

**MEETING MINUTES  
Town of Halfmoon Planning Board  
September 28, 2015**

Those present at the September 28, 2015 Planning Board meeting were:

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

Planning Board Alternates:   Robert Partlow - absent  
  Margaret Sautter

Director of Planning:         Richard Harris  
Planner:                             Paul Marlow

Town Attorney:                 Lyn Murphy  
Deputy Town Attorney:       Cathy Drobnny

Town Board Liaison:         John Wasielewski  
  Jeremy Connors

Chairman Ouimet opened the Planning Board Meeting at 7:01 PM.

*Vice Chairman Roberts made a motion to approve the August 24, 2015 minutes, seconded by Mr. Berkowitz. Mr. Ruchlicki abstained. Motion was carried.*

*Vice Chairman Roberts made a motion to approve the September 14, 2015 minutes, seconded by Mr. Berkowitz. Mrs. Sautter abstained. Motion was carried.*

**Public Hearing(s):**

**15.091   Charles & Dorothy Hill/ Mark & Jean Hill, 114-116 Beach Rd.- Minor  
                  Subdivision/Lot line Adjustment**

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

**Mr. Duane Rabideau, VanGuilder Associates commented:** I am representing Mark Hill and his request for a lot line adjustment between lots 114 and 116 Beach Road. The request is to subdivide a portion of Lot 114 and annex it to Lot 116 therefore making Lot 116 have 1.3 acres and Lot 114 would be .7 acres. On September 8, 2015, the Zoning Board of Appeals granted a front-yard setback variance for the house at 114 Beach Road. That is our request in front of the Board tonight.

**Chairman Ouimet commented:** Thank you. Would anyone from the public wish to speak? No one chose to speak. The public hearing closed at 7:03 PM. Would any members of the Board like to speak?

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

*Vice Chairman Roberts made a motion to approve the minor subdivision/lot adjustment as presented, seconded by Mr. Ruchlicki. Motion was approved unanimously.*

**Chairman Ouimet commented:** Application approved, thank you.

#### **15.111 Halfmoon Parkway Telecommunications Facility, 3 Corporate Park Drive– Amendment to Site Plan**

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

**Mr. David Brennan, Young/Sommer LLC commented:** I am representing Verizon Wireless on this application. This is to add a single 2' tall 12" diameter small cell antenna to the existing office building at 3 Corporate Park Drive. This works by taking off load capacity from the macro cell which typically looks like a traditional cell tower. These small cell antennas work at a range of about 1000'. It would pick up the traffic generally out on the intersection as well as within the office park. At the last meeting we discussed the antenna which is in the front parapet and putting a stealth enclosure over the top of it. I have sent the revised plans to Mr. Harris showing the stealth enclosure which can or will be painted to match the general color of the building. I submitted a photograph of one that we have done, I forget which village that was in, but this is what it looks like from the ground showing the self enclosure rather than just the bare antenna on the roof line. We are also proposing to put the radio equipment up on the roof away from the edge which will look like a set of utilities or air condition type of cabinets. That is our proposal and I would happy to answer any questions.

**Chairman Ouimet commented:** Thank you. Would anyone from the public wish to speak? No one chose to speak. I will close the public hearing at 7:05 PM. Are there any questions from the Board?

*Mr. Berkowitz made a motion to declare negative declaration pursuant to SEQRA, seconded by Mr. Ruchlicki. Motion was carried unanimously.*

*Mr. Berkowitz made a motion to approve the amendment to site plan including the stealth chimney, seconded by Mr. Ruchlicki. Motion was carried unanimously.*

**Chairman Ouimet commented:** Approved amendment to site plan. Thank you.

#### **New Business:**

#### **15.120 Miranda Real Estate Sign, 1482 Route 9 - Sign**

**Mr. Terry Meissner, Saxton Sign commented:** I am here tonight representing Miranda Real Estate at 1482 Route 9. The sign being proposed will be in the same location with total height at 15'5" to the top and the sign will project toward the road. There will be two signs projecting off the sign 3' x 6' double sided and together they will be 72 SF if you count both sides. The signs themselves will be illuminated with lamps and the address above the sign will not be illuminated. That is what they are looking for.

**Chairman Ouimet commented:** They said that the height of the proposed sign is 15' 5".

**Mr. Meissner commented:** Yes.

**Chairman Ouimet commented:** Is this a pre-cast or a pre-made sign that you are using?

**Mr. Meissner commented:** It would have a pole down the center it would have a pole cover which will be 2 projection signs.

**Chairman Ouimet commented:** I understand that but is it a pre-made sign that you just stick in the ground.

**Mr. Meissner commented:** It would be custom fabricated.

**Chairman Ouimet commented:** This is replacing an existing sign, correct?

**Mr. Meissner commented:** Yes, the existing sign is down already.

**Chairman Ouimet commented:** How high was the existing sign?

**Mr. Meissner commented:** I believe it was about 12' in height.

**Chairman Ouimet commented:** This particular parcel of land that you are selecting to put this sign on is it in a depression or below road level?

**Mr. Meissner commented:** The Allstate Sign is right next to it. It is up on a hill and this is a flat area down below it.

**Chairman Ouimet commented:** It's not below the road, right?

**Mr. Meissner commented:** No it's the same level as the road.

**Chairman Ouimet commented:** The reason why I am asking these questions is because we have been monitoring the height of signs on Route 9 and we have not been approving 16' or 15' signs.

**Mr. Meissner commented:** The top of the signs is going to be 12'10". The pole is higher with the address on it. I don't know if that makes a difference.

**Chairman Ouimet commented:** Just so you know what I am talking about we have approved a 10' sign at the Rite Aid which is right near your location. We have approved a 16' sign at Walgreens but that sign is in a depression and the actual base of that sign is below the road level. That is why I asked you whether or not the land that you are erecting the sign on is at road level or slightly above. I for one don't like 16' signs, let the Board express their opinions.

**Vice Chairman Roberts commented:** I agree with you John and I think for that location I think 10' is plenty myself. That is my own opinion.

**Mr. Higgins commented:** I agree with John and Don both I drove by it today to look at it and I think that for that site 10' to the top of the pedestal is fine. If you want you can put the street address going down the side or underneath the sign and still have plenty of height to see it from the road.

**Mr. Meissner commented:** We do have another layout of the sign with the address down below. We can cut the top of the sign and take the pole cover off and we can take the address down and put it down below. It will bring it down to 13'7" but still is not probably where you want it.

**Mr. Ruchlicki commented:** Where does it bring the sign down to?

**Mr. Meissner commented:** It will bring it to 13'7" taking the top off.

**Mr. Willie Miranda commented:** I am the owner of the Real Estate Group. The sign that we had in there before probably should have left it when we were doing it but because of the construction that we did, we spent a lot of money as you know, but to put in a new parking lot it was better for them to remove the sign and I believe it was just over 12' in height. It is in the soil and I believe it is pretty much at road level when looking at it. Knowing that the 15' sign would be a little bit higher there was another proposal here to make it a little lower which is just about where it was before maybe just a little bit higher. It does sit back off the road and when we have cars in the parking lot cars going back and forth and driving down I think that if the sign were at 10' would be a lot lower and we had trouble before with people seeing the sign back when it was at 12' so this sign and the design that they did on here I thought this is why we did two different ones. The 15' was definitely a little bit higher and we liked it because the number was up on top but on this second approval we pretty much just cut the whole top off and put the number at the bottom of the base. That would actually be 12'10" up to the actual sign. If at all possible this is the last finishing touch on this building. In looking at the other signs down the road I know there are ones that are taller like you mentioned. I don't think it would play very nicely with what we already had the Allstate Sign is definitely much taller than what we had. It is grandfathered and already there but I think this one would look really nice with the design and would really put the finishing touch on the building on Route 9. So if we could go with maybe the shorter version at the 13' rather than the 15' 5" I think it would look really nice on there. I think that 10' would be way too small.

**Vice Chairman Roberts commented:** How far back off the road would the sign be?

**Mr. Miranda commented:** I think it is 24' off the edge of pavement? Off the white line is 24' and off the curb is going to be 12'3". It sits back too. It is not right on the road. It is right into the second parking spot. It is not the idea spot for the parking lot the way it's designed but when we were here with MJ Engineering we decided to keep it in the same place and kind of work around it with you and the green space so we worked it in. It will look really nice in that spot. I don't think it would look bad it's not too close to the road, I think it would be much more visible at 13' than it would at the 10'.

**Mr. Higgins commented:** I know that you are saying its 12' off the edge of the pavement how far is it off of the right-of-way? I know that the Route 9 right-of-way varies a lot going through there. Do you know how far it is off the right-of-way itself?

**Mr. Miranda commented:** It is probably only a couple of feet off of the 12'3" So the 12'3" is off the curb and the curb cut is the right-of-way that you are talking about. So take the curb cut away you are probably about 4' to 5'?

**Vice Chairman Roberts commented:** You have to make sure like John suggested he has a good point. Whatever is approved here the overhang of the signs have to be on private property they can't hang over onto the State's right-of-way.

**Mr. Miranda commented:** No, they would not be on State property they sit back pretty far they really do. We brought it way up off the road.

**Mr. Higgins commented:** The ROW on Route 9 we find varies quite a bit and in some spots.

**Mr. Miranda commented:** I agree with you John. Looking at when we paved it because we had some issues with getting that approved for when we paved the ROW we had to get a special permit for that. That is well within the property and does not hang over that.

**Mr. Harris commented:** John it is about 15' from the actual ROW which is different from the white line, which is different than the curb because of everything there on Route 9. The base of that sign the closest spot of the base to the road is about 15' from the ROW.

**Mr. Berkowitz commented:** How much in line with the Allstate Sign that is there now is this as far as the setback.

**Mr. Miranda commented:** This sits way back further than the Allstate Sign. The Allstate Sign is pretty close to the road.

**Mr. Berkowitz commented:** The Allstate Sign is 12'8" from the ground.

**Mr. Miranda commented:** I think it is higher because it sits up on that hill and it actually does. It would look a lot more even with the Allstate Sign but the Allstate Sign is going to be higher it doesn't line up directly with that sign if that is what you are asking.

**Mr. Berkowitz commented:** It does line up or it does not line up?

**Mr. Miranda commented:** It does not. Not directly. If you are looking at the Real Estate Sign it would be back towards the building.

**Chairman Ouimet commented:** The sign panels face the road or does the back of the monument face the road?

**Mr. Miranda commented:** The panels will face the road so you can see both sides of the sign. Just like the other one was. We really didn't change anything it is actually almost the same size on both of those signs. The pole cover is actually closer to the building if that is what you are asking. We brought it up a little bit more because of the landscape and we wanted it to be centered based on what we talked about with MJ Engineering and we wanted to make it look really nice so that is why it's a little bit off the road.

**Vice Chairman Roberts commented:** I still think that what they are proposing is too high. If they need that much, could be go with 12' even?

**Chairman Ouimet commented:** I don't know what you can do you have to tell me.

**Mr. Miranda commented:** If we cut it down more it's going to take away from the numbers on the building.

**Mr. Meissner commented:** Remember you had 911 issues.

**Mr. Berkowitz commented:** Can the numbers go down this way?

**Mr. Meissner commented:** There is not really enough room there. Once you have those signs there really isn't much room for the numbers.

**Chairman Ouimet commented:** Basically you are proposing on the cut down version. The 13' 6" sign. You can't save another foot out of that without compromising what you need to do?

**Mr. Miranda commented:** He is saying that we could cut the bottom but if you do that then it's not going to be visible.

**Vice Chairman Roberts commented:** We really can't do 12'?

**Chairman Ouimet commented:** The one thing that we are not looking at is changing the size of the panels if you made the panels slightly smaller 6" smaller there is a foot right there that you can save. If you insist on making the panels the same size, or if you are willing to change the panel size but maybe you can find the extra foot there.

**Mr. Miranda commented:** The Progressive one is done by Progressive and that is there sign panel that is why we can't take that down. I would have to take the Miranda one down which Miranda is taking more of the space. We had to take a foot from the bottom that would be the only way you guys would approve it. That is what we would have to do.

**Chairman Ouimet commented:** I am getting a sense from the Board that they are looking at maybe 12' but just trying to see if there is another way to approach it other than just chopping the pole down.

**Mr. Miranda commented:** Unless we made the Progressive Sign smaller. Alright so does it have to go to 12' is that what you are saying in order to move forward on this or can we go to 13'.

**Chairman Ouimet commented:** We haven't voted on it we can put it up for a vote and see where it goes. It will look really great as the finishing touches to this building that you are working so hard with me on over the last year and a half. I just want to get this thing done.

**Vice Chairman Roberts commented:** I say 12'.

**Mr. Ruchlicki commented:** If you start shortening the base and the flow of that line the way that you have it designed it won't look right.

**Mr. Meissner commented:** It will look kind of silly.

**Mr. Ruchlicki commented:** The second sketch that you have there taking the top off I was surprised that it even works the way that it does with the shape of that base. It looks alright. If you take something off the bottom how are you going to..

**Mr. Meissner commented:** Cosmetically it will look very odd taking another foot and a half off.

**Mr. Ruchlicki commented:** It is going to mess up the flow of that line tower. That is just my opinion. If you took that whole thing and shrunk it another 7" now you are down to 13'.

**Chairman Ouimet commented:** It seems to me that 13'. Can you do 13'?

**Mr. Miranda commented:** Sure I think they can do 13'.

**Chairman Ouimet commented:** Is that compromising much of what you want to accomplish?

**Mr. Miranda commented:** I think so.

**Chairman Ouimet commented:** It is taking it another half of a foot down.

**Mr. Miranda commented:** Is that alright with Don?

**Chairman Ouimet commented:** I don't know we will find out. Don?

**Vice Chairman Roberts commented:** What ever they say.

**Mr. Miranda commented:** I think it will look great! And, if it doesn't I don't know you guys can come back and beat me up.

*Mr. Berkowitz made a motion to approve the sign at 13' contingent that having any signage hanging over the DOT ROW, seconded by Mr. Ruchlicki. Motion was carried unanimously.*

**Chairman Ouimet commented:** Approved, thank you.

### **15.123 EnterSolar LLC Site Plan, Cary Road – Commercial Site Plan**

**Ms. Jessy Marquard, Landscaped Architect with CT Male Associates was present and commented:** I am here to represent the Entersolar Project. The location of this project is on the north end of Town right near the Town line on Cary Road. Both properties about the railroad tracks to the north. There is property on the east, property on the west, they are both within the Industrial Zone M-1 and they are currently vacant. There are two adjacent lots, residential lots carved out of each of these one here and one here. Building exist on both this is currently vacant and has been for sometime. This is a residence which is being occupied. The project has two sides to it. These are two separate solar projects but we come to you with one site plan application. All together both properties total about 28 acres. The amount of area that we want to cover with Solar Rays is about 7.8 acres so less than a third of the total project area that we want to put solar panels on. We won't be clearing any of the existing trees in order to place the solar array on the east side we will be trimming some trees and removing some under story to keep the sun on the arrays. The construction of the array will happen through this area so we have some temporary gravel areas for a staging area and for access, deliveries of steel and deliveries of panels. The portion of this road here which was originally temporary gravel road we will place soil on top of as a structural soil road for permanent access. The access will just be for maintenance from time to time. Structures on site can be occupied like a shed for spare parts back here. The existing barn right here will be removed its non-conforming it is within the setback. The permanent road down the center of the site serves both of the projects. Occasionally, someone will come out, pick up some parts from the shed and do some maintenance on the area. There is no impact of wetlands. The wetlands to the east and wetlands to the west and as I said we are not really removing trees just trimming trees and removing under story. The details for the temporary and permanent roads are basically that we are leaving the existing batch and placing a blanket on top of it and one reason for this is for the support. We reviewed it Theo technically and we feel it's the best support for this for when the deliveries occur for weight on that and the other reason is to also reduce the amount of disturbance so right now what you see is we only have about .85 acres of disturbance. The foundations will be piled driven so we are keeping our soil disturbance very low. That is a summary of our project and I will be happy to answer any questions that you may have.

**Chairman Ouimet commented:** Is the project going to be done in 2 phases? You said it was 2 separate parcels.

**Ms. Marquard commented:** Yes. It will be constructed in two phases.

**Chairman Ouimet commented:** So one phase will generate power before the second phase is constructed?

**Ms. Marquard commented:** Will you be generating power one on the grid before the other?

**Good Evening I am Clark Wallace and Dennis Phayre we are with Entersolar.** I am the Project Manager and Dennis is involved with the Business Development of the project. And so the question is will one be operating before the other?

**Chairman Ouimet commented:** Correct.

**Mr. Wallace commented:** That is possible. In terms of the construction we haven't worked out the final details of whether they will happen together or separately but if we do complete one first then yes it would be operating before the second one is constructed.

**Chairman Ouimet commented:** So can you show me where the first project is going to be constructed?

**Mr. Wallace commented:** Sure. It will be the eastern part so essentially it is north of this ROW. This is the property line between the two tax parcels.

**Chairman Ouimet commented:** So everything above the access road will be constructed in Phase One.

**Mr. Wallace commented:** Correct and it is still possible that it could happen together but if they happen separately that is correct.

**Chairman Ouimet commented:** Today we got a number of comments from the Fire Chief who is responsible for the district in which the project is located. Have they been shared with you?

**Ms. Marquard commented:** Yes we got them this afternoon. There were a couple of items on that list because there are no habitual structures on that site this is not designed as a fire lane.

**Chairman Ouimet commented:** This Board doesn't want you to discuss those issues with us you need to resolve them with the Fire Chief before we finally take up what we are going to do with your project. Are there any other questions from the Board before we get too far ahead of ourselves?

**Vice Chairman Roberts commented:** How tall are these panels going to be?

**Ms. Marquard commented:** The highest I think is going to be 12' and they are tilted.

**Mr. Berkowitz commented:** How is screening to the neighbors?

**Ms. Marquard commented:** There is existing trees through here and in his area here from the existing residence and because we are within 50' of their property line there is also a solid fence being shown through here.

**Mr. Berkowitz commented:** Since the panels are 12' high can that residence see into that field?

**Mr. Wallace commented:** Yes from the second floor I think the resident can see into the solar array.

**Mr. Berkowitz commented:** They could possibly sell that land is there anyway to shield that unless they don't mind.

**Mr. Marquard commented:** He doesn't mind it and actually I would say that he is in support of the project he has been out with us on site.

**Mr. Berkowitz commented:** How about some of the other residents along the other end?

**Mr. Wallace commented:** This one is not occupied as far as we know. I think this one and I am not sure what they would be able to see from their house. It is across the street, there is a fair amount of trees, and his house so I am not possible. These homes are the closest ones besides this one right adjacent to the site. I am not sure exactly I have not walked up there. I haven't done that.

**Mr. Ruchlicki commented:** Just seeing the elevations here where the modules are going is about 10' below the road and about 100' off the road, the barns that are there now they are non compliant but that actually blocks the view of the modules the whole array itself. You can drive right by this thing and probably not see it. Again, the gentlemen here we worked very closely with him it was his family who sold us the property he had solar on his house so he is very comfortable with the project.

**Mr. Berkowitz commented:** Do these reflect light at all or do they just absorb it.

**Mr. Wallace commented:** No their purpose is to absorb the light energy. It reflects very little. There is aluminum on the edge and that is about the only thing that you will see but they are set up near airports and they do detail studies like that and there is literally no impact from that.

**Mr. Berkowitz commented:** Is there lawn, gravel, grass there? Is there grass underneath these panels?

**Ms. Marquard commented:** Yes there is grass underneath the panels.

**Mr. Berkowitz commented:** How is that maintained?

**Ms. Marquard commented:** What we are going to be doing is we will specify a seed mix that will out compete the hay so that it's a low growing grass but it is all grass. So even the road will actually look like grass even though it has a stone sub base.

**Mr. Berkowitz commented:** Is there any fire hazard with having grass within the panels?

**Ms. Marquard commented:** No, the likely hood of anything occurring would be up at the equipment not on the panels themselves.

**Mr. Berkowitz commented:** Thank you.

**Chairman Ouimet commented:** Is the whole site going to be fenced or just that one area?

**Ms. Marquard commented:** The fence is just outside the ray. It is not out to the property line.

**Chairman Ouimet commented:** So the whole array will be fenced in?

**Ms. Marquard commented:** The whole array will be secure, yes with a gate at the access road.

**Chairman Ouimet commented:** Is that the only gate that you will have or will there be another one?

**Ms. Marquard commented:** That is the only gate.

**Mr. Higgins commented:** The 6' high fence it is not going to have barbwire or razor wire or anything on top of it just a 6' high fence and that is it? Correct?

**Ms. Marquard commented:** Correct.

**Mr. Higgins commented:** Are you going to combine the 2-lots into a single lot? Or are you keeping them as two separate lots?

**Ms. Marquard commented:** We are keeping them separate. It is 2 separate solar projects. They need their own tax parcels.

**Mr. Wallace commented:** The idea was to do as little disruption as possible just to keep the property lines, not clear any additional lands, just have as minimal impact as possible, be as good a neighbor as you can, and find the right way to do it. Fence it in, put the solid fence behind the house, and work within the law. Work with the community and make it a win, win situation.

**Mr. Higgins commented:** The service equipment obviously your going to have one per ray are those going to have (this is something the fire department can talk to you about) I assume that there will be a service disconnect so the fire department can shut off at that point if they need to go in and fight a fire underneath the panel or something like that.

**Mr. Phayre commented:** NYSEG is still working on their final designs so we don't have those whether it would be one or two transformers and services but everything will be disconnect able and certainly we would work with the fire department before going into service to show all that equipment and make sure they are comfortable. That is very important.

**Mr. Berkowitz commented:** Is this considered tax exempt being a utility or are taxes paid on this property once this array is put up?

**Ms. Marquard commented:** You mean the property itself?

**Mr. Berkowitz commented:** Yes, the property itself.

**Mr. Wallace commented:** I think there is a difference in the property and what is added to it. Solar is tax-exempt in the State it's an opt out State Law. So there are no additional property taxes that are added for the value of the structure itself but the property taxes as it exists for a commercial parcel now I guess would be unaffected.

**Mr. Berkowitz commented:** So you would be paying the present taxes that are being paid on that property.

**Mr. Wallace commented:** I believe so.

**Mr. Higgins commented:** NYSEG is not going to own this is that correct?

**Mr. Wallace commented:** No Entersolar will own it.

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

**Chairman Ouimet commented:** Just to be clear none of the power that is going to be generated from the solar arrays is going to be used on site.

**Ms. Marquard commented:** No.

**Chairman Ouimet commented:** None of it.

**Mr. Wallace commented:** Powers like water so it will flow to the local community where the dollar value gets credited to is an accounting issue but it's actually in a zone that NYSEG has identified as a strategic location so the State put up extra funding to get projects sited there in order to improve the viability and resiliencies of the grid in that region.

**Chairman Ouimet commented:** So 100% of what you generate goes to the grid.

**Mr. Wallace commented:** Oh yeah, it goes right out into the grid and is used in the local community the electrons themselves. Yes sir.

**Chairman Ouimet commented:** Thank you. Are there any other questions? As I said earlier today we got a letter from the Fire Chief of the Hillcrest Fire District which is the district responsible for this area. It has been shared with you? You have gotten the copies? I would ask that this matter tonight be adjourned so you work with the Fire District to resolve or address their concerns. I don't know if they have any complaints I think they have concerns. This is new for them and we want to make sure there is open dialogue between you as a developing entity and the Fire District who is obviously new to this and they are raising issues that may not be issues that may not be issues they maybe some issues that you can easily work through. Could have a motion from the Board to table this pending their discussion with the Hillcrest Fire Chief.

*Vice Chairman Roberts made a motion to table Entersolar until details are addressed between them and the Hillcrest Fire Chief, seconded by Mr. Higgins. Motion was carried unanimously.*

**Chairman Ouimet commented:** So what we are going to do is table, work through our Planning Department once they are aware that all the issues have been addressed we will put you back on the agenda for the next meeting or the one after that. Thank you.

**Mr. Wallace commented:** We want them to be comfortable so that they know what they are dealing with. The more you know the less worry you have. We will address that fully.

### **15.113 Wal-Mart Site Plan, 1549 Route 9 – Change of Use**

**Mr. Dion Hazen, Store Manager Halfmoon Wal-Mart commented:** What I am proposing tonight is we are getting ready for Christmas we get a lot of lay-away business usually merchandise goes up to the front register and goes home with you with layaway it stays with us so we need extra storage space. In the past the store has just placed trailers back there and I don't know and I had talked to Steffen and Richard and I am not even sure if we needed a permit they have done this in the past. I just want to play it safe. In the past they had actual semi-trailers which are very dangerous they had to put the steps up to them in the winter time. I am going to get the containers they are almost like the storage pods they are 40' long but you just step 6" to get into them I just don't want to take a chance of anyone getting hurt.

**Chairman Ouimet commented:** How do you get access to them? Outside the building or can you go through the building?

**Mr. Hazen commented:** Yes, the fire exits management has keys to it anytime someone has to go out it is kind of cumbersome for us. We have to monitor the door because there is no security system so when we are done doing whatever we have to shut it, lock it, and set the alarm.

**Chairman Ouimet commented:** Once you block them with a container would you have a fire exit issue maybe?

**Mr. Hazen commented:** No, they are not even walking in the fire exits there is enough space in between each fire exit along the building they probably want it about here and there is one around here or maybe here but we can get two trailers right on this side and also on the other end without even coming close to a fire exit. I don't know if I will put them that far out.

**Chairman Ouimet commented:** So every one of those rear exits will not be blocked by a container.

**Mr. Hazen commented:** Absolutely not. I would say that the closest that the trailer would even get to the exit would be maybe 5' to 10'.

**Chairman Ouimet commented:** It is my understanding that your application was for a temporary use between October 1<sup>st</sup> and January 31<sup>st</sup> of 2016. What happens on February first?

**Mr. Hazen commented:** The trailers will be empty by January 1<sup>st</sup> I am asking until January 31<sup>st</sup> because the people that deliver those trailers historically do not come and pick them up the day I call them. I have to keep riding them to come get them off of my lot.

**Chairman Ouimet commented:** But they deliver them the day you call them.

**Mr. Hazen commented:** Oh, they have been calling me for weeks, months actually.

**Chairman Ouimet commented:** Funny how that goes. So this would be a request to keep trailers there temporarily. And all the trailers will be behind the building.

**Mr. Hazen commented:** Yes you can't see them from the road and actually I walked out there the other day and there are residents back there but there is such a hill right here I don't think you can see those.

**Chairman Ouimet commented:** Is there still a road way behind the building even after you park these trailers?

**Mr. Hazen commented:** Yes, there is plenty of roadway. The trailers we actually have transformers right here that are covered up with the green line, the transformers are in the bollards are to protect that they stick out farther into this than the trailers do. I think that the bollards probably go 12' into the road and the trailers are 8' and the bollards might even be 15'.

**Chairman Ouimet commented:** And you said that you walked this with the Fire Chief.

**Mr. Hazen commented:** Yes.

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

*Mr. Higgins made a motion to approve the temporary use of containers on the ground for not to exceed 4 months from October 1<sup>st</sup> to January 31<sup>st</sup>, seconded by Vice-Chairman Roberts. Motion was carried unanimously.*

**Chairman Ouimet commented:** Approved. Thank you.

### **Old Business:**

#### **15.019 Valente Office Building, 118 Button Road – Minor Subdivision**

**Mr. Higgins has recused himself. Mrs. Murphy commented:** Out of an abundance of caution I am also going to recuse myself.

**Mr. Dean Marotta, representing RJ Valente Companies commented:** I was before the Board several weeks ago with a subdivision on 118 Button Road removing the office portion of the property from the entire parcel. It was recommended at that point to go to Zoning Board first and to receive a zoning change. I have done that and now I am back here.

**Chairman Ouimet commented:** Did we lose our Planner?

**Mr. Marotta commented:** He is going to need to be here. He is the one that walked me through it.

**Chairman Ouimet commented:** I just want the Board to understand what the ZBA rendered in their decision. I understand that this project went before the Zoning Board of Appeals. Can you tell the Board what the decision was from the ZBA?

**Mr. Harris commented:** (PLEASE NOTE: The following was summarized by Mr. Harris due to inability to hear on the audiotape) Yes. The Board saw the revised site plan that reduced the size of the lot to be subdivided off to include only the building, adjacent parking and minimum are around it. It was 13 acres when it was before this Board, and this Board had recommended the applicant reduce it to the minimum necessary with the building and parking lot. The applicant reduced it to about seven acres when it was presented to the ZBA. The ZBA rendered in their decision that C-1 uses will apply only to the building and parking in the smaller lot, and not the remaining five and a half acres of that lot, and that any change of tenant or use to come before the Planning Board for this building and parking shall be subject to a special use permit. Next item on the agenda is a change of use/tenant and doesn't normally need a public hearing, but since the decision of the ZBA requires it to be treated as a special use permit, it requires a public hearing.

**Chairman Ouimet commented:** There is some discussion and I don't know if it's time that we bring it up here or bring it up in the contents of the next application but there were discussions we have had on removing this parcel once its subdivided from the life of mine operation.

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

**Chairman Ouimet commented:** Is that still your intent that this should be subdivided you intend to move it from the Life of Mine.

**Mr. Marotta commented:** Yes, as soon as it is subdivided we will submit this to DEC for removal.

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

**Vice Chairman Roberts commented:** How long does it take to get that removed? Do you know?

**Mr. Marotta commented:** The last time that we did it, it was Liebich Lane in Clifton Park and it took about 6-8 weeks for them to do it.

**Chairman Ouimet commented:** Are there any other questions? We are going to have to have a public hearing.

*Mr. Ruchlicki made a motion to set a public hearing for the next meeting of Tuesday, October 06, 2015, seconded by Mr. Berkowitz. Motion was carried unanimously.*

**Vice Chairman Roberts commented:** Did you find another place for the trucks?

**Mr. Marotta commented:** Yes we are moving down to Troy if this goes through.

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

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

#### **15.125 Koval Contracting LLC, 118 Button Road – Special Use Permit**

**Mr. Higgins is recused. Mrs. Murphy is recused.**

**Mr. Tom Koval** I live at 97 Button Road across from 118 Button Road and I have applied for a Change of Tenant to move my business Electrical Contracting business from 10 Guideboard Road where it is currently and intending to purchase the Valente Building and moving my business to that site. My business has out grown the 10 Guideboard Road location I have acquired more employees, more trucks and just need room to expand. I fit this is a good fit to the neighborhood being that I am the neighbor. All most all of my road frontage that Valente's current building abuts is my backyard it is my land, or my workshop. All of our frontages come out to Button Road even though we don't have driveways there. I foresee a much less intensive use of the building. My intentions are to do away with some of the heavy truck parking that is there currently. I don't want the dust that is associated with it. I have also spoken with a few members of the Firehouse and I would like to because Station 2 is closer and that is their current helicopter landing site in case of emergency I was going to try to set up some lights and keep an area clear for emergency vehicles, helicopters coming there it is still a wide open spot with not poles, no trees, they also are now loosing, if they do sell that building which they are actively trying to do, they are loosing their practice area for burning cars and practicing execution so I was going to offer them the ability to do that on my site anytime they want. I don't need all that property and I think it would be a good benefit to them being that I am really the only neighbor being affected it wouldn't bother anyone else.

**Chairman Ouimet commented:** Would you still be operating out of both sites?

**Mr. Koval commented:** No I intend to put my current building up for sale or for lease in which case it would have to come in for a Change of Use/Tenant for that property as well. No I will not be staying at the current location.

**Chairman Ouimet commented:** You will not be operating out of two locations.

**Mr. Koval commented:** Only during the move until I can get situated in the new building but no I can fit everything that I need and then some in the new location.

**Chairman Ouimet commented:** I am not exactly that I understand what you said you want to do with the Fire District. I am exactly sure if you can because other than the buildings and the parking area immediately adjacent to it that is all that the ZBA deemed to be C-1. All the rest is A-R Architectural Residential.

**Mr. Koval commented:** Correct but there are no surrounding neighbors. It is simply an offer that I would put out there because I was made aware that they are loosing their active landing zone and most of the action that they need the aircraft for are right in the gravel pits around that area. That is why I threw it out there. There is nothing carved in stone it is my offer to them if they wish to utilize it.

**Chairman Ouimet commented:** I am not sure it's a compatible use for the zone that is all.

**Mr. Koval commented:** That would really have no bearing on what I am asking for tonight.

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

**Vice-Chairman Roberts commented:** Do you propose to have any outside storage on your site or no?

**Mr. Koval commented:** The only outside storage I could see would be trucks that I currently already store on my property and my intentions of buying this building were to be able to keep my vehicles inside because in the winter time especially in my bucket truck it gets difficult when the guys are operating and everything is covered with snow and ice. That is really why I had an interest in this building to start with. I did want to decrease the amount of parking that is currently there and put a little more green space back in. I don't have any storage I have a job trailer that would be left outside which I do a lot of McDonalds and Taco Bell Stores and when I do one I take this trailer to the site and it stays on site until the job is done. It is very rarely am I parking lot but that would really be the only thing that is left outside.

**Vice Chairman Roberts comments:** How many trucks do you have?

**Mr. Koval commented:** I have about seven trucks currently a couple box trucks, van, pick-up trucks, bucket truck, and it is really more beneficial for me to have them all inside in the morning. My men come in the morning and the materials are at my site, we load the trucks, and go for the day. Everybody is a lot happier if the vehicles are kept inside.

**Vice Chairman Roberts commented:** So they will be inside.

**Mr. Berkowitz commented:** And Valente stores 30 trucks right now?

**Mr. Koval commented:** I would say it's at least 30 trucks yes.

**Mr. Berkowitz commented:** Give or take?

**Mr. Koval commented:** Yeah. They are tractor trailers I don't own anything that big. I would probably utilize less than half of what they have currently on site.

**Mr. Berkowitz commented:** And you are looking at about 1.7 acres there?

**Mr. Koval commented:** No it's about 7 acres that I would be purchasing as portion of the property.

**Mr. Berkowitz commented:** And how much is this site going to take up of about 7 acres?

**Mr. Koval commented:** I would say that the building with the parking is probably is 3-4 acres of the property.

**Mr. Berkowitz commented:** It is just because it is hard to judge. It is long and narrow if you drive by there exactly what you see there is what I will be utilizing. There is some surrounding properties that is hill side that I can't utilize, there is some area between the pit road and where my building would be, then there is a retention pond that will obviously have to stay. It slumps off down to the stream so there is not else I could do with it even if I wanted to.

**Mr. Berkowitz commented:** So there is no plan to expand.

**Mr. Koval commented:** None whatsoever. If I out grow this building in my lifetime and of course I said that about the last building but I don't foresee it. I went overboard with this one.

**Chairman Ouimet commented:** The only thing that gives me pause is the removal and assuming the subdivision goes through at our next meeting I would normally schedule a public hearing on this Special Use Permit for the next meeting but since there has to be a removal of that property from the Life of Mine operation that is going to take time and you are not willing to do it prior to an ultimate decision on the subdivision.

**Mr. Marotta commented:** DEC will not remove it until there is a subdivision. Can't hear the person speaking they are not on microphone.

**Chairman Ouimet commented:** But what may have to happen is assuming everything goes the way you want it to go both of you the change of tenant may have to wait until that condition is filled from DEC you may not have any control over that.

**Mr. Koval commented:** Yes I understand and I believe our tentative closing date is until November so it should work out.

**Chairman Ouimet commented:** It will be close but if it isn't removed from the mine it is part of the mine.

**Mr. Koval commented:** If it is a change of tenant and it's already been set up for commercial use I can't

**Chairman Ouimet commented:** Basically after the subdivision assuming you get a subdivision what you're going to have is a mine with 2 parcels. You don't have a tenant for a mine you have a tenant for another use so it has to come out of the mine and that is what we talked about all the time and that is what everyone agrees to it is just a question of timing.

**Mr. Harris commented:** John one thing you could condition the Change of Tenant/Special Use until you have proof of the removal from the mine.

**Chairman Ouimet commented:** I understand that slows him down. I just want him to understand.

**Mr. Koval commented:** I am going to moving in the dead of winter aren't I?

**Chairman Ouimet commented:** Could be, nobody has control the State operates the way the State operates. It could be 6 weeks or 6 months I have seen that happening. Whenever they act on it who knows what they do.

**Mr. Koval commented:** I understand.

**Chairman Ouimet commented:** Just so everybody is clear as to what is going to happen.

**Mr. Koval commented:** So the next step is to do the subdivision and remove the acreage from the DEC Permit.

**Chairman Ouimet commented:** Do the subdivision we need to resolve that issue. It is not anything that we do it is something that DEC has to do.

**Mr. Koval commented:** Right. DEC has to remove it from the DEC Life of Mine Permit and at that point I still have to wait for it to go for public review or.

**Chairman Ouimet commented:** No what we will do is schedule the public hearing for the same day that we are doing that we do the public hearing for the subdivision request and assuming everything goes your way any approval would be contingent on them getting the property removed from the mine. We would have to leave that up to Counsel to see what they would accept and what they want. Because everything is already moved on the road; just so everyone is clear? Could I have a motion to set a public hearing on the Special Use Permit?

*Vice Chairman Roberts made a motion to set a Public Hearing for a Special Use Permit for Tuesday, October 13, 2015, seconded by Mr. Ruchlicki. Motion was carried.*

**Chairman Ouimet commented:** Public hearing is set for our next meeting, the subdivision first and the Special Use Permit for a Change of Tenant. Thank you very much.

*Mr. Ruchlicki made a motion to adjourn at 8:02 PM, seconded by Mr. Berkowitz. Motion was carried.*

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