

**MINUTES MEETING
Town of Halfmoon Planning Board
July 24, 2017**

Those present at the July 24, 2017 Planning Board meeting were:

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

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

Rich Berkowitz made a motion to Approve the July 10, 2017 Planning Board Minutes. Tom Koval seconded. Minutes Approved.

New Business

17.148/17.156 G&G Lighting, 10 Corporate Drive - Change of Use/Tenant & Sign

Jason Bayright: Jason Bayright from G & G, currently our headquarters is in Albany N.Y. in Colonie on a access road back there by Time Warner Cable, we are looking to move up to Halfmoon Here to 10 Corporate Dr. , this listing has been for sale for a couple months and we found it looks perfect for our needs , its about 6,000 sq ft of office and its about a 6,000 sq ft. of high bank warehouse. So what we do is we manufacture LED lighting products for commercial and industrial users, so we'll be using the back half of the building to assemble light fixtures, LED light fixtures, and the front house , the front half will staff, currently we have 7 staff members sales and engineering that will be up front and we have room for some more so we are looking to move our lighting company up here, then the second little part on the agenda is also a sign application, what we plan to do is to just keep the existing sign that German Auto Parts has and work with fast signs of Saratoga to put a new decal on the same sign you see there, so we basically would be just putting our logo on that sign. I can answer any questions you've got.

Tom Koval: Jason you're not actually manufacturing, you're assembling pre-manufactured parts to produce the finished product?

Jason Bayright: Yea we kind of call it light manufacturing I guess it's a type of manufacturing but really its assembly work

Lyn Murphy: Just for clarification for the board you are in a light industrial pdd and just based on the way this board defines it your a light industrial use, if you are a light manufacturing it wouldnt be allowed so your light industrial.

Jason Bayright: Ok, so what we do here, we take parts and pieces from various vendors across the US and we put these pieces together, the most that we would do is use adhesives to glue and screw these fixtures together but we dont extrude metal or plastic or typically think in a manufacturing sense.

Tom Koval: there is no chemical by-products?

Jason Bayright: There is no chemicals other than glue, which we have, our guys wear masks for and there is a fan but other than glue thats it, and the other majority of the warehouse, probably more than half of it will be used for storage and warehousing of our finished goods before they are sold and then also raw materials coming in and so.

Tom Koval: Are you anticipating much traffic, truck traffic coming in and out?

Jason Bayright: We probably, a UPS truck once a day, brown

Tom Koval: No heavy trucking?

Jason Bayright: There will be a tractor trailer maybe once , twice a month something like that but you know we get a couple skids off of the back , there is a nice loading dock out back there and there is also a van height loading dock for UPS , both of those already there.

Tom Koval: Thank you.

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

Marcel Nadeau made a motion to Approve G & G Led Lighting Change of Use/Tenant and Sign applications. Rich Berkowitz seconded. Motion Carried.

Jason Bayright: Thank you.

17.250 Crescent Gardens Mobile Home Park, 15 Plank Road - Mobile Home Park Amendment

Lyn Murphy and Tom Koval recused themselves.

Joe Dannible: Good evening Joe Dannible with Environmental Design and Partnership here representing Crescent Mobile Home Park and their abdication for a three lot expansion and a two lot re-configuration in their existing mobile home park located off Plank Road. We are here tonight for a recommendations from this board related to this general configuration of this park as, configuration of the roads the utilities as they pertain to the expansion we are looking at as well as to talk about SEQR and if I'm following the procedure right I believe a public hearing will be scheduled by this board in the future as we get through this SEQR requirements and prove our case that we have the adequate utilities for this park itself. The existing park right now has 29 approved units its on 5.2 acres as you recall some of you were on the board about 3 , 4 years ago when we got this first mobile home park expansion we reconfigured the existing park and the Town of Halfmoon actually approved 31 total units as part of that approval however as we got through DOH and needed to adhere to some different codes we ended with 29 lots , what we have done since then is we have purchased 15 Circle drive which is a little over half an acre .53 acres that is this area located here basically the road that comes in and where these three lots are configured down here is 15 Circle drive , that has been purchased recently and we want to add that parcel of land into the mobile home park , currently there is an existing mobile home that sits on there that was in private ownership until recently , we are now going to as we have done with the rest of the park and if anyone has driven through this park in the last couple of years since this construction has started you'll notice some significant up grades with in the park itself , a lot of the old and say somewhat dilapidated structures that were in the park have been removed and there has been many new mobile homes moved into the park we do have some pictures of that and we can hand this board around so everyone can see but if you look on the upper left and lower left sections of the page these were the existing mobile homes that were in the park a couple pictures of them and as you can see as they've rebuilt the park redone all of the infrastructure for the park and they are bringing in all brand new mobile homes into the park for people to live in and its

really turned into a great community. So again as with the additional land we have an allowable density in the town of Halfmoon of 6 Units per acre with the additional land and it brings us up to a total of about 5.7 acres of land, we now have a density of 5.59 units per acre so we are within the density for this project. There is existing sewer and water utilities that travel on Circle Drive and Chase Court will be connecting into them with service laterals only there will be no new extension of mains that would be requiring DOH approval for those, we are providing a shared driveway to access these mobile homes, the driveway itself is about 130 feet long it can be accessed in accordance with NYS fire code for fire apparatus access to that point, again backing out onto Circle Lane and Chase Court itself. With that what we are proposing is 5 new double wides, again we are creating three parcels for the double wides and we are reconfiguring two existing parcels that have been approved for single wides to now be double wides with in the park, we've turned both of those units 90 degrees and the last thing I'd like to point out were also included in this application even though it is off this property its still owned by the same owner, there's a stormwater management pond that was put in as part of the Crescent Commons expansion when the Fred the Butcher building was built. Mr. Klimkevicj would like to install a 20 x 20 shed with a 10' x 20' overhang off the front of the shed and that would be used for maintenance equipment for the park itself. Lawn mowers, snow blowers things of that nature would be housed in there, and with that I'd like to see if the board has any questions and we would like to move forward and eventually get a public hearing scheduled and move forward on the project, thank you.

Don Roberts: Will these unities will they be owner occupied?

Joe Dannible: The units themselves?

Don Roberts: Yes

Joe Dannible: I believe all the units are leased, you can either own your unit or the unit can be owned by the park or financed through the park? Mr. Klimkewicz

Mike Klimkewicz: Michael Klimkewicz, a couple of things to add, its a seniors park so we've changed the whole personal and the environment there it is a nice community, we have either buy the home outright or we will finance a purchase over an extended period of time so it is owner occupied.

Don Roberts: But you own the land and you own the structure?

Mike Klimkewicz: That is correct

Don Roberts: Ok, thank you.

Mike Klimkewicz: We have a couple owners, we have a couple people in the park now that are financing so we haven't turned over ownership on the homes yet because we still own the homes until they are able to make close on the property.

Don Roberts: Ok, thank you. Any other questions?

Marcel Nadeau *made a motion to set a Public Hearing for Crescent Gardens Mobile Home Park's Amendment for August 14, 2017. Rich Berkowitz seconded. Public Hearing set and the board will refer to the required agencies, Fire Dept., Clough Harbor, Building and Code Enforcement for further review.*

Don Roberts: We will refer this to the required agencies anyways, alright so we will see you next meeting for Public Hearing right?

Joe Dannible: Great, thank you.

Don Roberts: Thank you.

Old Business:

17.115 / 17.117

McDonalds, 1517 Crescent - Vischer Ferry Road - Site Plan & Sign

Steve Wilson: Hi Steve Wilson of Bohler Engineers on behalf of the applicant , I believe we have addressed the comments from the board and Clough Harbor and thats the site plan you currently see before you , I dont know if there are any other comments or questions about the plan?

Don Roberts: Any questions? Rich, fire is all set?

Richard Harris: Yea I did hear back from the West Crescent Fire Chief had no objections to it.

Don Roberts: Ok County is all set?

Richard Harris: Yes the County also.

Don Roberts: Ok, Joe your all set? Ok, any questions by the board?

Tom Werner: The areas that are striped, is that striping or is any of it raised curb, islands?

Steve Wilson: You're talking Progressive Drive the striping we added?

Tom Werner: Well coming in at the entrance from Progressive Drive yes is that merely a stripe?

Steve Wilson: Striping, yes.

Tom Werner: And we want all traffic to turn right there correct?

Steve Wilson: Right.

Rich Berkowitz made a Negative Declaration Pursuant to SEQR. Marcel Nadeau seconded. Motion Carried.

Rich Berkowitz made a motion to Approve McDonalds Site Plan Amendment and Sign application. Marcel Nadeau seconded. Motion Carried.

Don Roberts: All set.

Steve Wilson: Thank you very much

17.136 Sysco Albany LLC , 1 Liebich Lane - Amendment to Site Plan (Driveway)

Tom Andress: Good evening , Tom Andress with ABD representing SYSCO this is a project that was seen a couple meetings ago we're adding a second entrance so we will have an entrance coming in and then we will utilize the existing entrance for an exit only so we will have a double entrance to the project, was sent to CHA for review we have a hydrant in close proximity to the radius so that was one of the questions that came back as part of the review we vetted a note to replace that hydrant if in fact it is too close we get the Water Department out there to take a look at it and we're also excavating this new entrance fairly close to , well becoming across the line the water line so we had a notation to also bring the water department out when they excavate the test pit to make sure the cover is correct on the waterline if not we'll have to relocate that waterline or drop it down other than that I think we are in pretty good shape , I understand that the fire department got back and didnt have any issue with the access to the sight and I know Clough, CHA looked at the site distances and they were ok.

Don Roberts: Thank you Tom any questions by the board?

Tom Koval: The fire department is all set with this?

Don Roberts: Im going to check with Rich when he gets back here to make sure, Rich for SYSCO are the fire districts on board?

Richard Harris: Yes and we have referred to Art Huntsinger from Clifton Park/ Halfmoon Fire Department here, he had no objections to it, Art correct me if I'm wrong, except he wants to make sure that the turning radius for the truck and the bucket of the truck has clearance to make the turn in there, there is trees and a light pole that could potentially be in the way

Tom Andress: We can certainly look at that if, I dont know if the existing entrance worked to your satisfaction? So that entrance still would be there, it would have a gate the same way the other one would have a gate, most of the time that gate would be open so you certainly could use that even though its technically an out but obviously in an emergency situation so I think we can certainly work with them and if something needs to be modified we can.

Don Roberts: Just to protect ourselves I think any approval should be conditioned on final review by Clough Harbor right, and the County is all set?

Richard Harris; Yes

Don Roberts: Ok.

Rich Berkowitz: Is there a fire hydrant that has to be moved or is this?

Tom Andress: There is a hydrant right along the edge, which I think, what we show in the plan is we show a ballard there, cloughs comment or CHA's comment was to potentially move that so we've added a notation to it that when we align that up and box that out we'll look at it and if it needs to be moved we will work with the fire dept and the water dept, if they feel it needs to be moved then, we will move it.

Rich Berkowitz: Then you will move it, ok.

Tom Andress: Yea

Don Roberts: Then again that will be up to Joes review

Rich Berkowitz: Ok

Don Roberts: Anyone else?

Rich Berkowitz made a motion for a Negative Declaration pursuant to SEQR. Marcel Nadeau seconded. Motion Carried.

Rich Berkowitz made a motion to Approve SYSCO's Site Plan and Sign application contingent on approvals by Clough Harbor and the Fire Departments . Marcel Nadeau seconded. Motion Carried.

Rich Berkowitz made a Positive Recommendation for the Final Approval to the Site Plan request contingent on the Clough Harbor and Fire Department review. Marcel Nadeau seconded. Motion Carried

Tom Andress: Great thank you very much.

15.003 Effie's Boutique, 2 Birchwood Dr. - Site Plan

Ed Esposito: Good Evening , we reviewed this last month its for a custom boutique catering to for Effie here this evening and the plan was reviewed by CHA and the Town the last time , I'd be glad to walk you through it there is 13 car parking , there's .83 acres in total 78% of which is still green space.

Don Roberts: We need your name first.

Ed Esposito: Ed Esposito from Monarch Design.

Don Roberts: Ok go ahead

Ed Esposito: And the site currently drains to the south we have respected the neighbor per the zoning , the applicant is in plans to install a 6 ft height pvc fence with a reinforced hedge along the southern border and we have a sidewalk around , we've discussed previously the turning around limited usage for Fed Ex and deliveries at the front , around to the right side of the building we provided sketches of the architecture and responded pretty much to the Clough Harbor regarding the planting details and the drainage that was calculated for this property and we are seeking approval to proceed with that.

Don Roberts: Questions by the board.

Tom Koval: My main concern was the blocking of the side street which would cause stacking, or the stacking on Grooms road which would cause a blockage on Birchwood Dr., I would like to see the County, I would like to see if we could get the County to approval at least a no blocking sign for Grooms road , no blocking of side street as part of our final approval of this project. My main concern is that with the additional traffic and with stacking to route 9 that this would cause issues for the people on Birchwood Dr.

Ed Esposito: Ok, there was , it was my understanding there was a prior review From the County asking for the closure of the existing driveway out to Grooms road.

Tom Koval: I understand that.

Ed Esposito: And the existing driveway here was acceptable, I referred to Rich to see that the County was contacted the last month, but we understand, that there is a limited amount of traffic in and out of this low impact use for the retail proposed its not like you know when it is the first driveway in we had looked at the queuing but we deferred it to County if there was any

Richard Harris: The County did confirm it that the project would have no impact to the community and in that sense it is approved they added a comment that they would prefer the access to Birchwood be further south but on the flip side any objections or concerns expressed by residents and neighbors in the past that would push your parking for the project further closer, so they just kind of said it as a comment that they would prefer the driveway, or curb cut to be closer to the south in a residential area , I think this board needs to balance it out .

Tom Koval: Yea my thoughts are

Ed Esposito: A no blocking sign

Tom Koval: A no blocking sign with the County's approval in lieu of making you or asking you to move your entrance further south , which would in turn cost you parking spots we dont want to cost you parking spots we also dont want to cause you traffic issues there on that intersection.

Ed Esposito: Sure we would be glad to follow up with that , the main thought with this plan was to respect the abutting residential , the applicant has provided in addition to the zoning requirement of the 6 ft fence the planted green of 38 shrubberies so, and then detailing that drainage plan to keep the stand off that abutting residential so we could definitely contact the County and that was just some of our input as far as why the driveway was where it was its not practical I agree or possible to move that to the south and still maintain the parking.

Don Roberts: Anyone else?

Marcel Nadeau: Yea you mentioned that you have Fed Ex or UPS deliveries if all the parking spots are filled a Fed Ex truck can turn around in there or does he have to back out of the driveway?

Ed Esposito: The maneuvering of that was designed to keep these two bays open there is no parking signs the ADA is what it is but the vehicles could park or unload around the sign and then leave that's pretty much the maneuvering T turnaround for a box truck, smaller box truck.

Marcel Nadeau: So your answer is yes it can turn around

Ed Esposito: Yes onsite, with out backing.

Tom Koval: They are going to end up backing into the site

Don Roberts: Anyone else?

Tom Koval made a motion to Declare a Negative Declaration Pursuant to SEQR. Rich Berkowitz. Seconded. Motion Carried

Tom Koval made a motion to Approve Effie's Boutique's Site Plan with the contingency of County approving a Do Not Block Side Road sign. Rich Berkowitz seconded. Motion Carried.

17.132 Newmeadow School, 23 Sitterly Road - Amendment to Site Plan

Gavin Villaume: Good evening Gavin Villaume with Environmental Design representing the applicant Newmeadow School here with Mark Nadolny here with Creighton Manning who can help answer any traffic questions that you may have with the project, we were in the front of the board last month proposing a revision to a previously approved site plan for Newmeadow school. The original site plan proposed full access on the westerly portion of the property for that driveway and a one way out on the eastern portion of the site. The applicant now would like to make this a full access driveway mainly because of the fact that a lot of the traffic is going to be coming from route 9 here and would have to make little you know kind of a sharp turn into the driveway to get into the parking where the parents would be doing some drop offs. All the busses will all enter at this point here and circulate all the way around the building so that has not changed we really are just making this modification to accommodate some of the visitors and parents that would be accessing the front driveway , we did submit the plans to Clough Harbor, we did receive a comment letter we've addressed three comments the only one really worth mentioning is the introduction of a new intersection notification sign here about 200 ft west of the driveway so we've added that sign as per the recommendation of Clough Harbor and we are here to answer any questions .

Don Roberts: Thank you, Gavin, questions by the Board?

Tom Koval: In discussion this at the pre-meeting there's concerns both by highway department and fire of rear-end accidents and so on with changing this and the speed limit on that road. Myself I feel it would be best if we had a flashing yellow light installed saying School Zone Ahead seeing that this is a school zone and try to warn people and gain some visibility to what's going on obviously the cost of that would be I imagine borne on the tenant that would be one of my main conditions to that, we would also talk to the town maybe try to get the speed limit lowered on that road but

Gavin Guillaume: Yea obviously we really haven't thought of doing anything like that and I know that was never discussed at any of the previous meetings I dont know what the repercussions of that would be , Mark where would that light go if we were to do something like that could you come up and maybe just give us some idea how something like that would work?

Tom Koval: I really think it is the only affective mode

Gavin Guillaume: That's what I'm talking about sure

Tom Koval: Because you know we all drive through areas with 9 million signs and after a while you become , tunnel vision you dont pay attention to the curb signs and everything else however I drive by Okte 9 million times which I dont live anywhere around but as soon as I go in that zone I see that flashing light and its a reminder something is going on here so thats my thought process.

John Higgins: And you also have the smaller ones that are off to the side of the road that your seeing

Tom Koval: That's what I'm talking about

Rich Berkowitz: They also have that in front of Mechanicville High School

Tom Koval: Yes which is also effective

John Higgins: I've also seen that at very small schools where would that go?

Mark Nadolny: Mark Nadolny Creighton Manning Engineering, it would just supplement the proposed intersection warning sign so it would be a part of that sign assembly it wouldn't be a separate unit so you could definitely do that

Tom Koval: That's the only way I would be comfortable with my personal approval of this

Mark Nadolny: Understood

Rich Berkowitz: And that would effectively do two things for the, well it would make the school safer and also make that road safer by slowing down the speed on that road which all the residents would want on that road.

Tom Koval: It makes that whole corner safer

John Higgins: So you are talking about two separate flashing lights one east and one west.

Gavin Guillaume: So you would want an additional one over on the east side

Mark Nadolny: I mean because there is adequate site distance over on the other side, you could install it, and it would be to let drivers know about a condition that they would already be able to see but that's your prerogative.

Tom Koval: It's just that everybody could see everything but until it's hitting you in the face it's ignored a lot of times

Mark Nadolny: Understood, our evaluation of this road is, Sitterly road is a collector road it's you know the users on it are a lot of people coming from Clifton Park and trying to access route 9 so they are aware of these conditions Sitterly road has numerous un-signalized intersections and driveways so this is not an uncommon condition that they would encounter. Understood I agree that those flashing warning signs would provide a little that much more advanced warning for them sure.

Tom Koval: Crescent road is the same way though that's a road that its people have lived there for 20, 30 years and it's a tight little community over there but they have those signs and they are effective because it's not the people that lived in that neighborhood that you are worried about it's the random person that doesn't and it just cutting through from the mall or from route 9 they're the people you want to catch the attention of.

Mark Nadolny: I can't argue that supplemental flashing signs would not be an enhancement to the typical intersection warning sign.

Tom Werner: What's the peak hour traffic?

Mark Nadolny: Excuse me I'm sorry?

Tom Werner: What's the peak hour traffic entering and leaving in the morning? I mean we are really talking about the safety of the folks coming in and out of there as well, the safety on Sitterly.

Mark Nadolny: Well since for vehicles entering that driveway now we're just talking about the drop offs so the drop offs based on the student attendance is about 33 vehicles during the peak, you also have to realize a greater proportion of them are going to be coming from route 9 so say about a third of them are coming from the west so of those 33 your talking about maybe 12 left turns at that driveway over a course of an hour, of course schools have a little bit more concentrated peaks those 12 trips are not necessarily spread over the course of an entire hour but your still talking about 12 left turns when you break that down it's 1 turn every 5 minutes maybe condense that down to a 15 minute window that's 1 turn every 1 minute so the magnitude is not great I'm sorry I guess you have to put it in those terms that you don't have a ton of left turning traffic because most of the left turns all of the busses and all of the employees will be making the turn earlier and those turns earlier on Sitterly road will actually you know slow vehicles down as they are approaching from the west because they will start to encounter busses and employees starting to turn left into the site earlier at the existing apartment driveway so there is going to be more turbulence that might in effect slow some vehicles down as they are approaching that so in terms of traffic entering that driveway we're estimating about 12 left turns

Tom Werner: It will also help left turns out because if it's a site distance issue because of the vertical curve it's in both directions for people coming out too.

Mark Nadolny: Correct.

Tom Werner: So are we talking an intersection warning sign with flashing yellow beacons or School Zone?

Rich Berkowitz: School zone

Tom Werner: School zone with speed limit?

Rich Berkowitz: Yea, 25

Tom Werner: That's different

Mark Nadolny: Yea a speed limit sign on a school is different than to knock down the speed on a road I thought you were just supplementing it with some flashing yellow signs, I guess I didnt get from your comments you wanted a supplemental speed zone

Tom Koval: I probably didnt clarify I would prefer it to be a school because people pay attention to schools , people that have children pay attention to schools more than they pay attention to anything else they will throw their own caution to the wind but children they dont

Mark Nadolny: But you could do a supplemental school sign without a reduced speed I mean you could do that as well also, so you're looking for a reduced speed zone as well?

Rich Berkowitz: That would be helpful

Mark Nadolny: Because that would be different I'd have to do some more research to see if you could implement that at this location

Tom Koval: I would prefer to see a reduced speed to 35 mph school zone, if we cant we can just put school zone with flashing lights but reduced speed of 35 mph on that bend would certainly not hurt anyone in that, we have Corporate Woods we have a lot going on in that one little area.

Don Roberts: I think just to make sure it's done the right way and the approval should be contingent on the Town highway superintendent and Clough Harbor's approval

Tom Koval: I agree

Rich Berkowitz: Now this being a town road do we have control over this what's the process of lowering the speed limit?

Lyn Murphy: The process of lowering the speed limit on a town road involves going through the County, the town doesnt have control over the speed limits however I spoke with the highway superintendent as a result of the comments made during the pre-meeting and he thinks that for a school he can post with out going through the County so but either way if you work with him and with Clough you know we can figure out which ever works.

John Higgins: And the other sign Mark would it be in this area right here?

Mark Nadolny: It would be before that you would probably be 360 feet prior to the road, because those signs are located in a spot that if someone encounters a sign they have enough time to come to a complete stop and thats about 360ft in these conditions

Rich Berkowitz: Plus you are going to have school busses exiting and if you have someone coming up that road fast and they dont have time to stop they are going to broadside that school bus, the school bus is going to exit that area slower than a regular car would

Mark Nadolny: There is adequate stopping site distance especially coming from the other direction but like I said anything additional of course as I said would supplement what we've already recommended, you know I believe Clough had reviewed our letter I don't believe there was anything additional above and beyond what was in our letter that was recommended but if that's what the Board is comfortable with then it's up to their declining.

Don Roberts: I feel more comfortable with having Joe take another look and the town highway superintendent as well and Rich the fire department are they on board with this?

Richard Harris: We did also hear back from Art Huntsinger who's here the fire chief of Clifton Park/ Halfmoon fire district they met with the deputies in the department they do have a concern of rear end accidents similar to the highway superintendents

Don Roberts: So Art since you are here do you think what we are proposing would alleviate your concern?

Art Huntsinger: Myself along with the Sheriff's Department, State Police could tell you from my own personal views, every time I have an accident whether it's at Corporate Drive or Somewhere on that bend I have to place traffic control personnel at the top of that hill right at South View because it's a blind spot coming over that hill and people do not pay attention ok my own self almost got hit a year ago there because of an accident that a guy went off and almost took out the tree in front of Corporate drive because the car coming around wasn't paying attention so again I applaud what your asking for do I believe that it would work I would want to think that it would work for the same reason that Tom does but I've been out there on the highway a lot to know that people don't pay attention to certain devices so our concern is that, we went out in the trucks and did this before we made comment, when you come up to that hill if somebody sitting there to make a left hand turn you don't have if your not paying attention you don't have enough time you are going to rear end somebody turning into there is our concern so that's the safety, coming the other way, not a problem, coming out of there. There is a line of site I read the report, the concern definitely is up on that end it is not a clear line of site and the traffic on that road people don't pay attention they are traveling faster than 40 mph coming around that curve we just spent, 8,10 hours there not more than 6 weeks ago because a car came down and went off into the circle maybe a little longer and we had the state police called us just to put traffic control up on that intersection to watch traffic coming down so that is my concern, it's a bad circle.

Tom Koval: So I understand the flashing of the lights, is your recommendation lowering the speed limit on the entire road going through that process?

Art Huntsinger: To me I would lower it but again as you've already said but we have seen people don't pay attention to that they really don't, would a flashing light help? It probably will help but I'm just telling you that I foresee and my gut tells me and I've been doing it long enough

Tom Koval: Would a flashing light further west help? I think it needs to be more than 200 feet to be honest with you it needs to be up almost near the Brody, it needs to be up near the Brody in order for people to pay attention and see it soon enough to come and then something even closer that's not flashing but I'm telling you it's gonna be

Tom Koval: So if we did a flashing, I don't know the logistics of it all I'm sorry but could we put the flashing light further up the hill and then non flashing light closer to the school would that?

Art Huntsinger: I think that's better than what the alternative is for just putting one, I honestly just believe people are not going to pay attention no matter what anybody says and we know what the traffic volume is there we have been there during rush hour for car accidents ok so.

Tom Koval: What's the traffic, our traffic guru what's his thoughts?

Mark Nadolny: For what? For two signs?

Tom Koval: Just to maybe move the flashing sign further up and then just having a non illuminated sign closer

Mark Nadolny: I think you would get and people would recognize the flashing sign before, about 360 feet before hand rather than putting it a thousand feet before hand and then a supplemental sign you know after that, you know I think putting a flashing sign and just relying on that flashing sign 360 feet before because your going to see further than 360 feet if it's flashing so put it

too far away your going to lose the message of this line, so I think the appropriate location is 360' from the intersection and rely on that sign assembly for the motorist.

Tom Koval: I can kind of agree, I base everything on what goes through my head when I'm driving which is very little usually, 360 feet is more effective.

Don Roberts: With all this discussion, I also think it's very important that the administrators of Newmeadow School educate your drivers about pulling out of there also, ok, and no chances.

Tom Werner: One other comment, there are improvements going on out there now as we speak so the expectation would be one its resurfaced you can expect to see speeds rise up, the second thing there is another project coming that is going to greatly enhance the operation between Woodin and Crossing boulevard as far as traffic so you can expect that Sitterly road I think do attract more traffic it is certainly for more people to know of a convenient alternative to 146 going east - west. So I think traffic is going to increase and I think speeds are gonna get up and so it's probably going to require some enforcement out there too.

Don Roberts: Anyone else?

Mark Nadolny: In terms of lowering the speed of the road, obviously the applicant can't go ahead and do that

Tom Koval: We understand that but part of our approval I think should be based on whether we can get that speed limit lowered , I know its going to hold you up further , however I think that would be an important part of this whole issue.

Lyn Murphy: Unfortunately this board can't make something contingent on another board and or agency making a determination the courts find that to be an assertion of a power.

Tom Koval: We can delay this cant we?

Lyn Murphy: You can delay it if you need to

Tom Koval: Until another court makes their approval?

Lyn Murphy: Well what will happen, the process will be the Town Board at its next meeting would do a resolution to request from the County the County would have to approve it so

Don Roberts: Tom I think the best thing to do is count on Clough Harbor and count on the town highway superintendent to get final approval on this if they give their final, because this would be a mess I think if we delay, I know you have good intentions but delay this who knows when it would happen alright, ok thank you.

Tom Koval: Ok, that's fine

Mark Nadolny: I do know that they do have an opening date for the school that they are trying to hit so we are trying to

Tom Koval: So we want to make this contingent on one condition being the flashing light which we know we can do.

Don Roberts: And final approval from Clough Harbor and the highway superintendent I think that will cover us I think.

Marcel Nadeau: Don I think we should look into having that speed limit lowered not for this project in particular but in general

Don Roberts: Right and Lyn made note of that so she can let the Town Board know right Lyn?

Lyn Murphy: Correct

Rich Berkowitz: What happens if we approve this and they can't get the traffic light or the speed limit reduced?

Lyn Murphy: I already spoke with the highway superintendent and he assured me he can put the signs up so he wasn't sure about the reduction of the speed but he definitely has the authority to put up the flashing signs.

Rich Berkowitz: Ok, so knowing that we can vote because...

Lyn Murphy: Correct

Rich Berkowitz: They could have just gone with their original position.

Don Roberts: We can make it contingent on the town highway superintendent and Clough Harbor we're set.

Lyn Murphy: I thought there was an issue too you guys were concerned about the stacking of the busses that you wanted to mention to the applicant?

John Higgins: I think Don mentioned to the applicant that he's gonna have to train the school bus drivers so that they stop at the stop sign and don't pull across and block all the traffic trying to go in and out.

Gavin Villaume: Yea there is a stop sign right now that we have proposed here at that intersection so this will be left open there is a stop sign there, what we are going to do is we are also going to add a stop bar here to make sure that they don't go across that line so that this always be open here.

John Higgins: Well they are going to have to train them because

Gavin Guillaume: We understand that

Mark Nadolny: It will be the busses and the employees and those are people that he does have control over so

Don Roberts: It's very important if you can do that, ok thank you.

Tom Koval made a Negative Declaration Pursuant to SEQR. Rich Berkowitz seconded. Motion Carried.

Tom Koval made a motion to Approve Newmeadow Schools Amendment to Site Plan - Driveway with the condition that flashing yellow lights are installed at the cost of the applicant both east and west at 360' from the entrance and final approval from Clough Harbor and the Highway Department. Rich Berkowitz seconded. Motion Carried

17.060

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

Mike Coluccio: Good evening ladies and gentleman, Michael Coluccio of Our Place Bar and Grill, Shane and Brendan LLC. I would like to start off by apologizing for not really being familiar with the process the last time I was here I was , we had a letter from the Department of Health which provided clarification of being able to have a maximum of 47 inside and outside and I think Tom had a concern about before that letter of how I was going to be able to manage the 40 being inside and the 7 being outside, where the first time I was here a temporary was given then I believe for September 30th , so I had thought that this letter that the temporary would go away but what I'm asking for my goal today is to not come back , I don't know if that it possible to come back again to get approval every year or is it something that once I got approval its approved permanently , my goal is to have a permanent approval , I did get a permanent approval from the liquor authority on Friday , they had a temporary approval for 90 days ,the completion of the project has been completed and I'd like to get permanent approval. To address your issue just like any other restaurant if there is 48 capacity people are going to have to wait to get in. I don't see it being an issue.

Tom Koval: The reason and I believe I'm the one that suggested the conditional , I'm not positive, my reason wasn't just the occupancy inside and out , we were approving you to put in an outdoor patio in and while you don't have any neighbors close by we wanted to make sure that you were running an operation that wasn't interfering with the surrounding properties, the condition I partly was to make sure you abide by the inside and outside it was also no outdoor music and all of that, I agree with the fact that most of it was the inside and outside but it wasn't going to be an every year thing like Wal-Mart's outdoor garden center or something like that it was going to be in my eyes when I suggested it , it was a one time thing to make sure you did the right thing by your neighbors and didn't cause a problem down there and have outdoor music and didn't have loud crowds outside your structure.

Mike Caluccio: Would you be willing to consider if there were no problems that I would not have to come back to be approved again to save the fee and the time?

Tom Koval: If we don't have another complaint, I don't know if I'm allowed to do that? I wouldn't have a problem with it but I'm not sure if legally I'm allowed to make that decision.

Mike Caluccio: Have you had a complaint?

Tom Koval: It's only been open for a few weeks

Mike Caluccio: I thought you said if I haven had another complaint

Tom Koval: No, no I'm sorry you didnt have a complaint , if we dont have a neighbor litigation issue or any issues I have no problems with just letting this continue but we did set a president by putting a one year stipulation on it.

Rich Berkowitz: This is also something that has been unique in this town your the first one to do this as far as I can recollect and so we just need to know if it is going to work or not, and if it works fine we can probably give you permanent approval at a later date but if it doesnt work then its not going to work and we'll have to deny it.

Mike Coluccio: Ok would I need to pay \$250.00?

Rich Berkowitz: That I dont know

Tom Koval: does he have to re apply?

Mike Coluccio: That's the only thing I'm concerned about

Tom Koval: 250 dollars is 250 dollars I dont blame you

Mike Coluccio: Well it's a lot for me, if you go by

Lyn Murphy: So you'll have the seasonal approval this year, next year you would have to come back and maybe they would grant you permanent approval at that time, the Chairman can contact the Town Board and ask if they would be ok with waving that fee but they are the only ones who have the authority to wave that application fee.

Mike Coluccio: And you might want to change the design after doing it for this one season to something that is maybe better or you might like it like this and this might be perfect for you

Mike Coluccio: Between you and I I'm hoping somebody else comes in and leases it and they can do it.

Rich Berkowitz: Then if that happens then you dont have to worry about it

Mike Coluccio: Your right but its nice to have it there as far as the approvals from the liquor authority to the health department, you know I'm getting older now and I really would like to lease it out to a maybe somebody like Applebee's if they come in or something like that, but in the meantime, but in the meantime...

Tom Koval: So with all that just said I would say the proper thing to do would be continue on as it is and next year when the springtime rolls around as for our approval to wave the fee based on a prior approval and that you have had no complaints and the Town Boards very business friendly , we dont want to take your 250 dollars , its not about the money so I think that would work out and that gives us the satisfaction to know your going to do the right thing and that gives you the satisfaction of knowing that we are willing to work with you not to take your 250 dollars and to make your business successful.

Mike Coluccio: Excellent, I didn't know the process, I didn't know if I had to come in every year

Tom Koval: It's all new for us too.

Mike Coluccio: Well can I, is it possible to ask for October 15th because we sometimes have nice weather up till October 15th?

Tom Koval: I dont know that we can because we already have it in the records as

Mike Coluccio: Sept 30,

Marcel Nadeau: We can amend it I mean; do you want to make it the 30th?

Mike Coluccio: October 30th, yea if we can, here's the main reason for that because historically in the summertime the restaurant has always been very slow so you know with the track, once the track ends I might be able to at least try to get, I don't know if you go by very often but we are not getting anyone on the patio

Tom Koval: October 15th is late enough it gets you past Columbus Day and I think that's reasonable

Mike Coluccio: Yes it does and I think I'm going to shut it down then

Tom Koval: We are not going to shut you down September 30th but we dont want this dragging out where people are out there drinking all winter long

Mike Coluccio: No I agree with you

Don Roberts: So if we do October 15th you won't come back next meeting right?

Mike Coluccio: Well that's what I'm asking am I supposed to come back next meeting? When am I supposed to come back? Because you know, in April?

Tom Koval: Your gonna come back next Spring and your gonna ask for your final approval to make this permanent and your going to ask for a waiver from the Town Board to waive the 250 dollar fee and they will make the recommendation to us

Mike Coluccio: Ok I ask at that time for the waiver, and permanent approval.

Marcel Nadeau: I think also what we are forgetting is part of the problem it was also the way that parking lot was configured we wanted to make sure that we dont have any incidence of people hitting the ballards or whatever

Tom Koval: We want to make sure that we dont have any accidents.

Marcel Nadeau: The reason for the partial seasonal try out, that's the way I felt at least

Tom Werner: Its a good point.

Tom Koval: There were a lot of variables so we made that decision.

Richard Harris: Yea , Wal-Mart's and Home Depot they know they are going to be getting their Spring shipment in April 1st or so , so they come in in late February early March , about a month before you think you want to start serving on the patio ok , per the weather , come in and do the application. You can come in, in February and ask to start April 1st, or April 15th in January you can ask that, this year it kind of came after you wanted to start. So you just ask for a start date a month or so out

Tom Werner: Right

Tom Koval: We are not going to make you do this every year correct?

Mike Coluccio: Right that is what I'm asking

Tom Werner: If everything goes well

Tom Koval: No once we get through this trial period, with no problems then we are fine.

Mike Coluccio: So come in April to be open by the 15 or ...

Richard Harris: Come in about a month before

Mike Coluccio: February 30th?

Richard Harris: February, come in Valentines Day put me on your calendar

Mike Coluccio: I'm so sorry to waste your time I just , I'm just really , this is the first time I've tried to do anything like this.

Don Roberts: You're not wasting our time, its good to see you.

Rich Berkowitz: And you are not the first one we've dealt with wit this, we had Jimmy's Ices a long time ago and he had to go through the same thing so its not like we are picking on you, we've done this with Jimmy's Italian Ice, that's the only one I can remember and we might have done it with one of the drive in, the ice cream places also.

Richard Harris: We just did it with the food Truck at Corporate Drive they got a deadline around this time, September 3rd. cause you dont know how it is going to work out.

Rich Berkowitz: Again we are not picking on you it's just something that we've

Mike Coluccio: And I'm just trying to get it all approved so; I think it will be more attractive to maybe somebody who wants to lease it for 20 years.

Rich Berkowitz: That would be great if you did that.

Don Roberts: So I guess we are looking for an amendment, looking for a motion for an amendment to the site plan

Tom Koval made a motion to make and Amendment to the original Site Plan approval for Our Place Bar and Grill and to remove the September 30th, 2017 expiration and move it to October 15th, 2017 with a continuation of the Temporary Approval until Spring at which time the applicant will come back before the board again to ask for final approval. Rich Berkowitz seconded. Motion Carried.

Don Roberts: Congratulations

Mike Coluccio: Thank you so much

John Higgins made a motion to Adjourn the Planning Board Meeting at 7:56 pm. Mike Ziobrowski seconded. Meeting Adjourned.