman Roberts made a motion to table until we hear from the County, seconded by Mr. Berkowitz. Motion was carried.*

**Chairman Ouimet commented:** We tabled this item until we hear back from the County Planning Board. Hopefully it will be on the next agenda. Thank you.

**15.070/15.083      Keystone Novelties Dist. Fireworks Tent, 1707 Route 9-Change of Use/Tenant/Sign**

**Chairman Ouimet commented:** Is someone here to present?

**Mr. Jeff Williams, Bruce Tanski Construction and Development were present and commented:** We are asking to have a temporary tent sale on the Shops of Halfmoon. The temporary tent sale would be for Keystone Fireworks they sell NYS approved fireworks. The applicant is wishing to put the tent up from June 25<sup>th</sup> to July 5<sup>th</sup> and the hours of operation are from 9 AM – 9 PM and on July 3<sup>rd</sup> and 4<sup>th</sup> they will be open from 10 AM to 11 PM. The tent is 30' x 50' it has rolled up sides that will be open during the hours of operation and the sides will be down when they are closed. They will have an over-night security guard watching the site. There is plenty of parking on site. There are 50 parking spaces right behind the tent.

**Chairman Ouimet commented:** Hate to put you on the spot Jeff what has been submitted doesn't show any traffic pattern around the tent, how are things going to move around it? Is it just a parking lot in the front and a tent in the back? How do the supply's get in?

**Mr. Williams commented:** Of course they would utilize the same access as everybody uses for the Shops of Halfmoon. There are 4 points of access to the site they can come up through the paved area behind there and to the side. Certainly people would park and walk into the tent.

**Chairman Ouimet commented:** Do you all see any traffic pattern there? I don't. It's in a parking lot. It is just set in the corner of the parking lot.

**Mr. Williams commented:** There are lined parking spaces and lined isles for the traffic to follow. They would park in the parking spaces, I believe and walk in.

**Chairman Ouimet commented:** You will have to help me with the traffic pattern. Where are the roads? I see where the lined spaces are. Then I see just a blank canvas with a square.

**Mr. Williams commented:** What I am saying is they would come into the plaza.

**Chairman Ouimet commented:** There are no isles.

**Mr. Williams commented:** There are isles throughout the site and a parking area to the west and to the north of the tent. They would utilize the existing isles and parking areas.

**Mrs. Murphy commented:** So is the intention to have cars parking in the cleared area that has a tent on it?

**Mr. Williams commented:** May I come up to show you?

**Mrs. Murphy commented:** Yes, that is what the Chairman is asking for, I believe.

**Mr. Tanski commented:** This whole area here is empty, over flow parking here, and this is all blacktopped up in here. The traffic will come down this entrance isle and there is another exit here so there are 4 places to get in and out and plenty of parking.

**Mrs. Murphy commented:** So I think that what he is saying is they are not parking in a spot.

**Mr. Williams commented:** They will be parking in designated parking spaces.

**Chairman Ouimet commented:** So there is no parking here at all.

**Mr. Tanski commented:** Parking areas were shown to the Board. My staff will be there to monitor to make sure that is where the parking is in case of an emergency and people have to get in and out there is plenty of room. This parking lot never gets used unless people are going to Turning Stone and a bunch come there to park and then take a bus.

**Vice Chairman Roberts commented:** I have a problem with the visibility here. I would like to see a less visible tent with less color. It looks like the circus is coming to Town.

**Mr. Higgins commented:** I also have a question Bruce is there any reason since the parking is further into this site that the tent couldn't be put more into the site? I am concerned about people stopping on Route 146 leaving their cars and walking over to the tent because it is so visible. At least if it is more into the site it would be least likely that they would do that. John, do see what I am talking about?

**Mr. Tanski commented:** I don't have a problem with that at all.

**Chairman Ouimet commented:** I see exactly what you are talking about. The problem that I have, quite honestly, is you're not the applicant, correct?

**Mr. Tanski commented:** The applicant is not here but we are doing this together I have a Class C explosives license which I have had for 20 years so we are trying to sell fireworks because of the new law.

**Chairman Ouimet commented:** How is the site going to be secured at night? Are the articles that you are selling going to be secured in a locker, in a fire proof truck? Or are they just going to be left on the tables.

**Mr. Tanski commented:** Professional Security Company is going to monitor it. The tent flaps are going to be down and these are not the types of fireworks that are explosives like the Class 3 fireworks like salutes and that type of thing that the professional fireworks. These are sparklers and poppers that a 7-year old kid can use.

**Chairman Ouimet commented:** So they are not explosives?

**Mr. Tanski commented:** No they are not Class C explosives. They are fireworks and poppers they don't go in the air nothing like that.

**Chairman Ouimet commented:** Has this proposal been reviewed by the Fire Chief?

**Mr. Harris commented:** Yes, the Fire Chief reviewed it. Their concerned with what type fire suppression will be on site and questioning what will be on site. Also, something for Building Department to review during the tent setup would be how the tent is being secured to the ground and also the storage of the fireworks at night and the potential need possibly under the Code for placards and other types of signs.

**Mr. Tanski commented:** Well I think that is an enforcement issue for the Town and when we transport Class C explosives we have to have certain things on the vehicles, we have to have explosive masks that is not required for any of this it is not Class C. As far as being secure, like I said, there will be a Professional Security Firm that will monitor it while it is closed.

**Chairman Ouimet commented:** I trust you can bear with us on this it is obviously a novelty for us and first time anyone has ever applied for an application. We don't have any particular knowledge, expertise, and in transporting fireworks or securing fireworks. Let me think how we can make this site safe.

**Mr. Tanski commented:** Keystone, the people I am associated with they have been doing this for over 20 years and in over 500 locations. Am I correct that these are not Class C explosives? Class C explosives go up in the air it is a whole different ball game these were just passed by the Governor a couple of weeks ago. I will let you take over.

**Mr. Keith Lambert, Keystone Fireworks commented:** There are just sparklers, fountains and very basic nothing that can go over 15' high just little sparks and wood based. It has also been passed as a Law by the State to possess, use, and the Counties approved them to be sold within the County. Saratoga County is one of the first to pass the Law.

**Chairman Ouimet commented:** How do you secure these fireworks when you are not open?

**Mr. Lambert commented:** The tent sides would come down and there would be 24 hour security on site. We hire a local clerk and it is spelled out and they would be responsible for hiring someone 24 hours per day.

**Chairman Ouimet commented:** By 24 hour security you are talking about someone will there all the time.

**Mr. Berkowitz commented:** Is the site lit up at night?

**Mr. Lambert commented:** No, it wouldn't be open there would be no electricity, nothing.

**Mr. Berkowitz commented:** Well you are there at 11 PM.

**Mr. Lambert commented:** Oh, I am sorry I thought you meant over night. We are open until 9 PM and then either 10 or 11 PM on the 3<sup>rd</sup> and the 4<sup>th</sup>. So yes, there will a couple of lights within the inside of the tent at dusk they will turn on.

**Mr. Berkowitz commented:** What about people walking through the parking lot, how is that lit?

**Mr. Lambert commented:** That is a good question and we will have to address that if it something that is a concern. We could put lights outside as well.

**Mr. Berkowitz commented:** You have to make sure the lights match you're not going on Route 9 or Route 146.

**Mr. Lambert commented:** That is something we could definitely do.

**Mr. Tanski commented:** Mr. Berkowitz, the site is already lit with down lights around the shopping center and the stores already.

**Mr. Berkowitz commented:** Is the parking lot lit?

**Mr. Tanski commented:** Yes, it is totally lit.

**Mr. Higgins commented:** Your additional inventory is kept in locked trucks or is the entire inventory in the tent?

**Mr. Lambert commented:** The way that our system works is there will be 2 pallets of inventory delivered to the site that is the initial inventory which is what you have. That product will remain within the tent the whole time. Then we have a route manager that handles 8 locations within the area they will come around in a sprinter truck and they will have all the extra merchandise that might be need for each site and they will be picking up the money from the day before, they will drop off additional merchandise if needed, if they have excess of something they will take it to another site. They will get a second delivery if needed.

**Mr. Higgins commented:** As far as inventory, everything is going to be in the tent nothing will be sitting in a truck on the site.

**Mr. Lambert commented:** No there will be no trucks sitting on site with merchandise. Once we have the tables full there will probably about 7-8 boxes left of merchandise left within the initial delivery.

**Chairman Ouimet commented:** There was some discussion before you got here regarding concerns raised by the Fire Chief. Rich can you summarize it since we now have a representative here from Keystone?

**Mr. Harris commented:** Is any type of placard required for the storage per Building Code, I am unfamiliar with it so I am not sure.

**Mr. Lambert commented:** Well in this particular case we are going to have storage. If we were to have storage then yes we would be required to have placards on the tent on all four sides.

**Chairman Ouimet commented:** I don't quite understand if your going to have inventory are going to have storage. Unless you are going to sell out everyday.

**Mr. Lambert commented:** It is going to stay within the tent and the side walls are going to come down. So it will be inside the tent itself.

**Chairman Ouimet commented:** Doesn't the tent have to have a placard?

**Mr. Lambert commented:** No, not that I am aware of. The tent is not required to be placard.

**Chairman Ouimet commented:** What about fire suppression?

**Mr. Lambert commented:** So the State is going to mandate that they are actually going to do the inspection on the State level. That is my understanding. It may facilitate down to the Town level I am not sure. They will require us to have an inspection and exits will need to be clearly marked, no smoking signs, there will be 2 fire extinguishers one will be water can the silver one the other one I believe will be an ABC Extinguisher as well.

**Mr. Harris commented:** The tent is the Building Departments issue. The review upon the setup of the tent and your setup you have to schedule an appointment if and when the Board approves you here you then have to go to the Building Department to file for a permit as a Tenant Setup.

**Mr. Lambert commented:** We are going to be using a local tent company and I am not sure which one and they have probably worked within the Town in the past and they are familiar with the process so they will be applying for the permit.

**Chairman Ouimet commented:** So the rendering of the tent that you supplied is not necessarily what it's going to look like?

**Mr. Lambert commented:** That is not the exact tent setup. It is just a sample of what the tent we typically use would look like. What we do is hire a company that will have 30-40 tents we don't exactly know what tent is going where. When they find out it's delivered it's a 30' x 40' size tent and it will all be the same setup.

**Chairman Ouimet commented:** So you have a size requirement.

**Mr. Lambert commented:** Yes. Then on top of the requirement they may run out of that size so we may have to go up a size or down a size but I do believe we have the exact tent size which is a 30' x 50' size. That is what the tent company has.

**Chairman Ouimet commented:** How are you going to control access to the site? Inside the tent I mean. Can anyone go in and buy fireworks?

**Mr. Lambert commented:** You have to be 18 years of age or older. We will ID a person that is part of the training that we provide for the clerks.

**Chairman Ouimet commented:** Clerks are at the payout or check out. What about entering the tent? Can anybody enter the tent? Can they enter the tent smoking a cigarette? Can they enter the tent under the Age of 18?

**Mr. Lambert commented:** Yes. They just can't purchase anything. No they can't come into the tent smoking. There are no smoking signs and you can't smoke within 20' from the tent.

**Chairman Ouimet commented:** As you can see, I don't have a lot of warm and fuzzes with this. It's novel for the Town, its novel for the State, it is new this year. We don't have any experience with you as a vendor, we don't know what your security is all about, your going to hire somebody to do security and hire one person to do the whole site, how will they do that? What about the kid who sneaks under the tent back when the security guard is having coffee in the front? All of these things are concern to me.

**Mr. Lambert commented:** If that is a concern we could put a container there and we could secure the product in a container and placard the container at night if that is something you want.

**Chairman Ouimet commented:** That is not your normal business practice right?

**Mr. Lambert commented:** Typically it is an extra expense for the company. For example, what Rhode Island requires is that you have to have containers, so these containers are everywhere in Rhode Island.

**Chairman Ouimet commented:** We don't have to have a conflagration at the Shoppes of Halfmoon obviously.

**Mr. Lambert commented:** I understand.

**Chairman Ouimet commented:** We have to make sure the Fire Chief is comfortable with your operation the way it is. I haven't reached out to him yet.

**Mr. Lambert commented:** I will show you this that starbursts are legal in the State they will be sold at Rite Aid right next door, they will be sold in Wal-Mart; the product will be sold everywhere. It is the same product.

**Chairman Ouimet commented:** It is easier to penetrate a tent than it is to penetrate concrete walls. Rite Aid is made out of brick, you are made out of canvas.

**Mr. Lambert commented:** Well if that is a concern we can put a container on site. It is a huge site we could put a container on the back side of the site if you require that.

**Chairman Ouimet commented:** How are we going to deal with that, this is a short window we are operating under. This is for the 4<sup>th</sup> of July and we need to make sure the Fire Chief is comfortable with **this operation before we even vote on it.**

**Chairman Ouimet commented:** Yes, and it raised questions and nobody had any answers until tonight.

**Mr. Harris commented:** They did review it today, he was just saying for the purposes of the Building Code inspection and to raise those questions tonight of tent security, placards on any storage containers, trucks that might contain them, and also fire suppression on site. He raised those as questions that should be asked by the Board and agreed they were issues that most likely the Building Department would review as part of a tenant set up. We could kick it back to the Fire Chief to take a look at some of these answers.

**Chairman Ouimet commented:** There isn't a lot of time.

**Mrs. Murphy commented:** What I understand is that the issues as you have identified them with regard to the placard; fire suppression, etc. are all Code issues that every tenant has to meet when they take tenancy of space.

**Mr. Harris commented:** That is correct. More of for their information so if something happens that they need to respond to they know where the items are being stored also, what they have on site and they should be clear on that. The tent being secured to the ground which I know the Building Department reviews and they handle a lot of tents.

**Mrs. Murphy commented:** So the Fire Chief was just asking that you go forward with the normal course of business and comply with the required codes.

**Mr. Harris commented:** Yes, he was not asking for you to delay tonight's actions if they are being considered in order to get back to him.

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

**Mr. Nadeau commented:** I don't think the timing issue is our problem this is something that was just brought up to us so I think we need to feel secure that this will function safely. If they don't meet the time factor it is not our problem.

**Mr. Lambert commented:** We have been in business over 20 years, have 500 locations, and we have never had a problem. It is a standard business and operation for us. It is sparklers it's not anything that explodes or leaves the ground.

**Chairman Ouimet commented:** How many years? Obviously, none of those 20 years are from New York State.

**Mr. Lambert commented:** Over 20 years. No, Pennsylvania, Connecticut, Rhode Island, Virginia, Georgia, North Carolina. The fireworks end of it is going to be again inspected by the State Fire Marshall. He will enforce everything we will not be able to open or operate unless we maintain the minimum standard of what they are looking for in addition to what you are going to be looking for at the Town level.

**Chairman Ouimet commented:** Are they going to have an on-site presence?

**Mr. Lambert commented:** My understanding is that they are going to come and inspect every single tent that we have set-up. That is why we pay a \$250.00 fee which we have already paid for this site and for all of our sites. Part of that fee is an inspection that they are going to do. They are going to come around and make sure that everything is to the better of the Law that they had placed and NFPA 1124 which is the National Fire Code, we also have to follow those guidelines as well.

**Chairman Ouimet commented:** Yes but they are not going to be there everyday that you are open, correct?

**Mr. Lambert commented:** No, they are just going to make sure we are set up properly and that there is going to be spot checks and they are going to be coming through making sure we meet code.

**Chairman Ouimet commented:** So let me ask you this, can you actually start to sell before they do their inspection.

**Mr. Lambert commented:** That is unclear.

**Mrs. Murphy commented:** They can not occupy the tent until the Town does an inspection.

**Mr. Lambert commented:** Let me explain and this is new to the State. We can not do a sale until you guys inspect on a local level. That is our understanding. As far as the State inspection goes I am not sure

how they are going to inspect it. No other State has a State presence like this where they are going to be inspecting it is all passed onto the local level which still may happen. They may still facilitate it down. It is still unclear as to how that is going to happen.

**Vice-Chairman Roberts commented:** As far as the time frame goes they are looking to start selling June 25<sup>th</sup> if we are uncomfortable with what is going on here we have a meeting June 22<sup>nd</sup> we still have some time to review this instead of just giving an approval here tonight.

**Chairman Ouimet commented:** Margaret I know you had a question.

**Mrs. Sautter commented:** In your narrative it is unclear you state that Saturday and Sunday you will be open from 9 AM to 11 PM giving only 2 dates yet there are 2 Saturdays and Sundays and again Friday and Saturday that you will be open until 11 PM. In addition, a different narrative that we have it says that you are going to use a small generator for lights after dusk until closing. So what are your normal hours for Friday and Saturday?

**Mr. Lambert commented:** When you say Friday and Saturday it is just the 3<sup>rd</sup> and the 4<sup>th</sup> of July. Every other day is 9 AM to 9 PM. In the narrative it says on the 3<sup>rd</sup> and 4<sup>th</sup> we will be open until 10 P or 11 PM.

**Mrs. Sautter commented:** It also states that you have 24 hour security through the selling period. Are you considering one of your cashiers as the security during the day?

**Mr. Lambert commented:** We hire a local person and pay them well to run the stand and their job is to have 24-hour security on the site.

**Mrs. Sautter commented:** So in addition, because you are saying you are having 3 employees that sounds like an awful lot of time divided by 3 employees. Is it 3 employees and a security guard?

**Mr. Lambert commented:** Typically it is 3 people plus one person that would do the over nights. Again, this is standard for all of our tents.

**Mrs. Sautter commented:** So one of the cashiers is a security guard.

**Mr. Lambert commented:** No, it is 3 employees plus one security guard doing the over nights. Again, we have no problem putting a container on site if need be. A couple of towns in New York have requested it.

**Mrs. Sautter commented:** Are you planning on doing any signage on Route 9?

**Mr. Lambert commented:** No, we sent the Board the signage in that it says all of the tent signs will be hung from the tent its self.

**Vice-Chairman Roberts commented:** Lyn, I am not sure these banners meet our sign code.

**Mrs. Murphy commented:** Our sign code specifically prohibits the use of banners unless they say grand opening on them.

**Mr. Berkowitz commented:** While Lyn is looking that up I want to clarify one thing you need a State Fire Marshal certificate?

**Mr. Lambert commented:** Correct.

**Mr. Berkowitz commented:** But you can open up without that certificate.

**Mr. Lambert commented:** No, we can't open up without the certificate. No. He asked if we can open up without the inspection from the State Fire Marshall but that is unclear as to how that is going to happen.

**Mr. Berkowitz commented:** But without an inspection you can't get a certificate.

**Mr. Lambert commented:** They are going to issue, here let me pass this around.

**Mr. Berkowitz commented:** They will give you a certificate without an inspection?

**Mr. Lambert commented:** It is a license. Not a certificate it is a license. We have 30 locations.

**Mr. Berkowitz commented:** How can they certify you without an inspection.

**Mr. Lambert commented:** They are certifying the product and the beginning inventory that it is all legal. This is what we are proposing, this is how we are going to do it, and they are saying ok, here is your license to go do it. Now, once you go out there then they have to come through and inspect it but they are going to issue us the permit ahead of time.

**Mr. Berkowitz commented:** But the local community has to inspect each tent prior to you opening. Is that in the Law or no?

**Mr. Lambert commented:** No, what ever the local municipality requires within the Town just like it's mentioned for the fire extinguisher in order to get the C.O. whatever we need to have a tent sale. It doesn't matter that its fire works it could be anything if we were selling rugs there. Whatever we would need to do that we have to do at a local level. Like I said it is unclear if the State Fire Marshall is going to facilitate it down to the local level and have them do the inspection but there will be an inspection but there will be an inspection and it is my understanding that it is going to be done by the State.

**Mr. Berkowitz commented:** Prior to your opening.

**Mr. Lambert commented:** It is a catch 22.

**Mr. Berkowitz commented:** The position we are in you can be selling fireworks without an inspection for 12 days by the time it's inspected.

**Mr. Lambert commented:** Let me make it a little clearer. They are going to give us a day and they will say we are going to come inspect your site on these 2 days that you are open. They need us to be open, they need to see how we are selling, and they need to be able to see the product.

**Mr. Berkowitz commented:** It's not a pre-inspection it's a post inspection.

**Mr. Lambert commented:** It is an operational inspection but it will be in the very beginning. I can assure you that. Some Town's want us to be up and running so they can see how this is going to work because you can inspect the tent but what good is inspecting the tent if it is not operational and it is not the way it is going to be set up and the product isn't displayed the way it should be.

**Mr. Harris commented:** If I could clarify it our Building Department does operate that way. They will issue a building permit for the tent they call it a Tent Set-up. When everything is in place they will come out to do the inspection of what you are supposed to have already then and there.

**Mr. Berkowitz commented:** But they can't open up until the inspection.

**Mr. Harris commented:** They can open up and actually I don't know if there is a specific code on fireworks with the State Building Codes or anything like that but the normal course of operation they tell them to set up and then we want to come. They will see if they are blocking Fire Exits, or don't have fire suppression extinguishers, exit sign locations.

**Mr. Berkowitz commented:** But they are not selling anything before the Building Department comes and gives them a C.O.

**Mr. Harris commented:** I don't know fireworks but the other businesses yes they are allowed to operate.

**Mr. Berkowitz commented:** For a normal business without a C.O.

**Mr. Harris commented:** Correct. They go and do a tenant set-up if it's a Change of Tenant.

**Mr. Berkowitz commented:** How about if it's a brand new business or a brand new building?

**Mr. Harris commented:** They would receive a Certificate of Occupancy for the building and then a tenant set-up for each new tenant separately.

**Mr. Berkowitz commented:** How does this qualify if this a new tenant set-up or is this a Change of Tenant change of business?

**Mr. Harris commented:** I don't know that they would issue a C.O. for a temporary operation like this. They would inspect that the tent was put up properly and then they would want to see everything in place. I don't know where a normal C.O. would fit in to that I just want to be honest with you.

**Chairman Ouimet commented:** I don't know what the rest of the Board feels but I feel uncomfortable not having an opinion by the Fire Chief that is going to be responsible for this area as to whether or not he is comfortable with your operation as you propose it. I am not all that comfortable with your explanation

as to the kind of security that you are going to provide and also, the question of sanitary facilities are you going to have port-a-potty?

**Mr. Lambert commented:** There will be a port-a-potty on site.

**Chairman Ouimet commented:** That is not depicted anywhere on your plan right? Shouldn't that be shown on the plan? What does everyone think?

**Mrs. Sautter commented:** The second exit on your layout is an exit because behind it in very small print it says emergency exit.

**Mr. Lambert commented:** There are only 2 entrances and exits and they are both emergency exits.

**Mrs. Sautter commented:** So are you planning on using that as an exit? Not just for an emergency and that is an entrance as well?

**Mr. Lambert commented:** Yes correct.

**Mrs. Sautter commented:** I don't see a cashier there? For the second exit if you are going to let people come and go in there.

**Mr. Lambert commented:** The cashier is going to be at the main entrance probably underneath where the open sign would be is where the cashier would be.

**Mrs. Sautter commented:** So what would stop me from coming in, picking up a few things and going out the back?

**Mr. Lambert commented:** Theft is definitely something that we are concerned about and if you see how this is set up we have a perimeter. You can see how the bunting goes around the tent the table is set back from the entrance from the side of the tent by about 5'. If someone actually steals something they would have to come in. If someone actually runs in grabs something and runs out they are going to chase after them that is something that could possibly happen. Typically we don't find that there is much theft at all. A lot of the other Town's are doing conditional approvals. If your concerns are the Fire Marshall you can do a conditional approval pending his stamp on the plans that he is ok with everything. Also, if you want to leave it to him regarding the container you can do that or if you prefer the container we can do that as well.

**Chairman Ouimet commented:** What about security? I am not comfortable with your explanation on your security. You are going to have one person and you're going to contract with an unnamed outfit for security.

**Mr. Lambert commented:** If we have a container there we don't need over-night security. The container is going to be locked it is sealed and fire proof.

**Chairman Ouimet commented:** Then you will need less security if you have it locked.

**Mr. Lambert commented:** We wouldn't need any security with a container there would be no need for it.

**Mr. Nadeau commented:** I have a concern with the security as well as you feel I think the applicant said he didn't know who they were going to get for security yet. If he doesn't know who could we feel comfortable?

**Chairman Ouimet commented:** I really don't care what company he uses.

**Mr. Nadeau commented:** Do you have another unit in the area that is or will be operating?

**Mr. Lambert commented:** We have about 30 locations so when you say this area where do you mean?

**Mr. Nadeau commented:** In this area tri-city area like Albany, Schenectady, and Troy?

**Mr. Lambert commented:** Schenectady we have 2 locations. They are operating the same time frame but we were approved for them for June 25<sup>th</sup> to July 5<sup>th</sup>. There is another one in Brunswick and 2 in East Greenbush and 2 in Schodack we have been through the Planning Board there as well.

**Mr. Nadeau commented:** They are operating now?

**Mr. Lambert commented:** No, they are approved for their tent sales all at the same time frame. We have permits in hand, we have been approved. We make sure we have everything in place and in order.

**Chairman Ouimet commented:** Have you been denied by any municipality?

**Mr. Lambert commented:** No not yet.

**Vice Chairman Roberts commented:** John I suggest that since we have so many concerns and as I have said before we have a meeting before they open up, gather more information take it up at the next meeting.

**Chairman Ouimet commented:** June 22<sup>nd</sup> is our next meeting but that is not going to work for you.

**Mr. Lambert commented:** We have everything in place we have a hired clerk we have everything that is going to be in place for these dates.

**Vice Chairman Roberts commented:** They should have come in sooner.

**Chairman Ouimet commented:** We haven't gotten to the signage issue yet.

**Mr. Lambert commented:** Just so you know we have been in contact with the Halfmoon Planning Board about 3 months ago when we started this process.

**Chairman Ouimet commented:** Is that right Rich?

**Mr. Harris commented:** Around there, they first inquired about it and we provided the application.

**Chairman Ouimet commented:** What is the date on the application?

**Mr. Harris commented:** It was received on May 18<sup>th</sup> then received items on the 27<sup>th</sup>.

**Chairman Ouimet commented:** What is the date on the lease is that early May?

**Mr. Lambert commented:** I had originally contacted them to get the information and I think we were waiting on the lease to come in to finalize everything and then there was quite a bit of paperwork that we had to do along with the other 10 municipalities that we were working on as well.

**Vice Chairman Roberts commented:** At any event we shouldn't act on something that we are not comfortable with.

**Chairman Ouimet commented:** Can I have a motion from the Board? You can place any kind of restriction that you want to on their ability to operate. The thing that I fear is that if we say we can't act on this because the Fire Chief hasn't opined and then tomorrow morning he opines oh I don't have a problem with it and if that is our only concern then would we make them wait 2 weeks for an approval?

**Mr. Lambert commented:** I have no problem putting in a container.

**Mr. Higgins commented:** We still have a question on the signage.

**Mr. Tanski commented:** Can I make a statement please? Mr. Chairman can't you make the contingency that if the Fire Chief doesn't sign off we can't open up and that should solve everybody's worries.

**Chairman Ouimet commented:** That is only one.

**Mr. Tanski commented:** That is the most important one that deals with the fireworks and everything else that goes along with it as far as the signage that is another issue that he can deal with.

**Chairman Ouimet commented:** If you hang on for another five minutes you're going to find out there are a lot of concerns over the signage that you are proposing on this tent. It is significantly more than it's been permitted for commercial ventures in the Shops of Halfmoon.

**Mr. Lambert commented:** Whatever it is we will meet the Code of Halfmoon. This is what we have and what we are proposing and then you come back and say well we only allow this. So we only give you what the requirements are it is cut and dry.

**Mr. Tanski commented:** Also Mr. Chairman there are two stores that aren't there yet and that signage is approved by the square footage so there is two pad sites that aren't built on so we have all that extra signage available out there.

**Chairman Ouimet commented:** You know you have been in business in this Town for a long time Bruce, their signs are not permitted.

**Mr. Tanski commented:** I understand that unless it is a grand opening or something.

**Chairman Ouimet commented:** Unless there is a grand opening.

**Vice Chairman Roberts commented:** That is the issue here the banner signs.

**Chairman Ouimet commented:** The perimeter sign that says Keystone Fireworks that goes all the way around the tent is a significant amount of square footage but if you are willing to meet the signage requirements.

**Mr. Lambert commented:** We can meet whatever Code or Sign requirement that you have, we are here to follow the rules no matter what they are. Just let us know what we need to do and we will resubmit it for whatever we need to do.

**Chairman Ouimet commented:** I think we need to move this issue along. We are not going to get anywhere by kicking a can down the road, as they say.

*Mr. Berkowitz made a motion to approve the temporary tent sale from June 18<sup>th</sup> to July and including the 5<sup>th</sup> contingent on having a secured container that all the fireworks and whatever is being sold there are contained each night so that the tables are baron, Fire Chief approval, location of tent being more central within that spot so that fire trucks can get around the tent, and add the sanitary facility to the site plan.*

**Mr. Ruchlicki commented:** I am no expert, this container that we are talking about if it's not something that is required by the State, and they may know more about this type of product than we do and just going by my own experience, to just take a bunch of that stuff that is out on the tables open and put it in a container might be worse than if it's sitting on a table because it is contained in some type of a steel box maybe that is not the thing to do.

**Mr. Berkowitz commented:** There are other states that do that. Did you say Rhode Island does that?

**Mr. Ruchlicki commented:** I don't want to be in a situation where we are shooting ourselves in the foot from a safety standpoint because we think it's safer and it's really not. Somebody must know.

**Chairman Ouimet commented:** How about if we say that the container has to be approved by the Fire Chief.

**Mr. Ruchlicki commented:** Well I think it has to be approved by somebody that knows something about fireworks. I am not sure that our Firemen know that and if they do then fine. I just don't want this Board to make that decision.

**Mr. Lambert commented:** The only state is Rhode Island that requires a container and it is part of their state building code. It is not a fireworks thing.

**Mr. Berkowitz commented:** This is the first venture in New York State.

**Mr. Lambert commented:** Correct. There are 2 schools of thought: You put a placard box out there that says fireworks on it, you are advertising what is in it. You close the tent down and someone drives by a tent that is sitting out in the middle of a parking lot.

**Mr. Berkowitz commented:** How do you know it's a firework tent because you are going to be advertising it.

**Mr. Lambert commented:** Well they are going to see the banners but once we close it down. I am just saying this is what other Town's have said it is your preference.

**Mr. Ruchlicki commented:** I guess my point is and it's the only analogy that I can use when we were kids we use to take a book of matches but if you took the book of matches and packed them into a tube you got a problem. That is the only reason why I am leery about this box that we are talking about putting this stuff in.

**Mr. Lambert commented:** One thing we will do if you want us to placard the tent it is usually not required.

**Chairman Ouimet commented:** I think we need that.

**Mr. Harris commented:** I can tell you that the Fire Chief pointed out about a placard beyond what might be required at State Codes. So if he gets a call it's clear where the fire is. Now if something were burning you might know and if you have several containers he might be unaware of what else might be on site besides that. If he shows up for that call and something is going wrong there might be several containers that he wasn't aware of. He just wants to know which one has the fireworks and where they were located.

**Chairman Ouimet commented:** We can talk this issue to death. I think if one of the conditions is that the operation is approved by the Fire Chief I think all of those issues are contained in that approval. The Fire Chief is going to require placards, the Fire Chief is going to require extra exits or entrances, the Fire Chief is going to require extra fire extinguishers or whatever for fire suppression, the Fire Chief is going to approve or disapprove whatever device you use to collect and secure these fireworks.

**Mr. Berkowitz commented:** So can we vote on this based on the Fire Chief's approval or change of the site.

**Chairman Ouimet commented:** I think the Fire Chief's issues are the Fire Chief's issues we have other issues like the port-a-potty, signage that has to conform to the Town's regulations.

**Mr. Berkowitz commented:** If they agree to our issues can the Fire Marshall trump whatever we agree to?

**Chairman Ouimet commented:** Trump it in what sense? By saying no?

**Mr. Berkowitz commented:** Say no as far as safety purposes and how they store and care for the fireworks.

**Mr. Lambert commented:** If we can't meet the Fire Chief's expectations then we are not going to be here. That is very clear. Is that safe to say?

**Vice-Chairman Roberts commented:** I feel better about that.

**Chairman Ouimet commented:** So we have a motion on the table.

**Mr. Nadeau commented:** Just questions on the signage how are we approving the signage? So right now there is no signage.

**Chairman Ouimet commented:** You will have to come back before the Board on your signage. Did you take a look at the Town Code? Come back at our next meeting for your signage.

**Mr. Berkowitz commented:** Can we tell him what the signage is now and he can agree to what is allowed.

**Chairman Ouimet commented:** He can work with the Planners.

**Mr. Lambert commented:** Can it be a conditional approval that we meet your Code? We can over-night 15 packets with everything in it.

**Mr. Harris commented:** Can I make a suggestion if you are satisfied with the size, look, and everything the message can be tonight that it not be made out of a banner type material that it be affixed like one of our other signs or a monument sign or something else that is not considered a banner hanging from it.

**Mr. Berkowitz commented:** Shouldn't the sign just be attached to the tent? It can't be a cloth sign because you are not attaching a real sign to the tent.

**Vice Chairman Roberts commented:** And, do you really need that many signs?

**Mr. Lambert commented:** Well I mean there are Town's where we have just 1 or 2 signs so if you can approve us for that.

**Vice Chairman Roberts commented:** I would like that much better than what you have here.

**Chairman Ouimet commented:** Before we go to the signs do we have a second on Rich's motion to approve the Change of Tenant?

*Mr. Berkowitz made a motion with conditions and seconded by Mr. Ruchlicki. Motion was carried.*

**Chairman Ouimet commented:** Change of Tenant is approved on the conditions that were set forth. Now the sign, Don go ahead.

**Vice-Chairman Roberts commented:** I would limit it to one or two signs instead of what are being proposed here. It is up to them I am not going to design the signs it is up to them to do this.

**Mr. Lambert commented:** These are our standard banners that every tent gets so if you're saying that we can't use actual banner material then we will design whatever we need for the signs.

**Chairman Ouimet commented:** You will need to work with Planning on the signs for the next meeting. I caution you to not wait until the last minute to work with them.

**Mr. Lambert commented:** We will work on it right away.

**Mr. Harris commented:** Can I make a suggestion please that we get guidance on the dimensions though because that will be I think critical the way you judge signs at the site in the past has been provided at 250 SF allowance per building.

**Vice-Chairman Roberts commented:** I don't feel comfortable approving a sign before we see it.

**Mrs. Murphy commented:** I would think that you would want some sort of proposal in front of you to approve.

**Vice Chairman Roberts commented:** Thank you Lyn.

**Mr. Lambert commented:** What is here in front of you except they are made of non-banner material. They are 3 x 10 Keystone Firework signs.

**Mrs. Murphy commented:** They can't be banner signs. So as long as they are in compliance and that they are structurally sound signs A-frame signs work, your dimensions in my understanding are ok but what they are constructed out of are not.

**Mr. Lambert commented:** So the rendering that we sent are ok it is just what it is made out of.

**Mrs. Murphy commented:** No I am not going that far. It would be my advice that you come back to the Board on the sign issues when you have a proposal to share with this Board that should not interrupt with your ability to do business you can put the tent up, you can put everything in it you just can't put the signs up until you come back and there is an actual proposal. This Board is not allowed to defer its capacity to approve or disapprove by deferring to a different agency. So they can't without any idea of what you are talking about and say we will just let Planning do it because legally Planning doesn't have the authority to do it. This Board has to do it.

**Chairman Ouimet commented:** So I am clear we are not entertaining any signage for the tent at this time.

**Mr. Lambert commented:** For signage I have to come back on June 22nd. Ok.

**Chairman Ouimet commented:** Thank you.

**15.071      Advanced Control & Automation, 574 Hudson River Rd – Change of Use/Tenant**

**Mr. Bill Frank was present owner of Advanced Controls and Automation commented:** I am purchasing property at 574 Hudson River Road the present use is Wood Works Manufacturing cabinets speciality spring finishes. What we are going to be doing is basically the same thing except we work with a metal engineering group, robotics, and we have a shop in Hudson Falls that does the actual machining and actual dirty stuff I guess you can say it's all done there at the machine shop. This will be mostly assembly similar to the work only with metal. There will be no change in square footage, parking spaces are the same, standard operating hours are 10 AM to 6 PM some hours on Saturdays are typical. It is going to be lightly staffed maybe 2-3 guys during the day with part time engineers in and out.

**Chairman Ouimet commented:** Do you invite the public in?

**Mr. Frank commented:** No, there are front offices about 1000 SF and about 5000 SF of manufacturing space.

**Chairman Ouimet commented:** How much of that is showroom? Do you actually show your products?

**Mr. Frank commented:** No, if we did we wouldn't be able to sell anything. It is all specialties items and is built to print.

**Chairman Ouimet commented:** Will you have outside storage?

**Mr. Frank commented:** No sir.

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

**Mr. Higgins commented:** The coating method is it a spray on coating?

**Mr. Frank commented:** What is done now is pretty much a urethane spray on coating which is pretty much what we will be adhering to the urethane methodology of the product.

**Mr. Higgins commented:** So you need a down draft booth things like that?

**Mr. Frank commented:** It is already in there right now yes.

**Mr. Higgins commented:** So it has to be inspected and approved.

**Mr. Frank commented:** Yes.

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

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

*Mr. Berkowitz made motion to approve the Change of Tenant for 574 Hudson River Road, seconded by Mr. Nadeau. Motion was carried.*

**Chairman Ouimet commented:** Approved Change of Tenant and use.

**15.069      Spare Time Clifton Park Sign Application**

**John Eurdman was present I work for Bowl New England and commented:** The owners of Spare Time Clifton Park recently did a big renovation and you maybe familiar with it. We have no signage for laser tag arena. I run the amusement part of the business which is the game room and the laser tag. Previously there was a music store in the space where the laser tag arena is and I didn't find a picture but my understanding is the sign was a very similar size. We are really just looking to replace what was there with a laser tag sign.

**Chairman Ouimet commented:** Thank you. Don have you had a chance to look at the proposal.

**Vice Chairman Roberts commented:** Yes I looked at the sign its 32" x 72" sign it meets the code requirements.

*Vice Chairman Roberts made a motion to approve the sign for Spare Time Bowl's Laser Tag, seconded by Mr. Nadeau. Motion was carried.*

**15.061/15.063      Rafferty Minor Subdivision & Special Use (Duplex), Clamsteam Rd**

**Mr. Dwayne Rabideau was present from Van Guilder Associates and commented:** We are here tonight representing Charles Rafferty for a proposed 3-lot subdivision and a Special Use Permit for 3 duplexes on these 3 lots. The parcel is located approximately 500' east of Riverview Road where it crosses the Northway from the intersection. The parcel does abut against the Northway. What we are proposing to do there is combine two parcels, Parcel 1 is this little ½ acre parcel and Parcel 2 is the remaining parcel we are combing them and it will amount to approximately 6.2 acres total. With those 2 parcels combined we are going to re-subdivide them into 3 lots Lot A which is the farthest one to the right a little bit over 2 acres, Lot B the center lot is about 3.1 acres, and Lot C is 40,000 SF approximately 9/10ths of an acre. We are proposing duplexes for these lots and we are requesting a Special Use Permit for these lots. The lots will be serviced by public water and on site septic. The anticipated disturbance for the lot for the build out for the septic, buildings and things of that nature is approximately 2 acres. It will require a full storm water management plan this designed plan doesn't anticipate any wetland impacts.

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

**Mr. Nadeau commented:** Dwayne what are the adjacent parcels and buildings in that area?

**Mr. Rabideau commented:** The adjacent parcel to the west is a single family residence, the one immediately to the southwest is a residence and to the northeast would be a small single family residence. The parcel across the road is a steep slope with ledges so there cannot be any development on the other side of the road. There is a cell tower at the intersection. Along Clamsteam Road there seems to be a mixture of single family residences, and some small businesses. There seems to be a car automotive shop just down the road, there is Hatter Apartments down the road. It is mostly residential but there seems to be a mixture of uses.

**Mr. Partlow commented:** Are there any existing duplexes in close proximity?

**Mr. Rabideau commented:** I don't think there is anything close I believe the closest one is Hatter Apartments.

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

**Mr. Berkowitz commented:** So it is between Towpath Road and Riverview Road?

**Mr. Rabideau commented:** The closest parcel? It is just off from the intersection of Riverview Road where it crosses the Northway.

**Mr. Berkowitz commented:** North or south from that?

**Mr. Rabideau commented:** It would be northeast. The rear of our parcel is along the edge of the Northway. This parcel is wooded, and brush and things of that nature. On the parcel we are proposing to put the houses in the back of the building line so that there is screening from the parcel, house on the left which is the one closest to the Northway. There is some kind of evergreen plantation so there is good screening there.

**Mr. Higgins commented:** How are the site distances?

**Mr. Rabideau commented:** It is good you can see all the way down to the intersection and quite a ways looking the other direction. I am not sure of the distance but it exceeds the standards.

**Mr. Berkowitz commented:** It looks like a straight shot.

**Mr. Rabideau commented:** It is.

**Mr. Higgins commented:** I am no sure whether duplexes are going to be consistent with the rest of the neighborhood over there. We may want a committee go out and take a look at the area.

**Chairman Ouimet commented:** Yes, that is a good idea. Are there any other questions from the Board?

**Mrs. Sautter commented:** It says in your narrative 47 Clamsteam Road is an active remediation site but that is not clearly defined on your map where that is. I can't find it.

**Mr. Rabideau commented:** That site is the Callahan Construction site on the top of the hill around the corner closer to the river.

**Mrs. Sautter commented:** It says that it is an adjoining property.

**Mr. Rabideau commented:** Well it is not actually touching our parcel but it is near our parcel. The way the short form is set up they automatically put that in there.

**Mrs. Sautter commented:** It was unclear because it says it is an adjoining property. That is why we were confused.

**Mr. Rabideau commented:** That was something that they automatically put in there we looked it up and it is actually about ¼ mile away at least.

**Mrs. Sautter commented:** We just wanted to verify that.

**Chairman Ouimet commented:** Are there any other questions from the Board? This will have to be referred to the County Planning Board, has it been referred there Paul? I think we are going to set up a committee to visit the site.

**Mr. Marlow commented:** Yes. It will be on their June meeting.

**Chairman Ouimet commented:** Are there any volunteers for the committee?

**Mrs. Sautter commented:** I will go.

**Mr. Nadeau commented:** I will go.

**Mr. Ruchlicki commented:** I will go.

**Chairman Ouimet commented:** Ok, Tom, Margaret and Marcel. Thank you. Can you coordinate that with Planners?

**Mr. Nadeau commented:** Yes.

**Chairman Ouimet commented:** We will need to set a public hearing on the subdivision request as well as the Special Use Permit. I think we should go 4 weeks so these minutes will be public as a result of the next meeting and the public will have an opportunity of both the minutes of tonight's meeting and whatever else transpires between now and then. Can I have a motion for the public hearing?

*Mr. Nadeau made a motion to set a public hearing for the minor subdivision and Special Use Permit for Monday, July 13, 2015, seconded by Mr. Ruchlicki. Motion was carried.*

**Chairman Ouimet commented:** Thank you. Public hearing set for Monday, July 13, 2015. In the interim you are going to get in touch with the Planning Department to set up the site visit? Are there any restrictions on when you can go to the site visit? The sooner the better I guess.

**Mr. Rabideau commented:** If you set it up we will be there. Our schedule is more flexible.

**Chairman Ouimet commented:** Thank you, I appreciate it.

**Old Business:****15.017 Subdivision of 80 Vosburgh Rd- Minor Subdivision**

**Chairman Ouimet commented:** This was on our last agenda meeting. Paul, can you please give a brief summary of why this is back on the agenda tonight.

**Mr. Marlow commented:** At the last meeting this was approved by the Board prior to a SEQRA Declaration so it is here again tonight to clarify that declaration and re-approve it by a vote.

**Mrs. Murphy commented:** It is my understanding that the paperwork had been done it was completed and the negative declaration was recommended by everyone that reviewed it but unfortunately it just slipped through. At this point, I am requesting that should the Board choose to go forward with their approval and they first consider SEQRA and then re-consider their approval.

**Chairman Ouimet commented:** Can I have a motion on SEQRA FOR 80 Vosburgh Road?

*Vice Chairman Roberts made a motion to declare Negative Declaration for SEQRA, seconded by Mr. Nadeau. Motion was carried.*

**Chairman Ouimet commented:** SEQRA has been declared. Thank you.

*Mr. Higgins made a motion to re-approve the subdivision for 80 Vosburgh Road with the conditions that were entered into the record at the previous meeting, seconded by Vice-Chairman Roberts. Motion carried.*

**Chairman Ouimet commented:** Re-confirmed the approval for the subdivision for 80 Vosburgh Road with conditions. Thank you.

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

**Fred and Linda Tracy were present and Mrs. Tracy commented:** We are the owners of Fred's Tents and Mr. Tracy.

**Chairman Ouimet commented:** I understand that we had a site visit since our last meeting Don, you were at the site visit can you summarize for us please?

**Vice Chairman Roberts commented:** Present at the site visit was Rich, Margaret and I. I am glad that we did a site visit because I had a much better understanding of what they are proposing after being there. The site was initially approved and in the back it was too small to allow them to do the work they need to do. The new innovation that they have must be tested and we agreed that everything new would be done behind the front line of the building.

**Mr. Tracy commented:** Correct.

**Vice Chairman Roberts commented:** I feel much more comfortable with this proposal and I would like to have you explain a little more if you could.

**Mr. Tracy commented:** So the proposal that we have before the Board shows the blue line in the front building setback line. What we proposed is any new tent setups would go behind the blue line to the back of the building and anywhere on the property not to exceed 10 units or the requirement of the parking code. The other portion of that was the green dot in the front where the new driveway is located is an existing concrete pad that has a staging rack that we put metal on it to carry it around instead of going through the building we use that new driveway access to get around to get it out of the truck. The other portion was pallets: we buy brand new pallets in they come in about 100 to a truck load we are staging inside the building of about 30 and we have requested the same thing behind the blue line we will store the pallets nothing in front of the building. They are currently stacked at Dock 3.

**Chairman Ouimet commented:** Where is your picnic table and barbeque?

**Mr. Tracy commented:** Barbeque was asked to be moved somebody didn't like it so it is now at the bottom right hand corner and the picnic table stayed where they were. Just for the record, many of our neighbors and other businesses around that road have picnic tables in the front under a tree for breaks and lunch periods.

**Chairman Ouimet commented:** Thank you is there any other questions from the Board?

**Mr. Nadeau commented:** So the current tent that is there now that is parallel with the front of the building?

**Mr. Tracy commented:** No it is behind.

**Mrs. Sautter commented:** With the new anchoring system that you have we are told that they are 901 and 501 that was the original concrete staging area.

**Mr. Tracy commented:** No that is 100' x 100' just a given area that I can set up when within it.

**Mrs. Sautter commented:** But that is concrete and that is no longer viable.

**Mr. Tracy commented:** No I am not changing anything on my first draft that I was approved to have a year ago.

**Mrs. Sautter commented:** So you can now put it in concrete?

**Mr. Tracy commented:** That is blacktop it is not concrete. The anchoring system that I am currently testing now is horizontal and vertical testing and has to go on grass. That is why it's in the grass. The ratings would be different if we drove it through blacktop so we can't give a true measurement of the uplift or the horizontal pull on blacktop.

**Mrs. Sautter commented:** Will you be using the blacktop in the future or can we eliminate that area as a staging area?

**Mr. Tracy commented:** No, I am asking for the blue line everything to the left is going to be used and could be used.

**Mrs. Sautter commented:** So it is now capable that you can and you will use grass and the original blacktop.

**Mr. Tracy commented:** Yes, absolutely.

**Mrs. Sautter commented:** I think it's the same anchoring system you are just seeing it at another capacity.

**Mr. Tracy commented:** I use the anchoring system all the time.

**Mrs. Sautter commented:** This is a new one with the grass. If they are smaller is it possible that they would be placed in the grass in the back where they would fit because we did look at that area we know it's smaller but perhaps the 10 x 10 would that fit in the back grass area?

**Mr. Tracy commented:** You were out at the site this is the grass area we have the water run off that we have to content with, railroad tracks, and not a whole lot could be done it is not really conducive.

**Mrs. Sautter commented:** That is what I am trying to get at. They probably will not be back there.

**Mr. Tracy commented:** Correct.

**Mrs. Sautter commented:** Ok, thank you.

**Mr. Higgins commented:** I expressed a concern at the pre-meeting and I think we are setting a very bad precedent because of allowing this amount of outside storage with this display area. I understand that the applicant is testing a system that he is designing. It is not just a test area it is also a display area. We have had other applicants in that same area that have requested storage and displays and we have always rejected it. I just feel it is a very bad precedent that is going to come back and bite this Board in the future. Thank you.

**Chairman Ouimet commented:** As I said at the pre-meeting John, I disagree with you I don't think it sets a precedent. I think this is a unique business, I think he has unique needs, I think he has the need for flexibility in how he tests his products. Testing is not display and I don't think it sets a precedent. I think every piece of property is unique, every business is unique and I think we have to look at every business separately and distinctly to make sure that it complies with what the Town wants to have. Are there any other questions from the Board?

**Mrs. Sautter commented:** Although I do agree with both John's and Lyn said that she would clarify perhaps that it's not storage.

**Mrs. Murphy commented:** The applicant has made it very clear that this is an intricate part of the business that is approved in order to be able to test and when somebody comes in to pick up their tent and

display the tent that they have. It is not the intent of the applicant that this is a display area for display purposes only this isn't merchandising this is a necessary step in the manufacturer of the tents that are created for individuals. So therefore it is not a precedent for allowing storage outside. That is not what they are doing.

**Chairman Ouimet commented:** Thank you.

**Mr. Nadeau commented:** John, I agree with Mr. Higgins so I think that if we should approve this that should be stated because I understand Mr. Higgins concern and my own concern and we certainly don't want this to be precedence.

**Mr. Higgins commented:** If it is strictly for testing purposes there will be names or signs or anything on these tents, correct? It will strictly be the tent material.

**Mr. Tracy commented:** I would like to address the Board I think we all grew up driving a vehicle and I believe there is a name placard on the back that says Chevy or Ford, Mercedes or Toyota there will be a name on the tent.

**Chairman Ouimet commented:** Let me ask you this though: Is it your intent to use these testing areas and testing tents to advertise your business?

**Mr. Tracy commented:** No.

**Chairman Ouimet commented:** Thank you and are there any other questions from the Board?

*Vice Chairman Roberts made a motion to approve this application as presented for Fred's Tents at 420 Hudson River Road, seconded by Mr. Berkowitz. Mr. Higgins voted – nay. Motion was carried.*

**Chairman Ouimet commented:** Motion was carried, Mr. Higgins is opposed. Thank you.

**Mr. Tracy commented:** I want to thank my son for taking his Birthday night and spending it at the Planning Board. If the Board ever needs help Keystone is one of the major fireworks company, we probably made over 1000 tents for them.

**Chairman Ouimet commented:** Thank you and Happy Birthday.

**Vice Chairman Roberts commented:** Please give them a plain tent and not a red and white circus tent.

**Mr. Tracy commented:** I am going to put Halfmoon is great on the roof of the tent.

**Chairman Ouimet commented:** Absolutely great, thank you Fred.

#### **14.090 Angle Road Subdivision, Major Subdivision**

**Mr. Nick Demos, Project Engineer for the Angle Road Subdivision, commented:** Several changes have been made since I was at the Board Meeting last time. I would like the constraint plan on sheet P1.

**Mr. Harris commented:** This was an experiment tonight where we just picked one sheet for each file. Actually in the future, we are going to ask for an electronic file of the project. I could scan it quick but it should be in your packets.

**Mr. Demos commented:** Sheet P2, CHA asked me to provide a constraint plan for our project which would explain where our areas of steep slopes were and the areas of wetlands. The reason that I want to point that sheet out to the Board (Sorry everyone Sheet P1) is because there are steep slopes on the site. There is an area of steep slopes to the north end of the project and there are areas of steep slopes on the west side of the project. In addition, there are areas of 15 – 25% slopes that cut cross the project from west to east. Our intention is to not impact the steep slopes on the north or the steep slopes in the east. However, the steep slopes that cross across the property will be part of our excavation and regarding and we expect to smooth that entire area out. I do expect to impact those areas but they will be completely removed when we are done as part of the grading plan. It was my understanding that the intent of the steep slopes policy is not to leave unprotected steep slopes subject to erosion and other environmental factors that actually cutting and removing the steep slope doesn't impact the intent of that. Does the Board want to make comments I can hold there.

**Chairman Ouimet commented:** I don't know that the Board is in the position to discuss the individual points. I understand that maybe you have come in with modified designs based on your back and forth with CHA. I wish you would just highlight those and I know that CHA will need to take them back and take a look at these designs, I know from our pre-meeting discussions there is some specific issues that the Board wants to talk to you about. Please continue your presentation.

**Mr. Demos commented:** One of the other large changes is there is 5-lots that were removed from the subdivision in order to provide the 20% open space that the Town would like. At this time the entire north end of the project that you can see on Sheet C1 that is up on the screen is about 4.1 acres and that will be reserved as open green space.

**Chairman Ouimet commented:** Rich, has this been shared with the Highway Superintendent?

**Mr. Harris commented:** Yes and he wanted to see more detailed plans he knew at the time it was being revised to this and he wanted to see the more detailed plans.

**Chairman Ouimet commented:** So he has not seen this as of yet.

**Mr. Harris commented:** No he has not.

**Chairman Ouimet commented:** Is that the major points and changes.

**Mr. Demos commented:** Yes, that is the major change and one other change is that I tried to meet the Town's guideline with the 7% maximum slope grade for the roadways and I can do that however, the existing Ridge Road that comes off Rolling Hills Drive is greater than 7% and in order to meet that grade I would have to come back and re-grade part of the existing Ridge Road where the water tank is located. This was my reason earlier at the last meeting for asking for release from the 7% maximum grade.

**Chairman Ouimet commented:** What is there now?

**Mr. Demos commented:** Pavement.

**Chairman Ouimet commented:** No, what is the grade now what percentage?

**Mr. Demos commented:** I do have that. The actual grades are between 9 and 10% there.

**Chairman Ouimet commented:** Are you aware of that Mike?

**Mike Bianchino, CHA commented:** Where?

**Mr. Demos commented:** That is going up Rolling Hills Road up to the water tower.

**Mr. Bianchino, CHA commented:** He spoke but was not on tape.

**Mr. Demos commented:** There is a driveway going in there.

**Chairman Ouimet commented:** Has this been shared with Frank?

**Mr. Bianchino commented:** Yes, he asked for more detail water plans.

**Chairman Ouimet commented:** So he has not seen this yet either.

**Mr. Harris commented:** He doesn't have detailed plans to review yet. He has reviewed it he is like the Highway Superintendent he would like to see more detailed plans on the water lines.

**Chairman Ouimet commented:** Is that pretty much the major points.

**Mr. Demos commented:** That is the update.

**Chairman Ouimet commented:** John I know you had concern at the pre-meeting do you want to talk about it?

**Mr. Higgins commented:** Yes. First off, the area that you tend to flatten out are you going to clear cut that whole area and bull doze it to flatten it all out?

**Mr. Demos commented:** The majority of it yes. I do have a grading plan for that.

**Mr. Higgins commented:** Are you going to do compaction to make it all appropriate for a foundation and things like that?

**Mr. Demos commented:** I dug test pits out there only with an excavator so I have about 10' deep with the test holes and I do show clean sand I didn't run into clay or bedrock in those areas down to about 10'. I expect to still have the sandy soils for foundations in that area.

**Mr. Higgins commented:** How much do you expect that you are going to need to grade off an excess of 10'? I know Mike is going to take a look at this I know the area and I was just curious that is all.

**Mr. Demos commented:** I know that number I have my profile with me. It should be 10% maximum, I mean 10' maximum. As the road slopes down away from it the hill slopes away too that is in our packet on Sheet C4 it shows a cut straight through there. There is going to be some steep cuts or some significant cuts of about 10' John.

**Mr. Higgins commented:** Also the GEIS mandates for 20% quality green space. Your meeting that but it's all in one area that is nowhere near any of the homes or the main road frontage or anything like that. GEIS requirement is very specific and it calls for quality green space and I know there is a chance that if you have to put in a road that you would be going under the 20% I think you might have to lose a couple lots and I know for one that I am not willing to go under the 20%. I spent 2 years on the GEIS and that was one of the items that we all agreed on with this portion of the Town.

**Mr. Demos commented:** Ok, that is understood. I would like to address that one point of a possible future road. Mr. Valente owns land over to the northeast and there is a possibility to connect what I call VanWert Drive into the property at the northeast. I had lots over here and that is why there is a cul-de-sac at the end but through the course of our design we do decide to connect to the parcel over here in all likelihood that I will lose a cul-de-sac and turn this into a ninety degree turn. To one of your points Mr. Higgins yes I would be digging into the 4.1 acres that I currently reserved for green space but as a mitigating item in all likelihood I would lose a large cul-de-sac at the end of VanWert and make that a through street which I haven't worked out what the acreage off set is if it's more or less but I can do that. My initial plan for reserving green space was to reserve space in back of all the lots but I was under the understanding that reserving space in the back of all the lots was definitely not quality green space. So I tried to make one continuous area as green space.

**Mr. Higgins commented:** Again, Mike is going to review it but I know that we have expressed that concern with other developments in this area.

**Mr. Demos commented:** I have that noted and I will make sure that I go through it with Mike as we move along.

**Chairman Ouimet commented:** Are there any other questions from the Board? We are going to refer this to Clough, Harbour and Associates for further review on this new plan. Thank you.

#### **15.050 Garden Time, 1467 Route 9 – Addition to Site Plan**

**Chairman Ouimet commented:** Sorry it took so long to get to you.

Mr. Fred Troelstra, John Lapper, and Robert Keating were all present.

**Mr. Keating commented:** I think we had a very good thorough meeting last time this is essentially a landscaping project to do really quality landscaping and make this project something special on the southern entrance to the Town. You had sent us home asking for a phasing plan and in discussions with Rich we were going to have 3 Phases and we understand that you want to see the landscaping right up

front so what we came back with which is better than I had anticipated is to do 2/3 of the landscaping with only 16 additional units in the first phase and then come back with Phase 2 for the rest of the landscaping which is really in the back and on the side and the rest of the units. You asked us to consider a time line on how quick this would be done and Mr. Troelstra has agreed that he will stipulate that all the landscaping will be done within 10 weeks. He will get started as soon as this is approved. We are hoping that with those stipulations the Board is comfortable granting this approval and letting us go forward and improve that lot.

**Chairman Ouimet commented:** Rich where are we with the County referral on this?

**Mr. Harris commented:** We discussed with the County the fact that there is a revised plan and it proposes 95 units, and they determined that their County review from 2013 when the proposal was 120 units plus a seasonal area was adequate and that governs this in a sense that this is less intense development than previously proposed.

**Chairman Ouimet commented:** Thank you. Are there any questions from the Board? Marcel I know you had reservations last time.

**Mr. Nadeau commented:** It looks much better than what we had before I can tell you that.

**Chairman Ouimet commented:** The phasing is how many units initially?

**Mr. Keating commented:** There are 16 additional units in the first phase and a total of 40 additional units.

**Chairman Ouimet commented:** Which would give you a total of 71.

**Mr. Higgins commented:** So you are planning on doing the landscaping in conjunction with moving the new units onto the site.

**Mr. Keating commented:** Just moving the 16 new units to get to the 71 in the first phase and the landscaping will be done start to finish without a stop in Phase 1 and we would expect the Town would come in and inspect that approve it and we would move on to Phase 2.

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

**Chairman Ouimet commented:** So you are proposing 10 weeks from whatever this Board was to approve the phasing.

**Mr. Keating commented:** Yes for both phases.

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

**Mr. Harris commented:** Could I just clarify John, 10 weeks for the entire 2 phases to be done.

**Mr. Keating commented:** Yes.

**Chairman Ouimet commented:** So in 10 weeks you move up to 90 units, correct?

**Mr. Keating commented:** A total of 95 units.

**Vice Chairman Roberts commented:** As you have been aware all along, our concern has been to make sure the site looks neat and from what I am seeing I think this has been a little long way to helping that I think.

**Mr. Nadeau commented:** If the Board is comfortable with the first Phase.

**Mr. Higgins commented:** There will be a total of 91 is a combination of display units and sold units combined and not to exceed that number of units on the site at any time.

**Chairman Ouimet commented:** So if this goes forward tonight, 10 weeks from tonight you will never exceed a total of 95 units, correct?

**Mr. Keating commented:** Absolutely.

**Chairman Ouimet commented:** So when do you think it would be appropriate to send a group from the Board out to look at how things are progressing? How many weeks for you to get staged up?

**Mr. Troelstra commented:** About 6-8 weeks.

**Chairman Ouimet commented:** So if we say the first or second week in July we could send 3 Board Members to the site to take a look at your progression?

**Mr. Higgins commented:** John, 6-8 weeks is more into August.

**Mr. Troelstra commented:** Obviously it is June 8<sup>th</sup> right now so we are going to be looking then like mid July to be able to have the Board come out for Phase 1.

**Mr. Higgins commented:** I was thinking August 1<sup>st</sup> to give you more time.

**Mr. Troelstra commented:** If that makes it better than yes.

**Mr. Harris commented:** Do you want to plan August 1<sup>st</sup> for a committee to visit the site? A committee, staff to get him back on an agenda if necessary for a Phase 2?

**Mr. Nadeau commented:** When they finish Phase 1 bring it in and show us, if we are comfortable with it, we will then consider Phase 2.

**Chairman Ouimet commented:** The only problem that I am having Marcel is the fact that there going to do a continuous landscaping all the way through. They are not going to stop at one point and start the second part. You are going to do it continuously, right if I understood you correctly.

**Mr. Keating commented:** We would like a conditioned approval so that as long as we did everything that we promised we would keep going with Phase 2. If there is a problem it won't get approved.

**Mr. Nadeau commented:** I have a problem with that because this is the third approval however we looked at it and we never got that before.

**Mr. Keating commented:** We finally heard you and this is the landscaping project and you are going to be proud of it so if we did something wrong you have an Enforcement Officer matter and we wouldn't be able to go forward.

**Mr. Berkowitz commented:** Can you contact the Planning Department when you are done with Phase 1 and then if there is any trouble Rich will contact us or the Code Enforcement Officer.

**Mr. Keating commented:** We will contact them a week before we are done to make arrangements to have someone come out and we can keep going.

**Mr. Harris commented:** Yes, that is fine just a matter of how you want to trigger allowing them to move onto Phase 2.

**Mr. Berkowitz commented:** With your approval but if they met the site plan requirements then they are fine.

**Mr. Harris commented:** Do I make sure the conditions are met or is something that the Members of the Board want to see?

**Chairman Ouimet commented:** When is the second meeting in July?

**Mr. Harris commented:** July 27<sup>th</sup>.

**Chairman Ouimet commented:** If you were to come back on the agenda on the 27<sup>th</sup> of July where do you think you will be? Will you be ready to go to Phase 2 at that point?

**Mr. Keating commented:** Complete with Phase 1 by July 27<sup>th</sup>.

**Chairman Ouimet commented:** Why don't we approve Phase 1 and set a return to the Board for July 27<sup>th</sup> meeting for consideration of Phase 2?

**Mr. Keating commented:** I guess we are seeking both Phases to be approved but if we need to come back after Phase 1 then we will.

**Mr. Higgins commented:** I think we should have committee along with Rich or Paul and look at the progress that has been done before we have the applicant come in, that is my opinion, have the committee go out look at it and make sure that everything is progressing the way the Board envisions it before the applicant comes in for Phase 2.

**Mrs. Murphy commented:** Just so everybody is clear, what they are asking for is an approval of the phasing plan and what you are asking for is having the Board come in and review it before you approve Phase 2.

**Mr. Higgins commented:** That is not what they are asking for but is what the Board wants.

**Mrs. Murphy commented:** You asked them to come up, and I don't care obviously what the Board does is perfect but, you asked them to come in with a Phasing Plan so that they can do it all at once and now you are changing that to be we are only going to approve one thing and you are going to have to come back if you want something else.

**Mr. Higgins commented:** I did not understand it that way.

**Mr. Nadeau commented:** Lyn I didn't understand it that way I understand that we were going to see Phase 1 and if this Board was satisfied with Phase 1 we would consider or review Phase 2 that was my interpretation of what I tried to put across at the previous meeting.

**Mr. Ruchlicki commented:** I don't think that is what we want to do. I must have taken it wrong because I didn't take it that way. I am just going to recommend them to move forward and if Rich goes when they are done with theoretical Phase 1 the old committee that went out the first time could go by again. I am not sure that it's important for them to come back again for a second approval, myself. However the rest of the Board wants to do it that is fine.

**Chairman Ouimet commented:** What about approving Phase 1 and conditional approval on Phase 2 and the condition being that we go out and review it and if we are comfortable with it fine and if not it comes back to the Board.

**Mr. Ruchlicki commented:** That is kind of where I was going and my point being that I don't think we need to have them back again to approve the second Phase.

**Chairman Ouimet commented:** In theory we can approve the first phase tonight to get them started and then we can approve the second phase contingent on our going out and at the progress on the 27<sup>th</sup>.

**Vice Chairman Roberts commented:** We can do the conditional tonight also.

**Mr. Keating commented:** We are in absolute agreement with that and we want to show you that it's being done right and we would only come back if you had a problem.

**Chairman Ouimet commented:** And that would satisfy the concerns of some of the Board Members that don't want to give you cards blank and then not have any control over it.

**Mr. Keating commented:** That is totally fair.

**Mr. Harris commented:** We would plan the week before. Do you want to call when the committee can go to the site?

**Chairman Ouimet commented:** I would want the committee to go before the 27<sup>th</sup> in case we have to put it on for the 27<sup>th</sup> agenda.

*Vice Chairman Roberts made a motion to approve Phase 1 as presented tonight and conditionally approve Phase 2 contingent on a committee going out by the third of July to inspect Phase 1 and verify that all conditions have been met for Phase 1 before Phase 2 moves forward, Seconded by Mr. Berkowitz. Motion carried.*

**Chairman Ouimet commented:** Approved.

**Mr. Keating commented:** Thank you, we really want you to be proud of this and we really appreciate it.

**Chairman Ouimet commented:** Thank you very much and thanks for working with the Board we appreciate it.

**15.054 Old School Towing & Road Service, 15 Route 236 – Change of Tenant/Use**

Mr. Greg Massengale, owner of Old School Towing & Road Service was present.

**Chairman Ouimet commented:** I understand that the committee went out and looked at your site. Who want to report on the committee, Tom?

**Mr. Massengale commented:** Yes sir.

**Mr. Ruchlicki commented:** I think we had a good discussion and I think the applicant understands where we stand with what would be on site relative to any large trucks which we discussed we know we don't want that and the only thing that were curious about was how we were going to deal with the separation you and the other tenants.

**Mr. Massengale commented:** Yes, you were raising the issue of the fire wall.

**Mr. Ruchlicki commented:** I don't really know what we as a Board would do relative to that or do we need the Fire Marshall to go and look into that.

**Chairman Ouimet commented:** My understanding of that is we have to have the Fire Chief from the Waterford Halfmoon Fire Department actually opine as to whether or not you need to enhance what is there or if what is there is sufficient. Rich, we are going to arrange for that?

**Mr. Harris commented:** Yes if you want sure.

**Mr. Higgins commented:** John, also, the applicant is going to have to meet the requirements for New York State for a repair facility which includes an oil/water separator on the floor drains.

**Mr. Massengale commented:** Now I have a question about that what if I eliminated the floor drain and I no longer had one then would I need an oil/water separator?

**Mr. Higgins commented:** Rich or Paul can check into that I don't know what is required by New York State Department of Motor Vehicles I don't know.

**Chairman Ouimet commented:** Wouldn't that all be part of Tenant Set-up?

**Mr. Harris commented:** Correct.

**Chairman Ouimet commented:** Code Enforcement would have to address that and make the building met Code.

**Mr. Nadeau commented:** Typically John I think they would have to have storage tanks and then collect their system.

**Mr. Higgins Ouimet commented:** I noticed the parking is different than what we talked about at the site. At the site you said you were going to have them parallel to the building and now you have them perpendicular to the building. I don't know how you are going to get cars into those 4 back spaces as close as you are to the back of the building.

**Mr. Massengale commented:** Everybody has a different level of driving I drove tractor trailers for 12 years I am actually very good driver and I would have no problem backing in a vehicle. I can back a Cadillac escalade into a spot that you would never even dream of I will big a rig right in to wherever you want it to be parked. You would say, "How you gonna do that", watch let me do it. I can back a rig up anywhere it's even easier for me.

**Mr. Higgins commented:** Are you going to take down trees?

**Mr. Massengale commented:** No. I don't have to I measured it all out the space is there.

**Mr. Higgins commented:** How far is the end of the space to the building?

**Mr. Massengale commented:** Actually I probably have them perpendicular like I did because it kind of actually made more sense because then I can still drive in and pull right into the garage.

**Mr. Higgins commented:** All I am saying is when we were out there for the committee meeting you said you were going to do it the other way and I am just envisioning that it just seems so John you put whatever inspections you want on it I just want to make sure the parking is appropriate for what is being approved.

**Mr. Massengale commented:** I actually have 7 parking spaces listed and when I was out there with the measuring tape there would be no problem with 7 spaces and that is why we put 7 parking spaces but if I have to eliminate one then I will.

**Mr. Higgins commented:** How many parking spaces are required on the site.

**Mr. Harris commented:** You generally when you have one isle of traffic its 15' it what you usually have approved on the site plan. The Code with two way traffic has 22' for an isle. What I call an isle is the space between the end of the parking spaces and in this case the building. I can't really gauge from this plan whether what there is between the spaces and the building. When we were out there we talked about parking the other way at 90 degree from what you are showing me.

**Mr. Massengale commented:** If I were to put 2 vehicles that way I would actually impede on the door to go in and out because the 2 overhead doors and the door on that side so if I am suppose to create parking right there it would limit me to be able access and use that door by spinning the parking the way that I did it I can still have full access to that overhead door and the whole 9 yards I can pull in and out with no problem.

**Mr. Harris commented:** When we were out there you were talking about you providing gravel and it didn't even look like it had to be leveled off with parking them this way the 20', 20', 20' 20' it could probably fit 5-6 parking spaces there. I don't your talking about too deep going this way I can't tell if that is 15' or more.

**Mr. Massengale commented:** If you remember the site doing it this way there is the better part of the blacktop is still available to me doing it this way.

**Mr. Higgins commented:** Well does the applicant have enough parking spaces Rich the way it is depicted?

**Mr. Harris commented:** The way it is currently laid out in the general vicinity .... He was not on microphone. Overall the entire site is in with this use is really a deficit of 2 parking spaces. You have flexibility that the Code lets you have flexibility on the parking spaces. But then in the rear of the building he has enough spaces I have the numbers written down and I think he requires 7 or 8 parking spaces if I remember correctly and with the additional spots there maybe a dozen back there.

**Mr. Higgins commented:** I don't think anybody is saying that there isn't sufficient parking on the site. The night we were there it was a fairly busy night there were people parking around the side of the building but there was still adequate parking and vehicles were able to move in and out without any concerns. It is just different than what we talked about and that is the reason why I asked. Either way whether the parking spaces are turned or not he still has adequate parking.

**Mr. Harris commented:** Absolutely. You talked that day about letting him know that you were probably going to designate specific spots for towing vehicles and vehicles he is working on over-night like we have done on other sites too.

**Mr. Higgins commented:** And parking for his tow truck. The way it's depicted I can't envision that you have anywhere near 15' of a roadway and 10' x 20' without taking down some trees or doing something. Those trees looked awfully close to the building. As long as there is sufficient, I am not questioning it, parking which ever way it's oriented that way or at 90 degrees.

**Mr. Harris commented:** Just a suggestion, condition the orientation of the parking spaces based on measuring you can take a 10' x 20'.

**Mr. Higgins commented:** The site has to be inspected by Codes anyway so they can determine any modifications to parking to turn the spots 90 degrees.

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

*Mr. Higgins made a motion to approve the modification of the storage area into a repair shop with contingencies that were discussed with the applicant that it needs to meet: The facility is inspected and approved by NYS DMV for a Light Duty Motor Vehicle Repair Shop not heavy duty, the applicant only has one unregistered vehicle stored outside of the vehicle at a time, that there will be no heavy duty trucks on site for any kind of repair, storage or anything the largest vehicle will be the single car tow truck that you showed us when we were there 18,000 pound F350 Ford F450 ford size, signage would have to brought back into the Board, seconded by Mr. Ruchlicki. Motion carried.*

**Chairman Ouimet commented:** Approved Change of Tenant, thank you.

#### **14.148 MMM Enterprise LLC, Firehouse Road- Minor Subdivision & Special Use Permit**

**Dwayne Rabideau, VanGuilder Associates commented:** I am representing MMM Enterprise LLC, Firehouse Road. I am here tonight for a minor subdivision and special use permit. I have some 11 x 17 maps here that show the storm water management area and how it integrates into this, does anyone want a copy?

**Chairman Ouimet commented:** I think in the interest of time why don't you just tell us what the difference is from the last plan that we all looked at.

**Mr. Rabideau commented:** This is for the continuation of a proposal of the subdivision and special use permit. Based on the Planning Board's concerns from the last meeting of density and buffering we are proposing to reduce it from 3 proposed lots down to 2 lots. With that revision the density has been reduced by a third with the revised storm water management plan being revised minimizes the buffering concerns the Board did have for the neighboring parcels. Most of the development is pushed farther south so it leaves more green space to the north. The rest of the proposal as far as lots 1 and 2 will pretty much stay the same we had to increase the size of Lot 1 to meet the duplex lot size requirement and that was the only change. That is our revised proposal before the Board.

**Chairman Ouimet commented:** This seems to be a significant departure from what was originally presented to the Board and consequently I believe that we have to hold a new public hearing.

**Mrs. Murphy commented:** Yes because it is substantially different from the first proposal I would suggest that the Board schedule a public hearing for your next meeting.

**Mr. Higgins commented:** Mike, do you have the drawing in front of you? The storm water retention area appears to be fairly close to the duplex on site B if you scale it I just want to make sure that it's not too close to the building so they don't have room for a proper backyard or a side yard.

**Chairman Ouimet commented:** I think what we are going to do is refer this to Clough Harbour for final review. We need a motion to set a public hearing.

*Mr. Nadeau made a motion to set a public hearing for Monday, June 22, 2015 at 7:00 PM for a minor subdivision and special use for MMMH Enterprise LLC on Firehouse Road, seconded by Mr. Higgins. Motion carried.*

**Chairman Ouimet commented:** Public hearing for the next meeting, thank you.

#### **14.112 Duke's Grove – Addition to Site Plan**

**Mr. Mark Plazze commented:** I am here on behalf of Mr. Neddo. If the Board remembers, it was a long time ago back in November of last year on behalf of Mr. Neddo I presented a site plan application for an already built metal frame pavilion on Mr. Neddo's property. At that time, the Board had 2 concerns as well as one concern from the County Planning Department, I believe. I believe that we have met all the concerns. We had an Engineering firm out to certify that the roads could handle what the Fire District required which was 75,000 pounds and we also had Gil VanGuilder out and he did a new site plan map for the property where the sewage was as well as if there are any wells in or around the property itself. My understanding is that the entire surrounding area is on public water and with regard to the comment from the County nothing has changed in terms of usage since this Board approved the existing site plan back in 2011 so whatever comment they may have had has been previously addressed and nothing has changed.

**Chairman Ouimet commented:** And everything with that is on this site plan that you submitted to us today in relation to this appearance is what is there now.

**Mr. Plazze commented:** Yes.

**Chairman Ouimet commented:** Everything?

**Mr. Plazze commented:** Yes.

**Chairman Ouimet commented:** Are there any questions from the Board? Do we have a motion? Everything is there.

*Vice Chairman Roberts made a motion to approve the addition to site plan as presented, seconded by Mr. Berkowitz. Motion carried.*

**Chairman Ouimet commented:** Approved, thanks for waiting.

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

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