

**MINUTES MEETING
Town of Halfmoon Planning Board
July 25, 2016**

Those present at the July 11, 2016 Planning Board meeting were:

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

Planning Board Alternates: Margaret Sautter
Mike Ziobrowski

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski
Jeremy Connors

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

Tom Ruchlicki made a motion to approve the Minutes from the June 27, 2016 meeting. Rich Berkowitz seconded. Motion Approved.

Marcel Nadeau, Margaret Sautter abstained as they were not present for the meeting.

John Higgins abstained because he did not have time to read through the meeting minutes.

New Business:

16.112 Key Bank (First Niagara), 1532 Route 9 - Sign

Terry Meisner: My name is Terry Meisner from Saxton Sign Corporation. Key Bank has taken out, over the First Niagara's, and they would like to, you have it right there in front of you, is the pylon, change it out, reface if from the First Niagara to the Key Bank, and then on the building that would be a little over 28 sq ft, and then on the building would be 29.64 sq ft and they would also like to reface that as well.

Don Roberts: They are just replacing what's there?

Terry Meisner: Yep, replacing what's there, swapping faces out. And then they got 2 directionals, they want to change those out they will be the same amount of sq ft. they should be a little bit lower in height.

Don Roberts: Ok, it meets town code. Can I have a motion? Any Questions?

Rich Berkowitz made a motion to approve Key Banks sign application. Marcel Nadeau seconded. Motion Carried.

16.118 **Healthplex Fitness, 1673 Route 9 - Sign**

Rich Berkowitz recused himself.

Greg Dwyer: Yes, Greg Dwyer, Nick Signs. I guess what we are trying to do is get Healthplex on the wall right here as you can see. It's a reverse channel letter with a Halo, its got Halo LED behind it. Its pretty basic individual letter.

Don Roberts: How are you going to control the brightness of that?

Greg Dwyer: Excuse me?

Don Roberts: How are you going to control the brightness of that?

Greg Dwyer: It's a halo; it isn't directly lit from the front so it just has a halo effect on the background of the wall. It doesn't really put off a tremendous amount of illumination.

Don Roberts: Ok, Ok any questions?

Tom Koval: So you are just illuminating behind the sign, your illuminating the wall an the letters are casting a shadow, so you see it.

Greg Dwyer: Yea thats pretty much like the modern look today.

Tom Koval: is this replacing an existing sign?

Greg Dwyer: No, this is new.

Tom Koval: An additional sign to the property?

Greg Dwyer: Yea because we took, there has been a lot of renovation going on in a couple of new tenants have come into the building here and we've already got approved for we re-did the top sign on the pylon to accommodate the two tenants so now Healthplex has got really no identification. VA has moved out of there since, and we removed the sign from the pylon so that was equivalent to the square footage that were looking for here on this wall sign.

Tom Koval: Meets all our size guidelines? Thank you.

Don Roberts: Anyone else?

Marcel Nadeau made a motion to approve the sign application for Healthplex Fitness. John Higgins seconded. Motion Carried.

16.115 **Friends of Kathy Marchione, 1 Vosburgh Road - Change of Use/Tenant**

Jeff Williams: Jeff Williams, Bruce Tanski Construction and Development, and I'm here today for a change of tenant on 1 Vosburgh Road. The tenant change is for the Friends of Kathy Marchione. Then Senator wishes to use the space for her campaign office during the campaign season this year. 1 Vosburgh Road is a 3,000 sq ft office building, it has 15 existing parking spaces it does have one existing tenant in the its an attorney use. Senator Marchione wishes to utilize the 1,000 sq ft of this building, this consists of about 381 sq ft of offices. The rest of the 1,000 sq ft around 701 sq ft is common area which is the front foyer, the hallways, the bathrooms and the kitchen area. There will be one full time employee, one part time employee, with 3 to 4 volunteers to use the space basically to work phones, prepare campaign material, mailings and plan events. The working hours are 12pm to 9 pm. The peak hours are said to be 6pm to 9pm. The Senator wishes to utilize the space for the upcoming campaign season that would start in September and it would end in November, the end of November.

Don Roberts: Is there any signage proposed?

Jeff Williams: There is no sign proposed.

Don Roberts: Any questions?

Rich Berkowitz made a motion to approve the Friends of Kathy Marchione Change of Use/Tenant application. Tom Ruchlicki seconded. Motion Carried.

Jeff Williams: Thank you.

16.119 **Staples, 14 Corporate Drive - Change of Use/ Tenant**

Joe Abele: Hi my name is Joseph Abele I'm here for Abele Builders. We have a new tenant Staples Inc. coming in. Its gonna be a sales center for them, for their sales force. It's in part of the previous Liberty Mutual space. Its gonna be 2,585 sq ft. so 2,500 sq ft. Its gonna be 3 full time staff then there's gonna be a rotating sales force that will come in and they will all have different schedules and then it will be a basic 8 to 5 schedule. No new parking or anything added to it.

Don Roberts: Thank you , Any questions?

John Higgins: You realize that you are under the parking that the town requires for that particular site so you just got to make sure that there is no parking on the roads that all the parking is with in the site.

Joseph Abele; Right, absolutely, we have ample parking right now. That parking lot is barely used so, we have as far as you know we have a lot of vacant spaces so for what they've told us their gonna be needing it, it should work fine.

Lyn Murphy: Just for purposes of clarification, although if this was a newly built stand alone lot they would be under the square footage per sq ft of the building for parking, this was an approved PDD with this amount of parking so you're not violating.

Joseph Abele: Right and I had looked into that and I know it was approved as an 8,000 sq ft building so.

John Higgins: So just shoring up the facts you can't park on the roads.

Rich Berkowitz: If they have meetings with all the staff at once can you just remind them.

Joseph Abele: Sure, yea absolutely, no parking on the road.

Rich Berkowitz: Ok, thanks.

Don Roberts: Is there any signage proposed?

Joseph Abele: There will be just a little plaque on the monument sign we have in the front, I think I already submitted something, not sure if I had yet, but there will be an application coming in soon for just a little plaque on the existing monument sign.

Don Roberts: Ok very good, thank you. Anyone else?

Margaret Sautter: I just have a quick question, you said this is a sales center is this computer and telephone, its not storage and moving of goods correct?

Joseph Abele: No, far as I know no physical product is going to be there.

Margaret Sautter: That's what I thought, thank you.

Rich Berkowitz made a motion to approve Staples Change of Use/Tenant application contingent on parking issues i.e. no parking on the street.. Marcel Nadeau seconded. Motion Carried.

16.122 **James E. Blowers, CPA, 2 Executive Park Drive - Change of Use/Tenant**

Don Espey: Hello my name is Don Espey Jr. I own the building and we have a new account that wants to move in with us and he is going to be in the lower level and he has one employee sometimes during tax season 2 people and thats about it. He is using 3,000 sq ft because that's what's available, he doesn't use much of that.

Don Roberts: Ok, once again any sign proposed?

Don Espey: Not at this time?

Don Roberts: He'll have to come back if you do you know?

Don Espey: He has lettering on his door but that's it.

Don Roberts: Ok, any questions?

John Higgins: As you realize with the 6,000 sq ft you'd be required to have 30 spaces.

Don Espey: We are in the same boat as the last gentleman.

John Higgins: Right, I just want to go on record make sure that you realize that you have to park on your site.

Don Espey: Yes.

John Higgins: And I believe at the beginning when you first bought the building we requested that the code do an inspection to make sure that there was adequate exits for the downstairs area.

Don Espey: Someone comes over every year and checks all that stuff. John Cooper comes over every year and checks that.

Don Roberts: Anyone else?

Marcel Nadeau made a motion to approve James E. Blower's application for Change of Use/Tenant. John Higgins seconded. Motion Carried.

Don Espey: Thank you.

Old Business:

16.052 Route 146 Car Wash, 325 Route 146 - Site Plan

Jeff Williams: Jeff Williams, Bruce Tanski Construction and Development and I'm here with Mr. Bruce Tanski the owner /applicant for Halfmoon Car Wash Commercial Site Plan. The car wash is proposed to be built on 1.5 acre piece of property that is adjacent to the Halfmoon Sunoco off of Route 146. The property is zoned commercial, the site plan is showing 68% green space and we wish to construct an 1800 sq ft building its a 2 bay automated car wash at that location. There is also a 2 vacuum stations with 4 parking spaces proposed to be in front of the car wash building. The site will be served with public water and sewer thats at the rear of the site. There has been a couple of changes to the site plan since we first introduced it to the board in late spring. The biggest changes that we removed the separate curb cut off of 146 and now are proposing to utilize and share the existing western curb cut to the Sunoco station via a cross easement and that we have also provided storm water erosion plans, landscaping, lighting plans along with a layout of the grading plans to the town engineers. I believe we have satisfied Clough Harbors concerns per their July 14, comment letter. We are working on the cross easement language, our attorney has that in his hands at this point. We wish to share with the town attorney for her ok on it and then we also provided an area for future storm water management area which is in that western front corner for the two vacant commercial lots that are to the west of this site when they are to be developed. We are here tonight in hopes of gaining final approval for the proposed Halfmoon Car Wash site plan. Thank you.

Don Roberts: Questions by the board?

Tom Koval: I have some concerns about this property, the amount of fill brought in previously. I don't have any issue with the building or the egress or ingress; I would like to see sample borings done of the site prior to our building permit being issued.

Bruce Tanski: All due respect I think that's totally unacceptable, that should be a building dept. situation and I don't think this should come up at this planning board meeting.

Tom Koval: That's fine, that's your opinion, and I feel it should be.

Don Roberts: We can make that a condition of the approval, the recommendation for the building or just to make sure that they follow through.

Bruce Tanski: I've been coming to these board meetings for 25 years and it never once has it come up on a meeting, why should I have to be the first one. If you want to discuss it with the building dept. that's fine, it shouldn't be a part of this examination that we're doing now.

Lyn Murphy: As the board is aware it is their prerogative to determine what they feel is necessary for the safety, health and welfare of the community. I know in speaking with planning and code they are very much aware of this issue and voiced a concern as well. You can make what ever conditions as a board that you feel are necessary in order to make sure that the residents of the town are in fact well cared for.

Rich Berkowitz: Prior to constructing the building and doing the site plan you need to get the building dept. approval anyway don't you?

Bruce Tanski: Correct.

Rich Berkowitz: So if you need approval then you need approval. Not from this dept. but from the building dept.

Bruce Tanski: Correct the plans are in front of the building dept. now.

Rich Berkowitz: Right so I think we are all saying the same thing, just who controls it so then the building dept. controls that, giving you site approval based on borings.

Bruce Tanski: No, say that again.

Rich Berkowitz: The building Dept. needs to approve the site based on borings or making sure the building is stable.

Lyn Murphy: Let me ask it this way, if the building dept. had concerns with regards to the compaction of the fill it is with in their preview to say to you, we cannot issue a building permit because we have concerns with regards to the safety of the building.

Bruce Tanski: I understand that, I don't have a problem with that.

Mike Ziobrowski: The building dept. can require further stabilization to the foundations.

Rich Berkowitz: And your engineers are fully aware that its been filled and they've done, and they'll do the proper tests.

Bruce Tanski: Correct, it's also gone through 3 freeze, thaw cycles so I don't anticipate any problems.

Rich Berkowitz: Then if anything happens its based on your liability?

Bruce Tanski: Correct.

Rich Berkowitz: I have a question; most of the water in that car wash is going to be recycled and reused?

Bruce Tanski: No, it's not a recycle.

Rich Berkowitz: ok so what happens with the wastewater it just goes back into the sewer system?

Jeff Williams: There is an oil water separator to the system there's also a sediment trap that takes out the solids also and then it goes to the sewer system. And I think the car wash itself is a low water use, when it sprays the cars off.

Rich Berkowitz: Ok, is there any plans to connect the future westbound lots with this lot or no? For cross easements

Bruce Tanski: We have to bring that back to the town ya know I think Clough harbor wanted us to conjoin these two entrance ways and hopefully with the next 2 lots we'll share one more driveway. With those two lots.

Rich Berkowitz: They are all going to interconnect?

Bruce Tanski: Correct.

Don Roberts: Anyone else?

Lyn Murphy: You are saying correct it's all getting interconnected, but that has not been established. So the other two sites when they come back for site plans may or may not.

Jeff Williams: We can discuss it then.

Rich Berkowitz: But the plan can, and there is room too inter-connect all three sites?

Bruce Tanski: Yes there is.

Rich Berkowitz: ok.

John Higgins: Joe at the pre-meeting you said that the site was one acre and it actually is 1.5 acres so does this site require its own stormwater or is that just for the future?

Joe Romano: No, this parcel is less than an acre of disturbance, which is the threshold for the SPDES permit.

John Higgins: Ok, no problem, I know you said an acre at the pre-meeting thats why I just wanted to clarify.

Joe Romano: It's less than an acre disturbance.

John Higgins: Thank you.

Don Roberts: Any one else?

Tom Ruchlicki: Just for my own clarification. They answered the letters to Cloughs review and all we're really concerned with, other than that and our approval, the building dept. will handle the rest of what we talked about.

Lyn Murphy: I'm sure Planning will let them know that this board has concerns and that is part of what they do in determining whether or not a site is appropriate. Now I'm not going to tell you that on every commercial site they require boring because that is not accurate.

Bruce Tanski: That's why I specified they answered Cloughs review

Richard Harris: It's not a standard thing to require like building dept to require soil borings, but they do require a stamped signed certified by an engineer that the site can handle the proposed construction. Now if they additional concerns, I cant tell you exactly what the building dept might ask for short of soil borings but I do know Dave Milkiewicz he actually, Bruce he actually said to me when it was first on the agendas they brought in a lot of fill ill have to make sure that thats an adequate plan for approval for building, whether they require soil borings or not I

don't know that level of technical nature but I do know that its on their radar to make sure what ever you submit satisfies the construction you've proposed.

Bruce Tanski: If, I'm sure that everybody's driven by that site a thousand times and where the building is going to go is just about on virgin ground its the whole front between the road, and if you remember I had a burn there because I couldn't put without getting my NYS DOT permit we filled that whole front back about 50 feet, this building will be a lot farther back than that, which is on virgin ground.

Don Roberts: Anyone else? Joe your comments have been addressed right?

Rich Berkowitz made a motion to declare a negative declaration pursuant to SEQR. Marcel Nadeau seconded. Motion Carried.

Rich Berkowitz made a motion to approve Route 146 Car Wash's Commercial Site Plan Application. John Higgins seconded. Motion Carried.

Bruce Tanski: Thank you very much.

16.017 Halfmoon Village PDD, 2 Beach Road - PDD Amendment Recommendation

John Montagne: Things are moving along very quickly tonight I see that's a good thing we were just sitting outside talking. Thank you very much for having us back tonight since we met the last time there were a number of items to look into and so we have been actively been pursuing that. The plan that you have here tonight that I updated everybody with just shows some of the changes that we have been able to make so let me first start that we did meet with Bill and talk through the circulation on the site, we talked through locations of hydrants, emergency access a couple of things that came out of that is there are a number of hydrants that he had us relocate threes one here now, we've moved one to here, he wanted them more in the intersection so it was easier for him for fire protection. And then the access road that comes down through here, this one here we have widened to 12 feet made a heavy duty pavement section on that and put down, knocked down bollards at either end, they actually they use a key for a fire hydrant and they just fold down so he can get in and out. So that was our meeting with him. One other thing he asked us to do is extend the boulevard here all the way down to this first building, this island has been extended. We then, I did have a chance to meet with clough harbor with Joe and we went through general outline of the plan and he sent his comment letter back saying that they have done their initial review and they will get into more in depth review over the next month or so. Also I had a chance to meet with highway superintendent pingelski and with Supervisor Tollisen and we talked through the public benefits with him on the off site road improvements. We are going to be giving another 100, 000.00 dollars towards those off site road improvements as part of that and the other thing that Supervisor Tollisen came up with is that the town board really doesn't want a park anymore so what they want is the improvement cost fees for that be provided they felt that at this point they really don't need another park to have to be maintain. Thats what our progress has been. Updated set of plans that shows that were submitted back last week and what we're really just looking for tonight is you had said that you would like us to consider a public information meeting after labor day and I think that would be the September 12, date and we would like to see if thats a possibility to see if we could move this along.

Don Roberts: Ok, thank you, any comments by the board.

Marcel Nadeau: Hey Don I'm reading the comment from the fire chief, do we have an update on that or no?

Richard Harris: Marcel I do, and I do apologize at 5:30 tonight I got something from Bill Bryans I'll share with you now an email that I shared with the board at the pre meet. He just still has concerns with flooding and the change and I'll give you the email to read for yourself. A change from what previously allowed for parking on the

first floor for uninhabitable area to handle any unforeseen flooding from ice jams and he kind of summarizes that here that he still has a concern with that even after we met so, the board was made aware of that at the pre-meet, I didnt see it before but I had this email here if you want to take it.

John Montagne: I think what I would say to that is we have a flood study that Clough Harbor is going to take a hard look at and I think that once you look at that and see how the property is raised and where we are in the fact that we are actually going to do a map amendment with FEMA that will be, we'll be fine on that but, I would defer to their review ultimately on that.

Rich Berkowitz: One thing we didnt discuss last time with the flooding issue and I know you are confident by raising up this parcel of land that it's not going to flood. But what we didnt discuss is how canal road floods, we could create an island where these people cant get in and no one can get out and no one else can get in.

John Montagne: As you recall one of the things that I said is that from the intersection of Beach Road to the intersection of the property, that section of road is also being proposed to be rebuilt as part of this and part of that analysis was to raise this section of the road by a foot, foot and a half and that gets us out of that concern.

Rich Berkowitz: So does that create one way in one way out or is it on both sides?

John Montagne: It would be the full length of, you know that stretch from beach road to the entrance you know the whole road would be raised up.

Rich Berkowitz: Cause I was told both sides of that road flood frequently.

John Montagne: Well if you recall major storm that we had, Sandy, we went out at that and that was a 500 year event at that time and that intersection of Beach Road, from Beach Road to the water never crested the intersection of Beach Road so we surveyed that at that time and thats what we are using as our model that actually that is more conservative than a 100 year flood plane analysis, so thats part of our analysis is to improve that and then we don't have that condition.

Rich Berkowitz: Is part of your analysis taking into account for ice jams?

John Montagne: Ice jamming the difference with ice jamming is it doesn't really create the situation where you've got 500 year flood plane event like you used to have and since the bridge has been rebuilt, the crescent bridge has been rebuilt and part of the analysis was for that was to reduce the amount of flood and ice jamming that you get along the river. And so you can, you know we can get you documentation on that or other information but the river has not had the ice jamming floods that it once had 20 years ago or even 10 years ago. Having said that we're not worried about the ice jamming on the property at all because the area that we are filling would alleviate any issues with ice coming up onto the bank and getting into where the residents are so there is no concern on that, and as far as the flood levels go, you know they may come up and be close to a hundred year event but you know we are well above that. We really do not have a concern on that.

Mike Ziobrowski: You mentioned a model is this a BIM model, a building information type model thats 3d is it going to show the effects over the contours?

John Montagne: Well a BIM model is more for building design and building analysis but what we have is what's called a HEK- RAZ model which is a flood model thats done specifically for that. Its what the Federal Emergency Management agency requires to do flood analysis study, and flood studies in general, and that's what they use now to determine flood planes.

Mike Ziobrowski: Will it also take in erosion, sediment control?

John Montagne: Well flooding analysis is a little different than storm water management analysis so the storm water management analysis model which is hydro cad, is what looks at ponding and flooding and run off and those conditions and then erosion and sediment control measures are actually part of what you would do for storm water management model.

Mike Ziobrowski: Is that being considered?

John Montagne: Oh yea absolutely.

Mike Ziobrowski: So there will be some sort of stabilization taken into consideration if need be for the buildings themselves in case of a flood?

John Montagne: Well the buildings themselves, first of all if the buildings are out of the flood plane the standards are different for building construction, all of the habitable space including the garages, cause garages are considered habitable space when they are part of the building, have to be 2 feet above minimum of the 100 year flood plane elevations. So all of these sites will have that condition in the final model. And so thats what's being proposed in the flood analysis and thats what, the back ground information for that has been all supplied to Joe, but I'm sure it just was handed to him last week so thats part of his analysis going forward here, is to just verify that.

Tom Koval: I'm sorry; you're bringing up the level of the road from Beach where was the other end of it going?

John Montagne: Where the entrance, just passed the entrance to the project. Its about 200 feet.

Tom Koval: Where the bike path crosses, where it comes right back up again, is that where?

John Montagne: Well where the bike path crosses that's the intersection of Beach and Canal so it will be from

Tom Koval: That's the other side from Canal?

John Montagne: Well its actually, you know where the entrance to the Krause property is now where the sign is, ok the new entrance will be a little bit further to the west of that. So it will be that length all the way down to there.

Tom Koval: So it's going to be higher at both ends?

John Montagne: Right, and through the middle too the whole thing will be elevated so that you, yea.

Tom Koval: Ok.

Don Roberts: Anyone else? As we mentioned a public information meeting, Rich and Joe, if we schedule a meeting for September 12, is that ok with you guys, does it give you enough time to do what you've got to do?

Richard Harris: It's adequate for us to get something out, now what I would want to clarify is what type of notification you want to do on this.

Don Roberts: I think we need expanded.

Richard Harris: Expanded, I think that's what we did 2 years ago, so I think we would mirror that, it was in the several hundred numbers.

Don Roberts: Ok but your ok with September 12 with that?

Richard Harris: We're good.

Don Roberts: Joe what about you, you gonna have the reviews all done by then.

Joe Romano: Yes.

Don Roberts: Ok, Id like to schedule a public information meeting for September 12, if possible, could I have a motion to that effect?

Tom Ruchlicki made a motion to schedule an expanded Public Notice for Halfmoon Village PDD Amendment. Tom Koval seconded. Motion Carried.

Tom Ruchlicki made a motion to Adjourn the meeting at 7:32 pm. John Higgins seconded. Meeting Adjourned.