

**MINUTES MEETING
Town of Halfmoon Planning Board
May 23, 2016**

Those present at the May 23, 2016 Planning Board meeting were:

Planning Board Members: John Ouimet – Chairman-absent
 Don Roberts – Vice Chairman
 Tom Ruchlicki
 John Higgins
 Marcel Nadeau
 Tom Koval
 Richard Berkowitz

Planning Board Alternates: Margaret Sautter
 Mike Ziobrowski
 Corie Custer-absent

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski
 Jeremy Connors

Vice Chairman Don Roberts opened the Planning Board Meeting at 7:00 pm

Don Roberts: Good Evening Id like to call the meeting to order, before we start I'd like to welcome the Shenendehowa students from the National Issues Class, you picked a good night to come we have a short agenda so you picked a good night, alright, may I have a motion, did everyone have a chance to read the minutes from the last meeting? I recuse myself I was not here.

Tom Ruchlicki made a motion to approve the May 9, 2016 minutes. Rich Berkowitz seconded. Minutes Approved.

Don Roberts recused himself.

16.069 Ryan TeleCommute, 1 Sparrowhawk Circle (Falcon Trace)- In -Home Occupation

Don Roberts: Can you come up please to the microphone please and say your name and address, cause this is recorded so.

Norine Ryan: Now can you hear me, I'm just putting in an application to work from home, I do administrative work, I just have my desk, my computer, my telephone, no customers, no signage.

Don Roberts: You're the only employee?

Norine Ryan: I am the only employee who works, I work actually for Aflac out of Corporate Woods Blvd. but they give us the opportunity to work from our house.

Don Roberts: And as you said no one shows up to your place?

Norine Ryan: No one shows up to my place.

Don Roberts: Any questions?

John Higgins: I'm sorry we need your name please.

Norine Ryan: I'm sorry my name is Norine and my last name is Ryan.

John Higgins: Thank you.

Norine Ryan: You're welcome.

Don Roberts: Any questions? Are you going to have a sign?

Norine Ryan: No.

Don Roberts: We need a motion for a public hearing for our next meeting.

Tom Ruchlicki made a motion to set a public hearing for June 13, 2016. John Higgins seconded. Motion Carried.

Don Roberts: So you have to come back to our next meeting for a Public Hearing, which is on June 13. Ok, thank you.

Norine Ryan: Ok, thank you.

Lyn Murphy: Mrs. Ryan is it possible for you to encourage your landlord to post. Our legal parameter is to post in the areas and properties around the apartment building but if they could just put up a sign in the apartment building by the mailboxes or something for an additional notice, I think one of the managers here will help you out with that.

Richard Harris: We will get you copies.

Lyn Murphy: Thank you.

16.076 Allen Financial, 14 Corporate Dr.- Change of Tenant

Joseph Abele: Hi my name is Joseph Abele, I'm here for Abele Builders and we are going to have a new tenant at our space at 14 Corporate Dr. Its going to be a financial services company, financial planning. Alan Financial they're currently located in Clifton Park and they are going to be taking over our space at 14 Corporate which was previously the space of Liberty Mutual, Liberty Mutual occupied a much larger portion and we have since subdivided it and Alan Financial is taking a portion of that, about roughly 1,300 sq ft.

Don Roberts: Is there going to be a sign?

Joseph Abele: There will be a sign we haven't submitted anything for that yet but we understand we need to do that, it kinda slipped our mind for that but for right now no sign.

Don Roberts: Any questions?

Rich Berkowitz made a motion to approve the Change of Tenant for Allen Financial. Marcel Nadeau seconded. Motion Carried.

Joseph Abele: Thank you.

16.078/16.079 Keystone Novelties, Shops of Halfmoon - Change of Use/Tenant & Signs

Neil Shaw: I'm Neil Shaw from Attelborough Massachusetts I'm here to answer any questions that you might have for the Keystone application.

Don Roberts: Can you explain what you are going to do please?

Neil Shaw: What's that?

Don Roberts: Can you explain what you are planning on doing?

Neil Shaw: Well it will be the same as last year the 30 x 40 tent at the Shops of Halfmoon, the Keystone tent and there's a storage container right next to the tent, did you folks all get the plot plan cause it shows where the storage is in relation to the tent? There it is.

Don Roberts: Yea but for the record we need a narrative we can't just say you know.

Neil Shaw: Well there will be a local person running that, the fireworks are delivered about 2 days before it opens, but they are put in the tent and taken out every night, they are put in that storage container and its open from 9 in the morning till 9 at night.

Don Roberts: How many employees on site?

Neil Shaw: Usually just one, except like on the 2nd, 3rd, 4th, there will probably be 2 people.

Don Roberts: And you have a number of signs as well right?

Neil Shaw: Not too many signs, they're, they look like, around here you don't want the banners so these are hard signs either mounted on wood or plexi-glass, but they are like right on the sides of the tent.

Don Roberts: Now last year after you were done, there was an issue with debris left over.

Neil Shaw: Yes that was an issue with the person that was running it who was also stole thousands of dollars but that's a whole, we took care of all of that.

Don Roberts: That won't happen this year right.

Neil Shaw: No.

Don Roberts: Any questions?

Tom Koval: Are you going to have 24-hour security on this?

Neil Shaw: Yes.

Rich Berkowitz: Why are you changing the site of the tent from the pad where it was last year to the grass area?

Neil Shaw: Corporate told me the shops are doing something with the pad, it was like their idea to move it.

Jeff Williams: Jeff Williams Bruce Tanski Construction, we moved the tent further to the east I guess closer to the spa because of the, where it was last year is now the site for Auto Zone. Now we are not anticipating any construction happening but there might be some investigating workers of that sorts, we wanted to separate the two uses at that point.

Don Roberts: Anyone else?

Marcel Nadeau: When will the tent come down?

Neil Shaw: I believe like 2 days after the event is over, which would be probably around the 7th or 8th of July.

Don Roberts: Anyone else? Can I have a motion?

Lyn Murphy: Contingent on the tent being removed by July 7th and there being 24-hour security.

Tom Koval made a motion to approve Keystone Novelties Change of Use/Tenant contingent upon the tent being taken down and removed between the dates of July 7, 2016; and there being 24 hour security on site. John Higgins seconded. Motion Approved.

Don Roberts: Now for the signs, there are four signs being proposed, and they all meet town code, so can I have a motion on the signs please.

Rich Berkowitz made a motion to approve Keystone Novelties Sign Application. John Higgins seconded. Motion Carried.

16.080 Modern Day Music, 1673 Route 9 (Healthplex Building)- Sign

Rich Berkowitz recused himself.

Greg Deware: Greg Deware, Nicks Sign Co. And you have it up there so its basically what we are doing is we are changing the tenant, the faces on the top there to accommodate 2, Healthplex is already there currently so we are accommodating Modern Day Music.

Don Roberts: So you are not changing the size of the sign, its just replacing whets already there up top?

Greg Deware: No just face change, strictly face change thats it.

Don Roberts: Any questions?

John Higgins made a motion to approve Modern Day Music's Sign Application. Marcel Nadeau seconded. Motion Carried.

15.131 Lands of Vogal, 110 Lower Newtown Road - Amendment to Final Site Plan

Kevin Vogal: Hi, I'm Kevin Vogal, and we are just looking to move forward with a building permit, and just on I guess on finishing the lift order for DEC, stop work order.

Lyn Murphy: The application before the board is currently to ask for an amendment to the final site plan approval you went from a culvert to a bridge and your asking the boards approval of that change to your site plan is my understanding. Does that make sense to you?

Kevin Vogal: Yes it does.

Don Roberts: Ok, any questions from the board?

Marcel Nadeau: The bridge is replacing a culvert that was previously approved is that correct?

Kevin Vogal: That's correct.

John Higgins: In the write up it says that you are going to have this bridge inspected yearly and submit the engineer stamped approval yearly to the town?

Kevin Vogal: Yes, yes that's what we have been told, yes.

John Higgins: Ok, cause you realize that if that is not done then the town can site you and limit the use of that bridge.

Kevin Vogal: Yes I do.

John Higgins: Ok it's an unusual thing that we don't see that often but I just want to make sure that you understand the implications of what you are agreeing to. Ok

Tom Koval: I think the main thing or the main concern that we are trying to point out to you is that you're signing your name to this bridge even though there is a couple of other lots that are going to be using it.

Kevin Vogal: I do understand that.

John Higgins: And if and when you sell your home to someone else down the road they will have, whoever owns that property will have those same obligations.

Kevin Vogal: Sure.

John Higgins: ok

Tom Ruchlicki: Just for my own clarification the location of that is right after that circle?

Kevin Vogal: Yes, actually its not right after that circle, its just before you come to off Lower Newtown, you can see what looks like creek coming through.

Tom Ruchlicki: Ok, cause I was on the site, a while ago. I don't know how long it was

John Higgins: It was probably 2 years ago, we were on the committee when we went out and looked at that site way before it was done.

Tom Ruchlicki: And I remember the culvert I am just trying to visualize how that is going to be in there but I got it.

Kevin Vogal: Ok.

Don Roberts: I guess I'll read it here, I guess your also seeking approval of a change in the Army Corps. Of Engineer wetlands screen crossing right?

Kevin Vogal: Yes.

Don Roberts: It's all part of the application, ok any other questions? If not we will need to determine if the application is consistent with the prior negative declaration and we will have to vote on the revised plan. Do you want to say something sir?

Joe Starr: Yes I do, Joe Starr, Starr Built Custom Homes, I was the, working for Pastor Duke Hergett who is the one who put this subdivision in place in the first place, it wouldn't be Mr. Vogal that would be responsible for the bridge, it would be Duke Hergett, he is keeping one of the pieces of property.

Lyn Murphy: The only change before this board is their specific site plan with this bridge so the other subdivisions were passed with out this condition the only site plan thats going to have this condition is going to be theirs. Because the subdivision was previously granted with out, if they work out some sort of agreement with Pastor Duke, where he says he is going to do whatever for it, thats a civil matter between the two of them, but from the towns perspective the only thing before us right now is the current site plan.

Joe Starr: We just don't want to make him all responsible for it in the future so we can work something out with the pastor.

Lyn Murphy: What this board is saying is we are going to look to you, if you then work with somebody else in civilly have it legally arranged so that you can say its up to him thats your business, this board is going to come to you or whoever is the current owner of that house.

Joe Starr: Ok, very good thank you.

Don Roberts: Anyone else? Ok so like I said we would need to determine if the application is consistent with the prior negative declaration and vote on the revised plan.

Tom Ruchlicki made a Negative Declaration Pursuant to SEQR. Contingent upon the bridge inspection annually. John Higgins seconded. Motion Approved.

John Higgins: Don, excuse me, I think we are also supposed to vote on the revised plan, we just voted on SEQR, now we have to vote on the site plan.

Don Roberts: Oh ok, I'm sorry, ok yea ok your right, yes we did. Ok.

John Higgins made a motion to approve Lands of Vogal's Amendment to Final Site Plan contingent of the applicant getting a yearly inspection by the engineer of the bridge and submitting that to the town on a yearly basis. . Tom Ruchlicki seconded. Motion Approved.

Old Business:

15.065

New meadow School 23 Sitterly Road- Site Plan

Gavin Villaume: Good evening everyone Gavin Villaume with Environmental Design representing New Meadow School, I'm here this evening with Andrew McKenzie the Executive Director of the school who's available to answer any questions, for tonight's presentation I would just kind of like to kind of give you a run down of some of the changes and upgrades that we have made to the site plans. The project itself remember the members of the public is a 20,000 sq ft private school on Sitterly road. The project is really an expansion of an existing facility up in Malta, or relocation I should say of the existing school in Malta where they currently have a facility that has similar aspects to it as this new building will have. This is meant to replace that older facility in Malta. And it's essentially a pre-school that will be serving children with autism and special needs. We have made several presentations to the planning board, this would be our third presentation, the last one was back in March where we had shown a revised site plan, the original concept was to have the building on the right hand site with parking on the west side, due to some existing utilities and storm water conflicts we decided to actually switch the building over to the other side of the site and it really did improve a lot of things, not only with the stormwater and utilities but it also helped us with some of the circulation in order to help provide a one way circulation around the school which is important to have an organized circulation of traffic for both the busses and for the staff and visitors. As part of our studies we also were asked to update a traffic report originally we did a site distance traffic study on Sitterly road to make sure that the driveways would work, after that we prepared another traffic report with Creighton Manning to analyze the proposed traffic on to the existing road way. Most of you have probably seen that report just a couple quick notes on that, the level of services that we are looking at for our existing driveways will continue to be an A or a B for the existing south view drive that is proposed to remain and then over on our other driveway which is a newer exit only on the east side of the property we would expect to have a slightly less level of service of C at that driveway, due to the traffic leaving mostly in the afternoon hours. The peak traffic flow that we saw for the project was 185 trips in the morning and 148 in the afternoon. Getting back to the circulation, one thing I think is important to note is that the way we have the site set up now we are able to stack 13 or 14 of these smaller busses around the back of the building, which obviously keeps all the bus and loading of the children towards the rear of the site and the visitors and parents drop off would be just in the very front parking area, so I think its nice to have that separation of the 2 traffic circulation. As far as the plans themselves again they went through some review through Clough Harbor. Clough Harbor has completed their review we responded to 2 letters that they had provided, speaking with Joe from CHA it seems like we have addressed all the engineering issues with regard to utility, stormwater, grading, signage, things of that nature. So I think we are at a point now where we are finalizing our plan.

Don Roberts: Thank you Gavin, as part of your traffic study did they address any potential stacking from the traffic light on route 9 and back on Sitterly?

Gavin Villaume: Yes they looked at that intersection and had determined that you know that the stacking wont come back as far, there is some stacking that occurs there again, if you go through the report they can tell you exactly how much it does now but it never really gets past the light industrial park and we are at least another 900 feet to the west of that, so stacking will not affect any of the entering or exiting of the site.

Joe Romano: One other thing that we did evaluate was the potential need for a left turn from Sitterly Road to the site, our traffic department reviewed that, and their analysis showed that it was not warranted. So that would typically be what the first mitigation would be for a site for this would be a left turn and warrants aren't met based on the traffic volumes.

Don Roberts: While you are there are you satisfied with all engineering concerns are addressed are any outstanding issues?

Joe Romano: No, nothing of significance, I received a letter from Gavin at the end of last week and I've had a chance to go through it and it appears that all of our technical comments have been addressed.

Don Roberts: Ok, I thank you Joe. Any questions from the board?

John Higgins: Yea I have one question; the easterly exit only now is that going to be single lane or is that going to be 2 lanes?

Gavin Villaume: Single lane, single lane.

John Higgins: Joe did you look at the possibility of making that a 2 lane exit just so the people trying to turn left don't; I mean does it make any traffic sense to do that?

Joe Romano: Yea I don't think based on the volumes that were coming out that it was warranted, again its only going to impact their internal operation, it doesn't impact the main line on Sitterly.

John Higgins: Just looking at it I didnt know if that made

Joe Romano: We didnt evaluate that.

Gavin Villaume: I think thats something we can certainly monitor if needed threes room to expand it if we needed it but I would be a little reluctant on widening it cause people are gonna think of it as a one way in and out.

Tom Koval: but if they are both going out though two cars side by side then you cause a line of site problem and then you have pulling out in traffic. Single file is a much safer solution especially with children involved.

Rich Berkowitz: Gavin how many busses are going to be stacked?

Gavin Villaume: they have 14 busses and again these are the very small busses these aren't regular school busses they are like a minivan and they fit all of the way around the back of that building.

Rich Berkowitz: How long are they usually there for?

Andrew McKenzie: Andrew McKenzie executive director at New Meadow, there are 14 vehicles they are not all the yellow busses some of them are mini vans, it just depends on the transporter and what vehicles their using.

Tom Koval: How long are they there?

Andrew McKenzie: The longest they are there really is in the afternoon. They pull up at about quarter of 2:00oclock they start boarding about 10 of 2 O'clock and they are there till about 2:15.

Rich Berkowitz: And how do they control the traffic around the building while the busses are loading?

Andrew McKenzie: Well the busses will come in the west driveway and they will come around the back where the only parking back there is employee parking, they will come around the back the only actual loading and boarding of the busses will be on the side of the building and then they will exit out that east driveway. So what they do right now is we have the same situation they actually start to stack up and we board 2 or 3 busses at a time they pull out next set pull up and pretty much it flows pretty smoothly.

Rich Berkowitz: So threes no stacking on south us?

Andrew McKenzie: No there will be no stacking on the roadway, on the driveway.

Rich Berkowitz: Now you have apartment buildings back there also, bordering the parking lot.

Gavin Villaume: Yea they share that driveway that's an existing driveway yup

Rich Berkowitz: Is there any screening so they are not looking on this, onto a parking lot? Cause right now there's a whole lot of trees there but I assume they are coming down?

Gavin Villaume: There are some trees there now and they have their parking lot that borders ours so I suppose you know if needed at some point we could do a fence there if they thought that that was an issue.

Rich Berkowitz: Cause you don't want those residents coming onto your property and I'm sure you don't want your employees going onto their property.

Gavin Villaume: Yea for that back parking lot maybe I think that we could look at putting a fence there.

Marcel Nadeau: At no time when the children are getting on or off the bus they are not crossing the parking lot is that correct?

Andrew McKenzie: No the children are supervised 100% of the time, handheld.

Rich Berkowitz: And that patio and playground area that's fenced in?

Andrew McKenzie: Yea that's fenced in.

Don Roberts: Anyone else?

Rich Berkowitz: Are there any events during the day like some sort of assembly where all the parents will be there?

Andrew McKenzie: There is never an event where all the parents are there at one time we do things like child reviews where 2 or three parents might come in maybe one of the rooms might have an event so there might be a handful of parents coming in but no we don't do any large assemblies at any time day or night.

Rich Berkowitz: There is no full school events?

Andrew McKenzie: No this is a preschool with three and four year olds so it's a 5-hour day it's a very long day for the kids at the end of the day most of them are asleep on the bus as they are leaving. There are no after school events or anything like that.

Don Roberts: Anyone else? Before we vote Joe do you see any need to condition this approval on any outstanding engineering issues or no?

Joe Romano: Since we haven't issued our final letter you could.

Don Roberts: ok, that being said first we need a SEQR determination.

Rich Berkowitz made a Negative Declaration Pursuant to SEQR. John Higgins seconded. Motion Approved.

Marcel Nadeau made a motion to approve New Meadow School's Site Plan contingent on Clough Harbors final sign off. Rich Berkowitz seconded. Motion Approved.

Lyn Murphy: Just for clarification of the record that sign off would include the issues raised tonight with regards to the screening with a fence or trees or whatever Clough when onsite determines is appropriate

Tom Ruchlicki made a motion to adjourn the meeting at 7:28 pm. John Higgins seconded. Motion Approved.