

**MINUTES MEETING  
Town of Halfmoon Planning Board  
June 12, 2017**

Those present at the June 12, 2017 Planning Board meeting were:

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

Planning Board Alternates: Cory Custer-absent  
Mike Ziobrowski  
Thomas Werner

Director of Planning: Richard Harris  
Planner: Paul Marlow

Town Attorney: Lyn Murphy  
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski  
Jeremy Connors

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*Chairman Don Roberts opened The Planning Board Meeting at 7:03 pm*

*Rich Berkowitz made a motion to Approve the May 22, 2017 Planning Board Minutes. Tom Koval seconded. Minutes Approved.*

*John Higgins abstained*

**Public Hearing(s):**

**17.107 Hickok Subdivision, 43 Fellows Road - Minor Subdivision**

**Don Roberts:** Would anyone like the notice read? (No Comments)

**Harold Berger:** Good evening, Harold Berger representing John and Nancy Hickok. This is a 1 lot subdivision proposal for a 10 acre parcel to be subdivided into 1 , 1acre parcel and residual parcel at 43 Fellows road, I'd be glad to answer any questions there may be.

**Don Roberts:** Would anyone from the public like to speak? Seeing no one wants to speak I will close the public hearing, board members any questions? (No questions)

*Tom Koval made a Negative Declaration Pursuant to SEQR. Marcel Nadeau seconded. Motion Carried.*

*Tom Koval made a motion to Approve the Hickok Subdivision application. Marcel Nadeau seconded. Motion Carried*

**New Business:**

**17.125 Aldi's Signs, 1681 Route 9 - Signs**

**Darla Delsal:** I'm representing Ray's Sign Company my name is Darla Delsal, we are applying for additional signage, Aldi is re-branding all their stores to add the words Food Market and this is still within the allowable square footage.

**Don Roberts:** How many signs are we talking?

**Darla Delsal:** We are talking the channel letters that say food market the signs that say Aldi is existing its gonna move to that location and then Food Market is the added square footage which is 76 sq ft.

**Don Roberts:** Questions by the board? (no questions)

*Rich Berkowitz made a motion to approve Aldi's Sign application. Mike Ziobrowski seconded. Motion Carried.*

**17.126 Harbor Freight Signs, 1617 Route 9 - Signs**

**Fred Early:** Good evening my name is Fred Early from Sign Works, we are at 27 Cary road up in Queensbury and representing Harbor Freight, their going to add their new location and it's 1617 route 9 , they will have 2 wall signs and a small 32 sq ft monument sign, which you can see there , that sign will be set up in a grassed area , perpendicular to the road and off the main highway and route 9 along side the west facade of the building.

**Tom Koval:** Is the monument sign internally lit?

**Fred Early:** Yes it will have LED lighting inside, not exposed; it will just light those two faces.

**Don Roberts:** And this sign is going to be on private property not on State right of way?

**Fred Early:** Correct it is going to be set back I will make sure I clear that with the building inspector so that we know exactly where that is I will do a site survey with him okay.

**Don Roberts:** Ok, thank you.

*Rich Berkowitz made a motion to Approve Harbor Freights Sign application. Marcel Nadeau seconded. Motion Carried.*

**17.131 Linden Woods Subdivision Signs, Linden Park Drive/Dunsbach Road - Signs**

**Dan Farnan:** Good evening Dan Farnan from Maser Consulting, representing United Residential Holdings applicant for the sign. We are proposing 2 freestanding single sided signs to be located at the entrance points of the Linden Woods Subdivision on the intersection of Linden Park drive, and Dunsbach road. Each sign has been located in the same locations as the 2016 approved subdivision plans they are not located in a right of way they are on an easement and a parcel owned and maintained by the homeowners association before the subdivision each sign will be landscaped and illuminated with a single ground mounted flood light

**Don Roberts:** Now the homeowners association they are aware, they are responsible for the signs?

**Dan Farnan:** they will be the

**Don Roberts:** We dont want them coming to the town that's the thing.

**Dan Farnan:** Understood.

**Don Roberts:** Ok, thank you. Questions?

**Rich Berkowitz:** The external lighting is pointed away from residents and any roads?

**Dan Farnan:** Yes.

*Rich Berkowitz made a motion to Approve Linden Woods Sign application. Tom Koval seconded. Motion Carried*

**Dan Farnan:** Thank you

**17.120 Momentive Performance Materials, 3 Corporate Drive - Change of Use/Tenant**

**Brian Berger:** Good evening my name is Brian Berger I'm representing Momentive , we are interested in a Change of Tenant for the property at 3 Corporate Drive in Halfmoon to sub lease property there for about 35 to 40 employees to do accounting systems , accounts payable that type of work. Are there any questions?

**Don Roberts:** Anyone with any questions?

*Rich Berkowitz made a Motion to Approve Momentive Performance Materials Change of Use application. Tom Koval seconded. Motion Carried.*

**Don Roberts:** Will there be a sign or no?

**Brian Berger:** No.

**Don Roberts:** Ok

**17.129 King of Credit ,1623-1625 Route 9 - Change of Use /Tenant**

**Tony Mangino:** Good evening Tony Mangino, King of Credit , Used Car Value Center. Just a little quick history when we first occupied the space we were operating out of a couple trailers with a connector on them we did that for about a year and moved into our permanent location our existing location thats where the dealership is now and since then , those trailers have been removed and we are proposing additional parking spaces to more efficiently use the property mainly where the trailers used to occupy, any questions with that?

**Don Roberts:** Anyone, questions?

*Tom Koval made a motion to Approve King of Credits Change of Use/Tenant application .Mike Ziobrowski seconded. Motion Carried.*

**Don Roberts:** All set

**Tony Mangino:** Thanks

**17.113/17.114 Lands of Baker Subdivision & Duplexes, 84 & 88 Fellows Road - Minor Subdivision & Special Use**

**Duane Rabideau:** Duane Rabideau from VanGuilder and Associates is here representing Alton Industries Inc. for a four lot subdivision and also for a Special Use permit for a construction of two proposed Duplex Buildings. The parcels are located at 84 and & 88 Fellows road, which is north of the Heritage Apartments, and the Pointe West town home complexes on Fellows road. The proposal is to reconfigure three existing parcels of land into 4 residential lots; a lot A would consist of this parcel right here and would be approximately 1.67 acres as an existing single family house and garages out buildings. The lot B will consist of a little bit over a 40,00 sq ft right here and that is going to be one of the lots we are proposing a duplex building on lots C is from up to here down to here, this one right here for

the other proposed duplex building, and then lot D would consist of 1.2 acres up through here and down like this or an existing single family residence and improvements. All the lots will be tied into public water and public sewer; both single family residences will retain their existing curb cuts onto Fellows road. The two proposed duplexes will share a common driveway onto Fellows road, the way we have this set up, this duplex configuration minimizes the disturbances to the vegetative buffer that is along Fellows road right here which is really the, used to be the edge of the old Fellows road that they cut off now for private driveways, so that's being retained, we have also discussed this proposal for the curb cut with the highway superintendent and he saw no problems with this proposed curb cut and that is our request.

**Don Roberts:** Thank you, questions by the board?

**Tom Koval:** Are these units being held by the same owner as rentals?

**Duane Rabideau:** That is correct.

**John Higgins:** So you are considering lot C as a flag lot or are you considering your frontage on 146 as your main road frontage?

**Duane Rabideau:** The width is at the building line, the frontage technically is on both roads actually, but the front, front is on Fellows.

**John Higgins:** So you only have 22 feet of road frontage?

**Duane Rabideau:** Well its width at the building line.

**Don Roberts:** Anyone else? Now Rich this has to be referred to Fire and County.

**Richard Harris:** We can walk through and take a look at it; it does need County review and a public hearing.

**Don Roberts:** Joe you need to see this or no? You dont, ok, a public hearing for the next meeting, Monday we can do it? Ok.

**Rich Berkowitz made a motion to set a Public Hearing for Lands of Baker Subdivision on June 26, 2017. Tom Werner seconded. Public Hearing set.**

**Duane Rabideau:** The 26th? Ok, thank you.

## 17.115 McDonalds, 1517 Crescent - Vischer Ferry Road - Site Plan

**Tom Koval recused himself**

**Steve Wilson:** Evening Steve Wilson of Bouler Engineering on behalf of McDonalds, McDonalds is going to undertake a renovation of both the building and the site of as you can see from the building elevation there it simply includes re-skinning the building, tear down the old style double mantled roof and basically give it an all new interior, upgrade the interior as well. In terms of this site plan. The improvements are pretty straight forward, the biggest change you notice is the inclusion of the side by side drive through along the back, and we also gonna undertake some ada improvements to take the site up to current standards that includes working some of the 88 stalls along the front and providing a new cross walk in connection out to the sidewalk along the front of the site. Water, sewer all the utilities stay as is, we are not touching them just maintaining existing connections, we dropped two parking spaces from 77 to 75, we are going to re-stripe the back area for some bus parking and green space goes up on the site by about 1 % from 22 to 23 %.

**Don Roberts:** Any change in the signage or still the same signage?

**Steve Wilson:** The sign is going to stay the way it is, new signage on the exterior of the building but the road sign for now is going to stay as is.

**Don Roberts:** Any questions?

**Tom Werner:** All the traffic coming into the project will turn right, correct?

**Steve Wilson:** umm hmmm.

**Tom Werner:** So your signs there now correct.

**Steve Wilson:** I'm not following you what do you mean?

**Tom Werner:** The entrance up there on Progress Drive, the upper left corner you have to turn right at that corner

**Steve Wilson:** If they want to jump into the, come around the site

**Tom Werner:** But is it one way counter clockwise around the entire site?

**Steve Wilson:** It is yea.

**Tom Werner:** Your gonna need signs there to direct them to do that.

**Steve Wilson:** You want to add signs there to do that?

**Tom Werner:** Well I would think so

**Steve Wilson:** its worked in the past the way it is , but thats fine we can add them

**Tom Werner:** Ok

**Don Roberts:** Anyone else? Ok at this time I think we have to refer this to the County, Fire and Joe you have to review this alright, Ok so our Town is going to review this and get back to you alright?

**Steve Wilson:** Ok, thank you.

**Don Roberts:** Ok, thank you very much.

### **17.119 Chinese Restaurant 1383 Crescent - Vischer Ferry Road - Change of Use /Tenant**

**Yohang Wang:** Hi everyone my name is Yohang Wang, representing 1383 Crescent Vischer Ferry road for a Chinese Restaurant. I'm looking to purchase this building, but before I purchase I want to know that I will be able to use it as a restaurant so I can purchase the building. It says on my letter to you guys that me and my family physically move up here like about almost 10 years ago for this long we haven't seen any legitimate Chinese restaurant if the Clifton Park, Halfmoon area and my family they ran a Chinese restaurant in China for almost a decade so I'm planning to open a Chinese restaurant to improve the dining experience in Clifton Park and Halfmoon area so thanks.

**Don Roberts:** Can you tell us how many employees, how many seats?

**Yohang Wang:** So we are going to have probably 5-8 employees but as I say me and my family will be working together so most of the employees will be my family members so we will have the cars picking up to work and drive home after work and so we wouldnt have any , most people driving to work everyday besides the customer and the tenant upstairs thats all the parking for them and I think at a pre meeting Tom printed out that we probably gonna have a traffic jam putting a right turn only sign over there at the corner should be a good idea so thats about it.

**Don Roberts:** How many seats?

**Yohang Wang:** We are going to probably have like maximum 5 tables so we are not going to take more than 20 people after 20 people have to make reservations but we also do take out and delivery so people still can enjoy it at home.

**Don Roberts:** Ok, thank you, any questions by the board? Im a little concerned about the area, that's a pretty congested area, that's a tough intersection there and I'm worried about people getting in and out of your site.

**Yohang Wang:** Yea I think the only way to do it is by Toms recommendation is to put in signs thats limited to right turn only and one way in coming out the other way instead of across the street.

**Don Roberts:** there is also a parking concern as well you are below the required parking you know that right?

**Yohang Wang:** Yea I think the parking recommendation is one parking for 3 people and upstairs for the tenants is 2 per each , but right now one of the apartments is empty so I think maybe you guys dont understand is that a Chinese restaurant operation is a lot different than American restaurants because we have to hire people like kitchen workers , in New York city because there is not experienced workers around here for doing the kitchen work so we have to hire them from New York city so that is we have to provide living for them so Im planning to use one of the apartment upstairs just for them I think at least 2 people will be living up stairs so like I say in the beginning it will be not a lot of people driving to work back and forth.

**Marcel Nadeau:** Ok but I think our concern is the traffic in front of the building itself when the cars are stacked up does that block your egress to your site?

**Tom Koval:** Only left hand turns

**Yohang Wang:** yea if you're turning left, if you are turning right there is no problem turning right.

**Tom Koval:** So you wouldnt be opposed to a right turn only sign on your parking lot? So your customers could come in from either direction but when they are leaving it would be beneficial to have them turn right and go up the hill, after that point they can do what ever they need to do but then they are not blocking your parking lot and trying to turn in to a line of cars thats inevitably always there

**Yohang Wang:** Yea

**Marcel Nadeau:** But a sign itself is not going to curtail that

**Tom Koval:** it's not but it's.....

**Marcel Nadeau:** We have that problem over on rte 9 at Cumberland's we've had that problem for years a route 9 and Grooms road, we have the same issue and we have the curb cut for that but it doesnt work and

this is a high intensity intersection, so the question is yes when they are stacked they do back up to his driveway, if they are waiting for the red light?

**Tom Koval:** At rush hour and on the way home at night yes they would back up, I've seen them.

**Rich Berkowitz:** Non-business hours, I mean non rush hour they do not, only during rush hour maybe and that would be It., lunch time they dont.

**Tom Koval:** Lunchtime is fine it's after 6, 6 30 it's usually fine and everything depends on the Northway but I mean you can't control every situation.

**Rich Berkowitz:** Also if there is not enough parking and there is room on that site for more parking are you willing to pave that over in the back?

**Yohang Wang:** Which part?

**Rich Berkowitz:** There's a black van on the right hand side, it looks like you could add more spots back there.

**Yohang Wang:** Yea I will do my best to make more parking as many as possible its just that right now im not even sure if I can foresee purchasing the building before I know that I can do a Chinese restaurant over there you know so if I know

**Rich Berkowitz:** What we would do we would put a contingent on how busy you are , and there would be a site of future parking and if there is problems there you would have to pave that over , if you get successful enough where you need that parking then you would have to do that parking.

**Yohang Wang:** Yea we would make more parking definitely because I mean when I first went in to look at the property I know that we were gonna need more parking because there is only 15 and then it gets full easily, so

**Rich Berkowitz:** But you would have to see if you could put parking land bank there if its your property or if it abuts somebody else's property

**Yohang Wang:** Yea I think we have like about 30 ft away from the property line

**Rich Berkowitz:** do you have a survey?

**Yohang Wang:** I have an old one but it's from 2007 I find it in a record from the town

**Rich Berkowitz:** But the border shouldn't have changed since then so

**Yohang Wang:** But the survey is really complicated because it's only from latitude and longitude so if Im proceeding I might have to draw everything over again

**Rich Berkowitz:** Oh there is no site map?

**Yohang Wang:** I think there is one in my suitcase

**Lyn Murphy:** Rich do you have a site plan for this?

**Richard Harris:** Yea.

**Rich Berkowitz:** Yea that's exactly what we are, that's it, if you look behind the building is there enough property to drive to fit a car all the way around the building?

**Yohang Wang:** Yes

**Rich Berkowitz:** There is, is it paved all the way around the building back there?

**Yohang Wang:** Its half. Because there is 3 ac units compressors on the back on the upper side and then after that is all concrete.

**Rich Berkowitz:** And that is on the outside of the one story addition?

**Yohang Wang:** Yea is outside

**Don Roberts:** We think we might have to get a committee and go out and visit the site and see if this is feasible or not. Tom Koval, Tom Werner one more person Rich? Ok the three Toms how is that , so we will go out and do a site visit with you there and our planning office and see what we can come up with as far as suitable parking alright.?

**Yohang Wang:** Alright thank you.

**Don Roberts:** ok, thank you.

*The Board is going to do a site visit to 1383 Crescent Vischer Ferry Road for the Chinese Restaurant to check for traffic control and parking.*

**17.122 CGM Construction Duplex, Guideboard Road & Middletown Roads - Amendment to Site Plan**

**Chris Marchand:** Good evening my name is Chris Marchand from CGM Construction we are currently building a duplex at the intersection of Guideboard and Middletown roads. I am here tonight seeking approval for a relocation of the driveway when I was here last year for a special use permit for a duplex I initially had shown the driveway onto Guideboard road, however at that time I didnt realize that the existing drainage swale that cuts the site in half is Federally regulated wetlands so I am proposing to have the driveway accessed from Middletown road. The County, I had been in quite a bit of communication with the county Gary Meyer and Keith Manns from the County they made a site visit, been to the site I had to complete a traffic analysis per their request and I have documentation of the wetlands so the County has approved the studies that I have done and I believe the County Planning Board I think Rich has Approved the location of the driveway so its contingent simply upon the approval of the Planning Board tonight.

**Don Roberts:** Ok thank you, questions by the board?

*Marcel Nadeau made a motion to Approve CGM's Amendment to Site Plan application. Tom Koval seconded. Motion Carried*

**Chris Marchand:** Thank you very much.

**Old Business:**

**17.060 Our Place Bar & Grill Seasonal Outdoor Patio, 46 Rt. 146 - Site Plan**



**Michael Coluccio:** Good evening everyone Michael Coluccio, Shane & Brennan LLC. This is for Mr. C's Pub Inc. DBA Our Place Bar & Grill. I've been working with Richard and Joe and the last time I was here we were talking about the safety issue of where this outdoor seasonal roped patio would be acceptable to the town and Richard.

**Richard Harris:** I just want to clarify that it the wrong image up there , thats the original plan , the board was provided at our pre-meeting paper copies of the revised plan showing the out door portion being relocated to the right where its shown now that is the old plan

**Michael Coluccio:** Right and under the new drawing it more if your looking at the building its to the right , its ok , ok right here is where its initially proposed and now we've got the two entrance ways now its proposed and its been approved I believe by the County to move it to that location, its been approved by the liquor authority and also by the department of Health and I'm asking the town if they would approve an outdoor seasonal roped patio, are there any questions?

**Rich Berkowitz:** Yea did the department of Health approve only 47 seats at one time?

**Michael Coluccio:** It's always been 47 seats and it's based on the history of the septic and the water so

**Rich Berkowitz:** So now you want to go from 47 to 80?

**Michael Coluccio:** Well the Town currently has approved a 102 the capacity wouldnt change

**Rich Berkowitz:** Well the Department of Health supersedes, the Department of Health Regulations I would think would supercede any town regulations based on safety and if you want to, if they are limiting you to 47 seats I can't see how we can expand it to 80 seats.

**Michael Coluccio:** Well they're not allowing it to be open at the same time the inside restaurant

**Rich Berkowitz:** So how do we regulate that?

**Michael Coluccio:** Well its seasonal to start with, but when the outdoor patio is open the inside dining room will be closed you just rope it and put closed next to it so no one is going to be able to get inside to sit down, if its not open outside they can come in and sit inside and thats gonna be determined based on the weather.

**Rich Berkowitz:** But if its a sunny day someone doesnt want to sit outside they want to sit inside cause they dont want to be in the sun , you just not going to serve them?

**Michael Coluccio:** They could sit at the bar and eat if they like.

**Rich Berkowitz:** Well that's inside seating.

**Michael Coluccio:** Well it's always been the bar and then you had the, we're currently right now the capacity we have right now over 102

**Rich Berkowitz:** But the Department of Health says you can only have 47 how can you seat 102?

**Michael Coluccio:** Well that's correct we can seat 47 and then the plan is if the outdoor is open then the indoor is closed so we can go over the capacity

**Tom Koval:** will the entire indoor be closed?

**Michael Coluccio:** We have to stay within the 47 according to the Department of Health.

**Tom Koval:** So you're going to close the bar down and serve the patio

**Michael Coluccio:** And serve people outside, yes that's the plan, to maintain the capacity that it currently is so it really isn't going to be affected if it's inside it will, I'm sorry if the outside is closed then it will be the same capacity inside that it is now, if the inside is closed it will be the same capacity for the septic and the water.

**Rich Berkowitz:** I don't see why you just don't split the difference and have the inside open all the time and the outside open all the time and just limit seats on the outside

**Michael Coluccio:** Well the outside is going to be seasonal well there wouldn't be a need to have it inside and outside open at the same time the plan is

**Rich Berkowitz:** So you're gonna turn people away who don't want to not everyone is going to want to outside and eat people, some people are gonna want to sit inside.

**Michael Coluccio:** Well that was the understanding with the department of health and that's what I agreed to that I would do what they want.

**Rich Berkowitz:** The department of health has nothing to do with whether you serve people inside or outside that's your prerogative

**Michael Coluccio:** Correct

**Rich Berkowitz:** But you need to limit how many

**Michael Coluccio:** I need to make sure that I'm within the guidelines of the department of health's permit.

**Rich Berkowitz:** But if we approve this as 40 seats outside and 47 seats inside there's a capacity for 87 people when really

**Michael Coluccio:** Right, but it's not going to be a total of 87 seats it's going to be a total of 47 I believe is what the department of health has.

**Rich Berkowitz:** Right but you asked for even more than that until we just clarified all of that

**Michael Coluccio:** Well I'm asking for 40 to be outside when the inside is closed so it will be 40 plus the 7 inside

**Tom Koval:** So you are going to tell everybody to leave the bar?

**Michael Coluccio:** I'm going to tell people they're not going to be able to sit inside, 7 people can sit inside and 40 can sit outside but if we close the outside then we are just going to just let them come inside.

**Tom Koval:** Yea one or the others close that's fine but I can't see how if you have a capacity of 47 on the patio

**Michael Caluccio:** It's 40 on the patio

**Tom Koval:** 40, I really can't see how you're gonna shut your bar

**Michael Caluccio:** Well its not going to be shut its just if lets say there is 40 of us here right now the inside isn't open they can sit outside and eat if I want to close the outside because of the weather at anytime I could close it and they all have to come inside so thats what I agreed to

**Tom Koval:** So you're not going to allow anyone to sit at a barstool if the patio is open?

**Michael Caluccio:** There's 7 people can sit at the barstool

**Tom Koval:** Ok

**Michael Caluccio:** You know that's it but we are going to have to monitor that closely but that's what I agreed to.

**Marcel Nadeau:** What if we were to do 30 and 10, 10 at the bar and 30 outside?

**Michael Caluccio:** That's correct if we have 20 inside and 20 outside

**Marcel Nadeau:** I think what we are having a problem with is saying that your going to tell these people no you cant go to the bar you have to sit outside, we are having a hard time, I mean I would not go there if that were the case, cause I want to sit at the bar so I think thats what we are having a hard time understanding.

**Michael Caluccio:** Well I can always say to if there's 20 outside we've already got enough outside that's it so your gonna have to come in and sit down.

**Don Roberts:** So what number do you want?

**Lyn Murphy:** So just let me for clarification for purposes of the record what you are saying to this board is you will allow 47 patrons whether they are inside or outside doesnt matter but the max is 47?

**Michael Caluccio:** Correct.

**Lyn Murphy:** So your not going to open the patio and shut the indoors because if only 20 people are on the patio in theory 27 could be indoors?

**Michael Caluccio:** It's very simple its either going to be 40 outside with 7 inside or 47 inside.

**Don Roberts:** Lyn is trying to help you out here actually I dont think you caught that.

**Michael Caluccio:** I dont understand the question Im sorry

**Lyn Murphy:** So if your total number is 47 DOH is only requiring you to limit yourself to 47 their not telling you where they have to be they are just saying you can only have 47?

**Michael Caluccio:** Correct

**Lyn Murphy:** So why do you want to limit yourselves to where they have to be? You dont.

**Michael Caluccio:** Well according to the department of health I can only have 47

**Tom Werner:** Didnt the department of health also stipulate that you can't have both simultaneously its either inside or outside?

**Michael Caluccio:** Well the liquor authority has approved 40 I believe so that's what I proposed was 40, I proposed to the department of health 40 and they approved both of those so I can go over 40 outside, I can't have 47 outside and no one inside I believe. But the intent is to have a seasonal patio with 40 and if I get 40 I'm going to be very lucky to be honest that want to come and sit down outside you know so if we get 10 outside and we have some people inside that's fine we will have 47 but chances of having more than 47 in that place at one time is extremely non realistic at this point.

**Don Roberts:** They are just reviewing the letter that's all to see what it's about.

**Michael Caluccio:** Sure, sure

**Lyn Murphy:** It appears from the response from the department of health they are being very clear in saying because you are proposing having 40 outside you can then not have inside open because that's what you're proposing so they are saying based on what your proposal is your right your choosing either inside or outside.

**Michael Caluccio:** Correct that's what I agreed to.

**Rich Berkowitz:** So we could not approve a 30 and 10.

**Tom Werner:** No.

**Lyn Murphy:** We could but DOH won't allow it, all of it is based on what he asked for.

**Michael Caluccio:** Well that's this year I guess I could go back and ask them to change that next year in fact the applications coming up with in the next 30 days I certainly could change that request but for now that's what I have agreed to and that's what I'm asking the town to approve

**Don Roberts:** I guess the question is how do we insure that when ones open the other is closed, that's the problem we are having.

**Michael Coluccio:** Well your going to have to take my word for it I wouldn't do anything against the law I haven't yet. I've had a permit now

**Rich Berkowitz:** What is your limitation of hours for outside and limitation of hours for inside?

**Tom Koval:** There is not going to be any live music or anything else there correct?

**Michael Coluccio:** No sir

**Tom Koval:** No outdoor speakers?

**Michael Coluccio:** No just sit down dining and drinking.

**Rich Berkowitz:** What are your hours?

**Michael Coluccio:** What I'm planning on is 11 am - 11 pm

**Rich Berkowitz:** So you are going to have outdoor dining say 9 to 11 pm?

**Michael Coluccio:** If it's nice out if it starts to rain everybody comes inside

**Tom Koval:** What are you doing for the lighting on this out door patio?

**Michael Coluccio:** There's already lighting over the outside entrance

**Tom Koval:** So there is no additional lighting being put in?

**Michael Coluccio:** There is no additional lighting required , there is also lighting that comes off of the pole that is , what's it called the street light , we have a very bright light that lights up the entire parking lot and even the back part of the property.

**Rich Berkowitz:** There is no outdoor music at all?

**Michael Coluccio:** Nope

**Don Roberts:** Anyone else? What's the board's pleasure on this one?

**Marcel Nadeau:** I'll make a motion to approve the application

**Rich Berkowitz:** With limitations?

**Marcel Nadeau:** With the outside only or inside only

**Rich Berkowitz:** And maximum of 47 seats?

**Marcel Nadeau:** 40 seats isn't it? 47 or 40? I'm confused on this.

**Tom Werner:** 40 outside 7 inside.

**Michael Coluccio:** No its 47 total for the current department of health is 47 is what they have for it.

**Rich Berkowitz:** Then you can only be open inside or outside so that 47 is going to include all outside or inside so no one can be at the bar when the outside is open

**Michael Coluccio:** Correct but if they all come inside all 47 can be inside.

**Rich Berkowitz:** Now say it starts to sprinkle some people want to come in some people want to stay out what are you going to do?

**Michael Caluccio:** I'll just close it if it starts to rain; we are going to move it all inside everybody has to come inside.

**Tom Koval:** I propose that we do it on a probationary period on this

**Don Roberts:** One season, one season. September 30 we will do on a trial basis.

**Michael Caluccio:** I was just wondering the liquor authorities just asked for proof of permit.

**Tom Koval:** Your getting a conditional approval with a probationary period if somebody goes by and sees that your doing both we are going to send , the state will be notified and code enforcement is going to be notified and your not going to be re approved for this the following year

**Lyn Murphy:** The approvals you do at Home Depot and Lowes for seasonal for an outside permit.

*Marcel Nadeau made a Motion to Approve Our Place Bar & Grills Site Plan with limitations of only 47 people in or out of doors at a time, and on a trial basis until September 30th 2017. Rich Berkowitz seconded. Motion Carried.*

**Michael Caluccio:** Thank you so much, please stop down.

**Don Roberts:** Inside or outside. (laughs)

**17.051/17.052 & 17.071 / 17.072 & 17.068**

**Ellsworth Solar I & II Johnson Property Subdivision,  
100 Pruyn Hill Road - Site Plan & Special Use Permits  
& Minor Subdivision**

**Ann Whaling:** Good evening my name is Ann Whaling from Cyprus Creek Renewables and I'm here standing in for John Reagan who I think has been before you before just to discuss the application we've submitted for the solar farms and the subdivision. I brought some documentation that I know we owe you for tonight so I have that here as well ok.

**Don Roberts:** Are you going to explain a little bit or that's it.

**Ann Whaling:** I can we have addressed some comments that we have received for example the question of whether or not this is an unlisted action something that we were hoping to discuss that is your going to declare lead agency today that hopefully this would be a type 1 because of the amount of disturbance, usually its about 16 acres so we think that constitutes type 1 action.

**Richard Harris:** Yes we did discuss that myself with Joe and we will initiate the agency after tonight.

**Ann Whaling:** Ok so thats one thing , I believe that you had raised some concerns about the ability of the local fire dept to handle that since the last meeting we've delivered a safety package to the fire department that shows our emergency response plan and details what we offered to them for training which I think is generally satisfactory other fire departments we have presented to have found this to be a big help to them so that they understand the bounds of responsibility for safety in the community. You were hoping for a decommissioning plan to be provided I believe this augmentation provides that and in addition we've got some further information about decommission costs including an estimate from a licensed engineer which you know shows the offset between the salvage value and the cost of decommissioning. We have proposed additional clearing adjacent to the proposed access to allow for site distance compatibility any clearing is additional that is shown on the site plan now , so now we have a new slightly updated site plan for that. We have included a full civil set which includes grading drainage plans and also construction details with this submittal and the stormwater pollution prevention plan has been updated too address the requested revisions.

**Don Roberts:** Ok thank you, Joe do you have anything to add to this or are you all set?

**Joe Romano:** At this point in terms of scheduling the public hearing yea we are all set, we are still working on the SWPPP we got last week, so there's likely to be some minor comments we need to work through.

**Don Roberts:** Thank you and county is all set?

**Richard Harris:** We heard from the County, they determined that there is no significant or county wide impact.

**Don Roberts:** Any questions by the board members?

*Tom Ruchlicki made a Motion to set a Public Hearing July 10th 2017. Rich Berkowitz seconded. Public Hearing set.*

**Ann Whaling:** Ok thank you, and the lead agency?

**Richard Harris:** We will take care of it.

**Ann Whaling:** Perfect ok, thank you so much.

### **17.073 Graybar Electric Co. Inc., 2 Werner Road - PDD Amendment Recommendation**

**John Montagne:** Good evening everyone John Montagne with GPI and with me tonight is Chuck Dunnam from Graybar Electric, we are here as a follow up to our last meeting to see if we can get a public information meeting set tonight. I just wanted to go through a few things I know that MJ Engineering was hired they did the traffic study I believe they'll do their own report this evening. What I had up on the board for you we did meet and reviewed all the comments that we recently got back from Clough Harbor one of the most important things that came up was the desire to see cross sections through the site up through where the houses are back here another cross section this way and then a cross section this way along route 146 so if you just go to the next slide we did run the cross sections as requested you can see right here the entrance of the site is over on this side this is where we plateau out for the building this building is a 34 foot height here, this is the storage area existing buffer that is in here that is about a 100 feet if you can see the stationing here and then this house right here sits about at elevation 330 and the building is at 315. So there is plenty of screening in between here on that site plan I showed you before we are doing additional landscaping in the back to screen the site more from Warner road, this section right here is actually what it looks like from 146, 146 has a fairly steep grade in here again we are preserving all the buffering along here, the tree canopy in there is roughly 80 to 100 feet what we have shown here is just an 80 foot canopy ground material that goes along there, there's an existing wetland and along the swale line that remains and so you'll have filtered views through there but there really very well screened and then this is just a cross section right through the site, so here is 146 out here, this is the existing buffer, this is where the loading docks would be and the building in relationship to Werner road.

**Don Roberts:** Thank you John, I would like to have a representative from MJ ok, give his report on the traffic study, Chad Snyder.

**Chad Snyder:** Good evening my name is Chad Snyder I'm representing MJ Engineering we were hired by the town to do the traffic impact study for this proposed project, its basic information about the project its about 40,600 sq ft proposed, the building footprint that does not include the external storage of 10,000 feet thats phase I phase II will increase the building footprint 29,500 sq ft to a total of about 70,000 sq ft. We went out and collected data at the NY 146 and Werner road intersection on May 17th and from that analysis we determined that the peak hours were from 7:15 to 8:15 in the morning and 4:45 to 5:45 in the evening. From that we analyzed the existing conditions we analyzed the future no build conditions for 2018 and for Phase I and for Phase II as well. Without knowing when phase II would happen we plugged it into the 2018 numbers to say ok if they built out the whole thing today what would be the total impact of the entire site. The overall intersections just a quick summary of level of service the overall intersections were all A's the south bound lefts turns for the existing in the A.M. were level service D which is acceptable for the no built they did drop down to a level of service E given the increased traffic along 146, we looked at historic traffic volumes along 146 and performed a regression analysis to determine how the traffic is currently growing on that road and we came up with a growth rate of about 3.8% for that road over the last 5 to 7 years I believe were the dates we used. For the no build there is a little bit level service degradation they are close to the thresholds for level service its a little misleading the actual increase in delay is not as much with alternative 1 and alternative 2 we maintained the levels of service for the no build scenario the delays do increase during those scenarios as well, from 2 seconds to 25 seconds in the

worst case, and the south bound rights are also maintained during the a.m peak at level service C pardon and the p.m. peak drops from a level of service B to a level of service C which is still with in an acceptable ranges, the proposed trips that we calculated based on the square footages for the a.m peak were for 37 vehicles entering 9 exiting during the peak hour and during the p.m. peak would be 11 entering and 33 exiting this is for Phase I , Phase II we had an additional 24 entering and 5 exiting during the am and an additional 4 vehicles entering and 22 exiting during the pm for a total of 61 entering in the am and 14 exiting in the am and 15 entering in the pm and 55 exiting in the pm. This is all contained in the report that we submitted to the town last week and it is our recommendation that this will not have an adverse affect on the local traffic operations at this intersection. At the recommendation of the town we did have a look at an alternative entrance directly onto route146 and the findings of that analysis were very similar to the findings of the Werner road and route 146 intersection.

**Don Roberts:** Thank you Chad, any questions for Chad?

**Tom Werner:** Did your analysis include the projected traffic from the daycare center which is under construction on Werner road I think there are upwards of its sized for 200 students isn't it? if I recall, so thats significant trips I would suspect some of them are going to be in that peak period, again coming from different directions both from Werner road and 146 but I think my concern would be east bound left turn and on 146 that movement into Werner road.

**Chad Snyder:** Currently there are no turn lanes on 146

**Tom Werner:** Well the concern is that left turn movement

**Chad Snyder:** Correct, I was unaware of that we definitely will contact the town and get that information and include that in our final report.

**Tom Werner:** And of course the Grace Fellowship Church is expanding but I dont think that traffic would fall into those particular peak hours during the Monday through Friday commute.

**Chad Snyder:** No it wouldn't, that would be after the evening peak if they have anything during the week it will be on Sundays also.

**Don Roberts:** Anyone else? Joe anything to add or are we all set? At this point ok. I guess the next step is the public information meeting. How soon could you have the traffic information back to us?

**Chad Snyder:** Unfortunately DOT hasn't gotten us the accident data back we're expecting that back the end of this week the beginning of next we'll include that in the final we should be able to finalize that in the next two weeks.

**Don Roberts:** How about the school, the daycare?

**Chad Snyder:** Yes including that, in addition.

**Don Roberts:** Yea 4 weeks out to play it safe.

**Don Roberts:** Good question, expanded notice necessary?

**Tom Koval:** I dont personally think its necessary being the nature of where it is

**Don Roberts:** Anyone else? Ok just regular notice Paul right?



**John Montagne:** If there was anyway we could have the Public Information meeting on the 26th it would really help my client , my client is in a situation with right now is they have options on this land and every time we have a month delay there is an increase in the cost to them whether they make the determination whether they are going to purchase this or not so an additional 2 weeks is going to put them outside of the negotiated options that they have right now , we had worked with Rich on a potential schedule that we could stay with in that time frame they have if we do the public information meeting in 2 weeks.

**Rich Berkowitz:** Can we get the traffic study done by then.

**Don Roberts:** We will have it for the meeting, and then we will try for 2 weeks.

**Richard Harris:** Cause Ellsworth we are doing 4 weeks out , it kind of balances it out , this will be the third one in two weeks since we got Pinebrook Hills PDD on that one.

**Don Roberts:** So it will be alright then, it will be ok going two weeks on this one.

**Richard Harris:** Yes, cause that one is already done and then we've got Baker on and that's pretty small.

***Rich Berkowitz made a Motion to set a Public Hearing for Graybar Electric on June 26th, 2017. Tom Werner seconded. Public Hearing Set.***

**Motion to Adjourn meeting by Tom Ruchlicki and second by John Higgins. Meeting Adjourned at 8:07**