

**MEETING MINUTES  
Town of Halfmoon Planning Board  
November 23, 2015**

Those present at the November 23, 2015 Planning Board meeting were:

Planning Board Members:	John Ouimet – Chairman Don Roberts – Vice Chairman Rich Berkowitz Tom Ruchlicki John Higgins Marcel Nadeau Tom Koval
Planning Board Alternates:	Robert Partlow Margaret Sautter -absent
Director of Planning: Planner:	Richard Harris Paul Marlow
Town Attorney: Deputy Town Attorney:	Lyn Murphy Cathy Drobny
Town Board Liaison:	John Wasielewski Jeremy Connors

John Ouimet opened the Planning Board Meeting at 7:04 PM

*John Higgins made a motion to approve the November 9, 2015 minutes with changes, seconded by Tom Ruchlicki. Minutes were approved. .*

**Public Hearing(s):**

**15.143 / 15.144      St. Lukes Episcopal Church, 40 McBride Rd - Site Plan Renewal & Special Use Permit.**

**John Ouimet:** Would anyone like the notice read? (No comments) If not I'll open the public hearing and you can make your presentation.

**Reverend Dave Hague:** Rector of St. Lukes on the hill. We are coming to renew our application that was made 10 and 8 years ago for the second phase of our building plan, which is our rectory in the back of the existing property.

**John Ouimet:** Thank you; would anyone from the public wish to speak? (No comments) If not we will close the public hearing. Any questions from the board? (There were no questions from the board)

**Don Roberts:** I would like to make a Negative Declaration pursuant to SEQR.

**John Ouimet:** Don before you do that can we have some discussion about a former trail easement that was in the original application.

**George Owad:** Hi my name is George Owad, I was a board member on the church board at the time of this project. I am involved with the rectory now, and the building committee and yes we agreed verbally I believe it was in 2007, 2008 I can't remember exactly when it was to allow, I think it was to connect. To the Zimm Smith Trail at that point, I don't know if it was the Zimm, Smith trail?

**John Ouimet:** It was just a trail system right.

**George Owad:** Cause there was some talk of going from there to Mechanicville through the McBride fields and we stand by that agreement.

**John Ouimet:** I believe that the trail has moved to where the connection is going to come from Holland Park to a smaller easement that was discussed in 2007.

**George Owad:** No problem

**John Ouimet:** So you are willing to abide by that commitment?

**George Owad:** We made that commitment 8 years ago and we still make that commitment.

**John Ouimet:** Great thank you very much. Any other questions from the board? (No comments from the board)

*Don Roberts made a motion to declare a Negative Declaration pursuant to SEQR. Marcel Nadeau seconded it. Motion Carried.*

*Don Roberts made a motion to approve St.Lukes Site Plan Renewal and Special Use Permit on the condition that when and if the trail comes through they will allow the trail to be constructed on a portion of their property as discussed. Marcel Nadeau Seconded it Motion was carried.*

#### **14.040 Bisceglia Subdivision (4Lot), Hudson River Road - Minor Subdivision.**

**John Ouimet:** Would anyone like the notice read? (No comments) If not I will open it to Public Hearing. Duane make your presentation.

**Duane Rabideau:** From VanGuilder and Associates here representing Thomas Bisceglia.

**John Ouimet:** Duane I think the microphone is off.

**Duane Rabideau:** No, I think it's on.

**John Ouimet:** ok

**Duane Rabideau:** From VanGuilder and Associates here representing Thomas Bisceglia for a four lot minor subdivision. It's located on the east sides of Route 4 & 32 just north of Lower Newtown Road. We are proposing to subdivide approximately a 6-acre parcel into four single-family residential lots. Each of the lots would be approximately an acre and a half. It is set up that all the lots will have one access onto route 32 one common curb cut at the northwesterly most corner of the parcel. Also on that curb cut this is part of the existing driveway to the single-family residence that already exists. The parcels will have public water and public sewer we have addressed all CHA comments, Halfmoon Fire comments and concerns, Halfmoon Water and that is our proposal before the board tonight.

**John Ouimet:** Anyone from the public who wishes to speak. Come up and identify your self.

**Kurt Gendron:** Would the Board like the 10 copies of a letter to be read? I have them. My name is Kurt Gendron I am the property owner of 685 Hudson River Road, which shares a north property line of 683 Hudson River Road. I am here tonight speaking on the behalf of four additional property owners surrounding this proposed subdivision. They are Ann Tarsa, at 655 Hudson River Road, her property shares the south boundary line of the proposed subdivision. Rick Abbott at 645 Hudson River Road, which is the next property south of Ann Tarsa. Ron and Pam Lyndeman 693 Hudson River Road, which is the property north of myself. Kevin Lyndeman at 695 Hudson River Road, which is the North of Ron Lyndeman. This group of five neighbors five households representing 11 people are directly bordering and at least 2 properties deep on both sides of the subdivision, and we met to consolidate our concerns and insure we are focused on content of concerns versus quantity of speakers and therefore these concerns are from all property owners mentioned above but I have been asked to speak on their behalf. We are the neighbors that will be affected by drainage issues, increased traffic entry on the state highway Route 4 & 32 and decreased property values due to the deterioration of character of our Hudson River front neighborhood. Our intent is not to stop all construction at the proposed subdivision but rather we are here to communicate our concerns about the proposed density of construction within the subdivision, and multiple concerns that the proposed density will create. These concerns range from maintaining the character of our neighborhood, two issues that put at risk the health, safety and welfare of our neighborhood. We are asking for consideration and answers of all these concerns before this proposed subdivision is approved by the Town of Halfmoon Planning Board. We want to be clear that we are not against development of this parcel; we would welcome additional families in our neighborhood. Our concern is over the density of development of our neighborhood and these new families that would be exposed to the risks we will be presenting. We also do not want to present issues with out a resolution. Therefore we would propose to the applicant and planning board to keep in character of our Hudson Riverfront neighborhood and greatly reduce the health and safety welfare issues that the proposed subdivision be presented as a two lot subdivision vs. the current 4 lot being proposed. Meaning two new homes and the existing home for the combined parcels. Assuming all other subdivision items are approved by the planning board this would address our concerns while enabling the applicants ability to make substantial profit from their initial investment while maintaining the safety and character of our neighborhood. Based on the high density being proposed we would normally be forced to assume the applicant was trying to maximize their profits at the loss of character and safety of our existing neighborhood. In this case we know this is a fact based on the direct quote stated on the behalf of the applicant during the 10/27/14 planning board meeting. Quote " The focus here is on the river and this is a beautiful ridge right here where it overlooks the river and Mr. Bisceglia would like to capitalize on the focus of this ridge" The proposed density of four homes would be at most roughly 80 feet from each other and this is substantially out of character of our current rural Hudson riverfront neighborhood where the average distance between houses, direct neighbors I am speaking on behalf of, is roughly 300feet of buffer. The building envelopes for the four proposed homes are so dense that external to the clearing and grading limit line an area 100-foot wide x 370 foot long will be clear-cut for construction. This is not within the character of our neighborhood. Is the planning board aware of any other shared driveway being used by five homes within the Hudson River corridor? That is a question. Is the planning board aware of any other shared driveway being used by five homes with in the Hudson River corridor?

**John Ouimet:** No.

**Kurt Gendron:** Thank you, this scale of common use driveway in density is not in character of our neighborhood. Or the Hudson River corridor. The proposed subdivision is being presented as a four lot minor subdivision yet there is only one driveway serving a density of at least 5 homes. Which creates the same impact as a major subdivision. Can the board please explain to these neighboring property owners what loophole and code is allowing this to be considered a minor subdivision.

**John Ouimet:** Lyn do you want to take that one.

**Lyn Murphy:** Rich I assume when you had him fill out the application you made the determination that this was minor. Can you explain to him why you did that?

**Richard Harris:** Sure, because they are taking one lot as filed and subdividing it into four. They are utilizing a portion of a neighboring lot that is owned by the applicant for the proposed driveway of the four homes to get out to

Hudson River Road. So for purposes of a subdivision they are taking one filed lot and subdividing it into a total of four and four lots or less meets the definition of a Minor Subdivision regardless of whether its using a driveway over a fifth or other parcel. The location of the driveway itself doesn't determine the number of lots and whether it's major or minor it's purely the number of lots vs. the lot that was used to subdivide so its one lot going to four.

**John Ouimet:** Thank you.

**Kurt Gendron:** The density of five homes sharing one driveway would also create line of sight issues for neighboring properties, specifically my driveway to the north. The proposed driveway for five homes is located at the crest of a hill where state highway 4 & 32 curves and is in a 45 MPH speed zone creating a severe blind spot when another vehicle is pulling out of the proposed driveway currently has two vehicles in regular use. This proposal may increase use to ten or more vehicles per day. This creates a safety issue for my family as we pull onto that state highway. Has the applicant received or applied for approval for a NYS DOT Driveway permit?

**Duane Rabideau:** No we have not; basically we don't need one because it is an existing driveway.

**Kurt Gendron:** If no, we request the board does not approve subdivision of lands until this entrance onto a state highway is approved as the curb cut is being modified onto a NYS highway. We have reviewed the SEQR document reviewed for this proposed for this subdivision and there are at least two concerns we have with its accuracy. First is at question 17a, "will storm water discharge flow to adjacent properties" and it is checked no. There are clear storm water drainage paths that drain into Tarsa and Gendron adjoining properties, which are at lower elevations. With this proposal 1.9 acres of the current 5.9 acres will be disturbed meaning that they will not absorb storm water the same and magnify current drainage issues onto neighboring properties. Second is that NYS DEC is very clear about SEQR and their words "Sedimentation of an action into components of an individual review is contrary to the intent of SEQR" In this case the applicant has already showed intended action for additional subdivision of these lands during the 10/27/14 board meeting titled Biceglia 2 lot and 4 lot subdivision 683 Hudson River Road - Minor Subdivisions. We asked if the applicant has intention to bring forward additional 2 - lot subdivision at any time in the future.

**Duane Rabideau:** We may or we may not. Because the action tonight is on the 4-Lot subdivision only.

**Kurt Gendron:** Regardless we request that the planning board does not approve subdivision of lands until these SEQR concerns are corrected and resolved through the proper govern agency to assure segmentation is not in play. There are extensive wetlands and steep grades on the proposed subdivision. Given the density proposed for this subdivision has the applicant and town planning board reviewed the constrained vs. unconstrained available land on this parcel per town code?

**John Ouimet:** Joe as the town engineer did you has an opportunity to review the lands that were just referred to?

**Duane Rabideau:** Yes, I believe it was reviewed when it was the larger subdivision that you had talked about and I think one of the reasons why we ended up at the layout that we are at now is because of the constraints and concerns that we had raised with grading and the overall density of the development that was previously proposed.

**Kurt Gendron:** So we have documentation that shows the amount of acreage constrained vs. unconstrained for this subdivision in question?

**Duane Rabideau:** We have reviewed it as part of the conceptual subdivision plan.

**Kurt Gendron:** If we ask can this data please be shared for our understanding because we have not seen it? There is also a 400-foot long eroding shell cliff that ranges in height from 8 feet to 30 feet of the Hudson River that is close as 30 foot to the building envelope to the proposed building subdivision. This fact creates a severe safety issue for children and adults within the subdivision and surrounding neighborhood, as there will be increased play activity, which was non-existent prior. Have the appropriate NYS Canal Engineers reviewed this plan and confirmed that this constantly eroding loose shale cliff is safe to build houses with in 30 foot of its current position?

**Duane Rabideau:** No we didnt check and there was really no need because its stable. The face of it chips off like shale normally does but its a very stable area.

**John Ouimet:** You did stability tests?

**Duane Rabideau:** Its rock.

**Kurt Gendron:** So the applicant is claiming the shoreline of the Hudson River will not erode or fall backwards shale along the Hudson River?

**Duane Rabideau:** Not as you are implying.

**Kurt Gendron:** Should such a severe hazard as a 30 foot rock cliff be known about prior and allowed into a subdivision approval plan with out requiring some sort of physical barrier to prevent neighborhood children from playing near or falling off the cliff due to the extreme height and constant eroding edge? So the question for the board is should such a severe hazard normally allowed into an approved subdivision without some sort of physical protection.

**John Ouimet:** I don't think that's an issue for this board I think it's an issue for code, code enforcement.

**Kurt Gendron:** Ok,

**John Ouimet:** And building depts.

**Kurt Gendron:** Can we request that that's something that's followed up cause we don't understand whether it is or is not allowed.

**John Ouimet:** If they choose to build if this board, that's the only action before this board, subdivides the lots. Any building would be governed by the building construction code state of NY, which is enforced by our Code Enforcement officers.

**Kurt Gendron:** Ok, Thank you. Drainage by the subdivision is a concern for the safety and welfare of our neighborhood. Due to the fact that 25 % of the entire proposed subdivision surface area is classified as federal wetlands that drain to the south in Tarsa property and to the North into Gendron property. In addition the applicant claimed in the 11/24/14. Planning Board notes, " You can tell from the vegetation, the staining in the leaves and things like that show that it does not fluctuate. If anything what you saw this spring is its as high as it gets" We prefer the safety of our neighborhood is not decided by looking at leaves and things like that. As you can see in the drainage pictures 1,2, and 3 the wetland level does fluctuate dramatically and is at its highest levels in the winter not the spring due to the ground freezing. You can see in the pictures in the upper left is the large wetland draining toward you which is North towards my property and the bottom picture is just a blown up picture of that wetland draining across and pooling on my property and this is the additional pooling. So this is the level that supposedly doesn't fluctuate. And now we are proposing that we take an additional 1.9 acres of disturbance and this has to handle that storm water runoff. The concern is magnified by the proposed 1.9 acres of disturbed habitat and 3 wetland crossings proposed where culvert-plugging issues would create a dammed area not possible today. Which would hold back enough water to cause catastrophic damage. Ad you can see in driveway picture one, Rich do we have driveway picture one?

**Rich Harris:** you're talking about that one on the right up top? Is that what you mean?

**Kurt Gendron:** No the three files that were emailed earlier. If the boards ok I can show up here, I did have a graphic to represent it. Is it all right if I do this up here?

**John Ouimet:** You need to take the microphone.

**Kurt Gendron:** Ok. So what the numbers were, these are federal wetlands these grade areas. These are classified federal wetlands. And what the proposal for the subdivision is doing is putting a driveway, damming in both sides of this large federal wetland area right here. Now there are 18" culverts under these we are not denying that, but if you look at this cut away its an 18" culvert at 51.7ft elevation. And then it says 2ft fill on top of the culvert and then 6" of crusher run which adds up to a 4 ft. driveway side surface on this wetland. The contour here is 56 ft this is 56 ft and this is 4 ft but it actually has the ability if there is any issues with the culverts for damming up this large amount of water in between these homes. Is what the diagram represents these two driveway crossings when for example snow is plowed in the culverts wetland sediments fills in or leaves in the fall cause a restriction could hold back a pond 3 ft deep 150 ft long and 100ft wide. Which is almost 450,000 gallons of water or 3.7 million lbs of water. If the driveway then gives way under this force and an elevation of 52 ft it would be a destructive force by the time it reaches my home at an elevation of 42 ft. This risk is identical to occur towards the North to my property or to the South to Tarsa property. We request confirmation from the town engineering firm that they have considered this potential in their review and the driveway is engineered to withstand this condition prior to the approval of this subdivision. The proposed density usage of the shared driveway creates many concerns, which will affect the safety and welfare of the community. The proposal is for a privately owned 24 ft wide sand and then crusher topped driveway that is over 1000 ft long requiring 4 independent federal wetland disturbances, privately owned fire hydrant and all in theory maintain the safety standards by five independent property owners each meaning easements for access of user maintenance. We live in the Hudson River corridor and know the extremes needed for our private driveways due to storm waters and wetlands draining towards the Hudson River. NYS fire code recommends fire lane signs on both sides of the driveway for this narrow access road to allow for emergency vehicles. Who will install, enforce and maintain these?

**John Ouimet:** is that something the developer is going to do Duane?

**Duane Rabideau:** Basically we've got the sign off from Halfmoon Fire stating that all there concerns they didnt request those, we met all their other requirements, they didnt ask for those at all.

**Kurt Gendron:** Who will complete the annual required maintenance of privately owned fire hydrant?

**John Ouimet:** You plan on a Home Owners Association Duane?

**Duane Rabideau:** Yes, that's correct.

**Kurt Gendron:** Who will ensure the driveway edges will not wash out, preventing emergency vehicles from entering because they are not maintained by the town?

**John Ouimet:** I assume the Home Owners Association again?

**Duane Rabideau:** That's correct. Yea.

**Kurt Gendron:** Who will be responsible to keep the three culverts clear that allow these federally recognized wetlands to drain properly with out damaging the driveway?

**John Ouimet:** Same answer?

**Kurt Gendron:** These concerns are greater than another individual property owner in the Hudson river corridor because there is only one point of entry or exit for five homes in this proposal. If one of these homes has a fire and cannot be extinguished due to any of the prior issues given the density proposed would result in rapid spread of the fire to this subdivision and our homes. This is a unique risk due to the distance from the state highway, privately owned driveway and density of five houses in this area it is not in character and creates very real safety and welfare

issues for the surrounding community. We ask the applicant how will they ensure all of the safety critical maintenance activities will be completed on an ongoing basis?

**John Ouimet:** Rich the issue with the fire dept. we referred this plan to the fire commissioner haven't we?

**Richard Harris:** That is correct, and will revise.

**John Ouimet:** And what was the result?

**Richard Harris:** There comments on this were consistent with their prior, which were the plans address their comments.

**John Ouimet:** Did the fire dept raise any issues about no parking on the common driveways, fire lanes postings.

**Richard Harris:** They wanted details on the hydrant were the only open item several months ago.

**John Ouimet:** details in what way? The size, the type of openings, the nipple size to attach a hose? That kind of thing?

**Richard Harris:** they just mentioned details of the hydrant.

**John Ouimet:** they didnt talk about maintenance?

**Richard Harris:** No.

**John Ouimet:** Your fire departments said it was acceptable to them.

**Kurt Gendron:** Have they considered the concerns that we raised?

**John Ouimet:** you would have to discuss that with the fire dept.

**Kurt Gendron:** If a common maintenance agreement is what's going to protect us does this mean an association will be formed that is recognized by the town to execute this common maintenance agreement?

**Lyn Murphy:** Home owners associations are filed with the secretary of state not with the town so they actually have to get approval with the state based on the conditions set forth in their, they call it an offering plan.

**Kurt Gendron:** will that association, current status you just described be required by the town and Halfmoon planning board for condition of approval of this subdivision.

**Lyn Murphy:** I think that's what they are saying, they are going to do, but the board hasn't decided what they are going to do, so definitely that is something they could consider.

**Kurt Gendron:** We request that for consideration. We agree with the findings in the 2006 town of Halfmoon comprehensive plan, which is a guidance tool for growth management for the town of Halfmoon, specifically for the Hudson river corridor it states " Development within this entire corridor should protect and enhance both the Hudson river and the Champlain canal" It then again references the Hudson river as an important stream corridor" Limit impact to these sensitive resources through site plan subdivision zoning and other applicable regulations" We feel the proposed subdivision does not meet any of the above comprehensive plan elements for the Hudson river corridor. The recent installation of public sewer along state highway 4 & 32 which reduced road frontage needed per build able lot from 150 - 100 ft. has the potential to put an additional density pressure on the Hudson river corridor. We have entered a request into the town of Halfmoon zoning review committee that was received and acknowledged to take this change under consideration to determine if additional zoning restrictions may be justified for the Hudson

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River corridor. We request that this proposed subdivision is not approved until the town engineers have fully reviewed this zoning request and has been through the public hearing process. In closing, we request that all of our concerns are addressed by the town of Halfmoon, applicant, and political agency prior to approval of the proposed subdivision. The planning board has a responsibility to protect the health safety and welfare of residents from the concerns we have raised. Again we are not against development in our neighborhood but strongly feel the density of this proposal is not with in the character of our neighborhood and creates risk to the health, safety and welfare of our community as indicated above. Thank you for your time and consideration.

**John Ouimet;** would anyone else like to speak. ? If not we have received a number of letters from concerned residents and I asked rich Harris read them into the record (Letters read by Rich Harris)

**From:** Anne Tarsa <atarsa31241@gmail.com>  
**To:** Richard Harris <rharris@townofhalfmoon.org>  
**Date:** 11/22/2015 7:32 PM  
**Subject:** Bisceglia property

Rich,

I have concerns regarding the subdivision proposed for the Bisceglia property at 683 Hudson River Rd. which borders my property at 655 Hudson River Rd. to the north.

I've seen the maps which have been submitted to the Town of Halfmoon Planning Board but find it difficult to visualize where the four proposed parcels will begin and end as well as the buffers planned around and between those parcels.

It's hard to imagine four homes being built on this property while still maintaining the integrity of this part of the Town of Halfmoon now and in the future keeping in mind the overall character of the entire Hudson River shoreline.

In order for me to better understand the impact this proposed subdivision will have on the distinct features of this portion of shoreline along the river, I ask that the corners of the proposed lots and buffer zones be clearly marked so that I and all others concerned can better visualize any effect this subdivision will have on the beauty and character of our neighborhood and that of the Hudson River Rd. community.

Respectfully,

Anne Tarsa

**From:** Anne Tarsa <atarsa31241@gmail.com>  
**To:** <rharris@townofhalfmoon.org>  
**Date:** 10/25/2015 3:01 PM  
**Subject:** Bisceglia Property

Rich:

I understand the Bisceglia property is on the agenda for Monday evening. I'm not sure if this is the time to pose a few more questions but they've been on my mind for awhile. I half expected this property to be further along in the process and am surprised it is still a "go".

I have not been able to feel comfortable with the issue of public access on the riverfront. Exactly what are the regs regarding the shoreline. My neighbor south of me has been told conflicting facts. One time he was told that shoreline was owned by the state and therefore open to all and another time told it was exclusively at the discretion of the property owner.

Another question I have is what happens with the wetlands at the front of that property? Will they be used by the new owners? And could I be affected by drainage issues in the future?

I reiterate I have no objection to this development but of course am concerned about my privacy and safety in the future.

Thank you for your consideration.

Anne Tarsa

**From:** Anne Tarsa <atarsa31241@gmail.com>  
**To:** "rharris@townofhalfmoon.org" <rharris@townofhalfmoon.org>  
**CC:** "ktollisen@townofhalfmoon.org" <ktollisen@townofhalfmoon.org>  
**Date:** 1/10/2015 11:37 AM  
**Subject:** Hudson River Road Bisceglia Property

Town of Halfmoon Planning Board  
Richard Harris  
Director of Planning

Rich:

It was nice to meet you on Friday, January 9.

Some of my concerns with the planned development abutting my property at 655 Hudson River Rd. were satisfied during our meeting. However it is my understanding that the project will include four homes on the riverfront which positions one very close to my property line.

When my now deceased husband, John, and myself purchased this property in 1969 from the Wheeler family, we did so with the verbal agreement to never "clear cut" the trees so as to not exceedingly alter its natural state. That said and since the Bisceglia property was also once owned by the Wheeler family, I respectfully request that the original wishes of the longtime owners which date back to the year 1900, be considered when preparing the land for new construction.

Also, within this context, I would like to request that a reasonable buffer between my property line and the property line of the lot abutting mine be also considered to assure the quiet and private space I have been blessed to enjoy for the past 44 years.

Thank you for your consideration and understanding in this matter.

Respectfully,

Anne Tarsa  
655 Hudson River Road  
Waterford, NY 12188

Phone: (518) 664-6282

**John Ouimet:** Anyone from the public wish to speak? Any comments Duane at this point before I open it up for board questions?

**Duane Rabideau:** Basically I believe we have answered all of Mrs. Tarsas questions at the end of the last meeting we showed her the proposed buffering areas and things of that nature.

**Richard Harris:** Can you clarify that on here? I've got to be honest there are a lot of lines on there and the arrows seem to indicate where I think they are but It can be very confusing. Show the difference between what the no cut buffer line and the proposed clearing and grading line and why those are two different things.

**Duane Rabideau:** The no cut buffer line is this dash line right here, so all that from Hudson River Road down through here then along this line here is a no cut buffer while the grading limit line is here so basically we are not grading up to the no cut buffer line so there's actually additional buffering in there, but all of this is left in its natural state.

**Richard Harris:** But then can you point out on the Hudson River side the line, its little blurry there, it says "Proposed Grading and Clearing" that kind of thicker black line is not part, that between there and the property line is not a no cut buffer.

**Duane Rabideau:** That's correct. That's going to be up to the digression of future homeowners.

**Rich Harris:** I probably misread that last time after we talked after the meeting so I apologize. But I see your point that's why I asked for clarification.

**Kurt Gendron:** Ann asked not to speak at the meeting, so I wanted to clarify her email in that she is not requesting clarification on a diagram on the projector she is asking for flagging in the field physically in the field to know where her property corners onto the no cut buffer.

**Rich Harris:** I was confused though.

**Kurt Gendron:** Correct and that's why she is requesting a physical thing in the real world.

**John Ouimet:** Duane has this ever been staked out for the neighbors to see?

**Duane Rabideau:** What portion of it? The no cut buffer or the property lines?

**John Ouimet:** Property lines.

**Duane Rabideau:** No

**John Ouimet:** is that something the applicant would be willing to do?

**Duane Rabideau:** We could do that but what do we need to stake? What do people want to see?

**John Ouimet:** I think they want to see where the line is.

**Duane Rabideau:** which line though?

**Lyn Murphy:** the no cut buffer?

**Kurt Gendron:** I think the email clearly states it's the property line and the no cut buffer.

**John Ouimet:** both lines

**Kurt Gendron:** Yes both lines.

**John Ouimet:** Both lines as it affects her property is that what your saying? But not the entire no cut buffer lines?

**Kurt Gendron:** I think she requested the entire but

**John Ouimet:** I think that's kind of impractical at this point but Duane is the applicant willing to stake out the lines.

**Duane Rabideau:** Yea we can stake as far as the no cut buffer line or the LPA line, we can stake the portion that would directly affect her, we could go from like from this point down like this, because beyond that point she cant see it anyway because of the terrain. Then we can stake the southerly property line.

**Richard Harris:** Are you saying stake the no cut boundary on lot #1 proposed lot #1?

**Duane Rabideau:** Correct, that's the one that would impact her the most, the rest of it she cant see it from her house. Because her house is down low and the hill goes up and then it goes back down to the wetlands and then it goes back up so I was out there today and beyond that point it's a mute point for her.

**Richard Harris:** But Duane isn't you going to have to state all the corners of the property lines if this gets approved? For purposes of surveying.

**Duane Rabideau:** No only unless its requested

**Richard Harris:** By the town or the owner.

**Duane Rabideau:** Generally the owner

**Richard Harris:** Ok

**John Ouimet:** So where does that leave us, are you going to stake it out on that southerly lot or what?

**Duane Rabideau:** Are we going to stake that no cut buffer on the southerly lot and do we need to stake the property line too, it looks like she is cleared up to the line.

**John Ouimet:** I think she wants to see where the line is. The property line as well as the no cut line so I think you have to stake both lines and I would suggest you use different colored stakes so she knows which is which.

**Duane Rabideau:** Yea it would be clear we would use wooden stakes different ribbon and label the last so people will know exactly what they are looking at.

**John Ouimet:** Rich, I think that would address her issues No?

**Richard Harris:** Yes, but the request was for property boundaries of the proposed lots and buffer zones.

**John Ouimet:** I don't think there is much need to do this at this point.

**Duane Rabideau:** Yea it's kind of impractical at this point, and it doesn't show anything

**John Ouimet:** Ok at this point

**Ann Tarsa:** To actually visualize the density of those homes or those lots once they are in there, I am not worried about the fact that I'm going to see it. The fact that I'd like to see just what these lots look like and how close they are together. Am I making sense?

**John Ouimet:** I think you are, but I don't think that's something that they can do, I don't think they know what size homes they are putting in there yet.

**Ann Tarsa:** But I'm talking about the lots aren't they going to get cut up into parcels?

**Duane Rabideau:** That is correct yea; the map represents what's going to happen out there

**Ann Tarsa:** ok, when I see it on land ok, ok.

**John Ouimet:** So where does that leave us on the no cut and the property line, do you still want them to stake that?

**Ann Tarsa:** Yes sir.

**John Ouimet:** Ok

**Duane Rabideau:** That would be more relevant to what you're going to see and what's going

**John Ouimet:** If we can do what we can do, I think if you're willing to do that, I think that would be important and to the neighbor.

**Duane Rabideau:** Yes that shouldn't be an issue; we can put stakes down to your property line so you can see where your property line is vs. Tom's line cause it's kind of hard to tell where your line is from the activity out there.

**John Ouimet:** I am going to close the public hearing at this point and open it up to questions to the board.

**Marcel Nadeau:** Question Joe, on that 18" drainage culvert is that an issue for draining those areas?

**Joe Romano:** In terms of the size?

**Marcel Nadeau:** Yes the neighbor was questioning that

**Joe Romano:** I think their concern was whether or not it gets plugged which typically in our technical review we have to make sure the culvert is operating in some sort of fashion that it's not getting plugged. And in that case 18" is more than sufficient to carry the contributing drainage.

**Rich Berkowitz:** Who is responsible for keeping that clear? Is that going to be proactive or reactive, cause reactive it's not going to work if they are proactive with it will work?

**Duane Rabideau:** Well the important thing to know about this is the culvert is going to go under the driveway there and here, this wetland complex right here basically heads north goes down here and it goes like that and that's all that is in here. There is very little water generated in here, this idea or concept that there is going to be a massive tidal wave coming through they're not going to happen. It's a very small watershed basically from here to around here and that's it. That can't generate as much water even if it dammed up it's impossible.

**Rich Berkowitz:** it is possible cause I've seen it in my back yard it does work but it does come up pretty high and then it comes down like it's supposed to but if it gets up too high and I'm lucky cause there's about a 10 foot ditch where I am.

**Duane Rabideau:** Yea now the water generated in this has nothing to do with the river or with this here, yea as far as the comment I made about water staying and things of that nature, I looked at again there was any flow in here there would be a defined channel as far as scour and things of that nature and that's just not happening out there.

**Rich Berkowitz:** is someone going to be proactive with cleaning that out or retroactive.

**Duane Rabideau:** proactive, basically because they rely on that thing.

**Rich Berkowitz:** But they don't know about it until something goes wrong, is the homeowners association going to go there once or twice a year to clean it out.

**Duane Rabideau:** there shouldn't be any issues because it's an 18" culvert, which is way over size. For that 12-inch could easily handle that I mean it just doesn't generate the water its not there.

**Rich Berkowitz:** It's there, I mean the pictures show its there.

**Duane Rabideau:** I mean its standing water that's as high as it gets probably get a foot a foot and a half deep at its deepest spot.

**Marcel Nadeau:** John and I visited the site I think I have to agree with Duane that we didnt find you know again it was later in the spring but we didnt appear to think it would be a big issue do you recall that john.

**John Higgins:** Yes there really wasn't any evidence of standing water but like Marcel said it was later in the spring we had concern and we mentioned it to Duane at the time that if any of these driveways got washed out the people have no way of getting to and from their homes and we did mention that at the time and that was what 2 or more years ago.

**Duane Rabideau:** There really is no movement of water per se. It fills up flows out and heads north through 683 and out towards the river but its a very short defined channel I don't think the channel is more than a foot deep a foot wide type of deal the water is just not there to generate flow. That could be erosional to damn up to the levels they are talking about are not possible. I'm confident of that.

**Tom Ruchlicki:** Duane is there a constant flow of water there, is there a creek there?

**Duane Rabideau:** No, its just basically standing ground water.

**Tom Koval:** Duane is the homeowners association going to be a definite thing; it's going to be put in place as part of all of this?

**Duane Rabideau:** Something has to, in order for driveway maintenance for things of that nature.

**Tom Koval:** I'm not talking just an easement or verbiage in the deeds because I'm in this situation now where I live, we have a common driveway with, and it was put in our deeds and I'm the one who ends up doing all the maintenance, no one else ever has any money so a homeowners association really needs to be put in place with funds set aside because in this case it is a life safety issue with potential for losing the driveway more importantly the fire hydrant.

**Duane Rabideau:** Right no I will clarify that with Tom how that is going to be set up, whether its a homeowners, a driveway maintenance agreement which would include the fire safety portion of it the hydrant and things of that nature. Exactly what that is going to be.

**Tom Koval:** Ok thank you.

**John Ouimet:** I have a few questions Duane. The issue was raised earlier the proximity to one another the closeness of the homes that are being proposed to one another. The proposed building enveloped that you have depicted in the plans are they within code?

**Duane Rabideau:** Uh yes, now if you look at the aerial photo the parcels to the North, just to the North of us got the existing house and Kurts house the next three houses he is saying they are 300 feet apart I would say they are with in 50 feet of each other. They are jammed right in there. Those lots are actually narrower than ours.

**John Ouimet:** What's the separation between the buildings and the lot lines?

**Duane Rabideau:** For us?

**John Ouimet:** For you yes.

**Duane Rabideau:** I would say between the houses there probably average around 60, 70 ft. between the houses. I would say closer to probably 60 feet. On average. So they keep talking about the character of the neighborhood, basically just look North of us, it's just a lot tighter.

**John Ouimet:** Let me ask you about the sight distance with the driveways where they come out onto 4 & 32.

**Duane Rabideau:** As far as

**John Ouimet:** Have they been reviewed at all?

**Duane Rabideau:** That's correct, yea we did sight distances basically looking North it's over 1000 feet, 1500 feet. Looking South that seems to be the critical one we have 700 feet from our driveway you can see the intersection of Lower Newtown if we cut just a little bit of brush you can see at least 200 feet beyond it. As far as there is a reason that driveway was put there is because that's the spot it needs to be, you can see both ways. I know Kurts driveway and everybody South they have the disadvantage of when a car heads North they are heading up over that hump and it does catch people by surprise even though they do have the appropriate, It's close, the appropriate sight distance, but ours there is a lot better line of sight because the land in front of our portion is wetlands so it is actually lower than the road. We don't have the issue of looking into a hill and watching someone coming up over hill. We can actually see them coming down the road. I was there today and watching the traffic go back and forth and it's actually better than actually anticipated.

**John Ouimet:** So you are actually planning on doing some cutting to improve the sight distance?

**Duane Rabideau:** Yes we do have a clearing easement along the road for just that purpose.

**John Ouimet:** Is there a need to modify the curb cut on 4 & 32?

**Duane Rabideau:** Basically to improve it.

**John Ouimet:** How do you propose to improve it?

**Duane Rabideau:** Expand it, we will probably have to get DOT permit to make it better.

**John Ouimet:** To accommodate more traffic on it?

**Duane Rabideau:** No to meet the fire codes for the fire trucks.

**John Ouimet:** Is that part of your agreement with the fire dept?

**Duane Rabideau:** Yes, it needs to be built up to their specs to meet the State fire code. So it does have to be improved.

**John Ouimet:** And you would have to do that whether you have 2 lots or 4 lots?

**Duane Rabideau:** That's correct, because of the distances back to the houses.

**John Ouimet:** So 2 lots or 4 lots you still have the sight issues you still have the need to improve curb cuts?

**Duane Rabideau:** That's correct and the driveway because of the

**John Ouimet:** Because of the wetland crossing?

**Duane Rabideau:** No because of the distance from the road, but that's mitigated somewhat with the hydrant down inside the subdivision.

**John Ouimet:** let me talk about the hydrant for a little bit. What are the applicants plan for that hydrant? I mean obviously you know you have to maintain it. It's going to be privately owned, it's going to have to be constructed to the standard acceptable to the fire commissioners, right?

**Duane Rabideau:** That's correct, it's going to be your standard, it will be a regular fire hydrant.

**John Ouimet:** Connected to the town water supply?

**Duane Rabideau:** That's correct.

**John Ouimet:** So who would get the bill if that fire hydrant had to be used?

**Duane Rabideau:** I believe since it's only for fire protection its not metered. They have a metering pit for the actual houses.

**John Ouimet:** Buts it's before the fire hydrant, correct?

**Duane Rabideau:** Correct.

**John Ouimet:** So the line to the fire hydrant is going to run independent of the line to the homes.

**Duane Rabideau:** Yes, I believe that's the case because that fire hydrants actually going to be gated, with a gate valve by the road, because we have to T into the water line across the road. And then Frank wanted a gate valve on the South side of the road.

**John Ouimet:** So how does that work with the fire dept.?

**Duane Rabideau:** As far as what?

**John Ouimet:** Do they have any special hoops to jump through before they can utilize it.

**Duane Rabideau:** No, its going to be a charged line, so it would have the standard couplings that interface with their hoses, it will be a standard hydrant they could just drive in tie into it and go. So chances are that's not metered.

**John Ouimet:** I would suggest that as part of your homeowner's association documents you put in something about maintenance of that fire hydrant including testing, clearing because I know the town maintained fire hydrants are

flushed every year. So there might be some work for you to do there. The question of the storm water impact was that raised by Clough and by you through your various reviews?

**Duane Rabideau:** As far as what? The stormwater?

**John Ouimet:** Yes was there storm water and what its impact was going to be and how you plan to deal with it?

**Duane Rabideau:** Yea we had Lansing engineering prepared a storm water management plan.

**John Ouimet:** And that was reviewed by Clough and found acceptable? I have a note here on SEQR but I don't remember what I was going to ask.

**Lyn Murphy:** The segmentation of SEQR, the segmentation is a different, there were two lots originally that they were talking about developing and they were going to do a SEQR review on both of them at one time because they were going forward on the one at one time, but they are two separate tax parcels. So I am not as concerned about the segmentation issue as the 17 a saying that they were not going to discharge when he was showing pictures of the discharge onto his property so that would be something that Clough would have to look at.

**John Ouimet:** That's what I was trying to get a handle on, whether or not you looked at that as part of your review.

**Duane Rabideau:** Well that would be part of the storm water management plan for onsite discharge.

**John Ouimet:** Which is the next phase of review is that right?

**Duane Rabideau:** I would believe Joe could talk more about that.

**Joe Romano:** What Lansing Engineer prepared was a storm water pollution prevention plan. This project because of the acreage of disturbance doesn't meet the thresholds for post development storm water controls pursuant to NYS DEC, basically there isn't enough proposed land disturbance or impervious area to warrant storm water management pond. So what we review from Lansing was a storm water improvement prevention plan, which is utilized during construction to prevent erosion and sediment from discharging to adjacent properties. If the natural drainage course where water runs from one property to the other in an existing condition that would continue to occur in the proposed condition.

**John Ouimet:** So if it's happening now then its gonna happen?

**Joe Romano:** Correct.

**John Ouimet:** And this proposed development isn't going to change anything?

**Joe Romano:** This doesn't mean the thresholds to warrant any additional storm water control.

**John Ouimet:** Thank you. Any other questions from the board?

**Marcel Nadeau:** Paul, have we received comment from the county on this and what their comments were?

**Paul Marlow:** We did, I can read them right in the record if you would like?

**John Ouimet:** Duane have you heard these comments before

**Duane Rabideau:** I did talk with Mike Valentine he didn't tell me what he was going to write.

**John Ouimet:** But it's not the first time you've heard it?

**Duane Rabideau:** Not the list that he prepared.

**Paul Marlow:** This would be Mike Valentines specific formal letter wrote back to us he probably had verbal, he told me he talked to you

**Duane Rabideau:** yes that's correct.

**Paul Marlow:** Probably a quick verbal point by point of what the letter is going to say.

**Duane Rabideau:** He didnt say that it was just kind of to get his mind wrapped around what we were doing he just asked a bunch of questions.

**Paul Marlow:** I did receive a letter from him after the meeting and Ill read it in the record here *“We recognize that the ACOE crossing permits will be necessary in being sought for new driveways and that the lots will be served by public water and sewer and that curb cut permits will be required from NYS DOT following its review and approval. The proposed driveway location and ingress/ egress at state road. Soil tests results should be noted on the subdivision plan suitability for foundations. We note the applicants desire for one curb cut from the State road as a means of minimizing turn movements to and from the road and conversation with town planning staff we suggest that the exits and crossing easements associated with the four new lots not include and be separate from the subdividers own driveway on the abutting parcel the North side unless all five parcels have maintenance agreements as part of the recorded deeds for the five properties. It would appear less cumbersome for the subdivider to sell four new lots with the requirement of each new owner to enter into a common maintenance agreement according to each deed. Additionally each of the four new driveways should be constructed with and depicted on the final subdivision plat an emergency services turnaround. We need to have noted that there have been previous applications or conceptual subdivision designs submitted to the town Planning Board for subdivision consideration that included both parcels owned by the subdivider. It is the Saratoga County Boards thought that part of the discussion at the public hearing there be acknowledgement of these previous plans for the record and that the present plans for the subdivider for the Northern parcel be spelled out fully.”*

**John Ouimet:** Thank you, I think you already commented on your future plans.

**Duane Rabideau:** That's correct

**John Ouimet:** You want to change then light of Mr. Valentine comments?

**Duane Rabideau:** No because we don't know if anything will happen to that lot

**John Ouimet:** Rich do you have anything else?

**Rich Berkowitz:** Yea Duane, have you ever talked to the landowner about decreasing the amount of homes he wants to put on this piece of land.

**Duane Rabideau:** Yes we did, address some concerns to the members of the board and his answer was no.

**Rich Berkowitz:** for what reason?

**Duane Rabideau:** Basically it meets the current zoning and the cost associated trying to get this thing approved.

**Rich Berkowitz:** Cause there is a lot of questions for four lots. It does seem like, I mean there's a homeowners association, there are wetlands there's a shared driveway. You're putting a driveway over wetlands. For me personally it seems a little bit too much.

**Duane Rabideau:** Well its one of these situations whether we have four houses or two houses, we still have the same issues.

**Rich Berkowitz:** Less density, less disturbance to the land.

**Duane Rabideau:** That's True

**John Ouimet:** It seems to me you would have more control over the situation

**Duane Rabideau:** It may seem like we don't but we do

**John Ouimet:** No what I'm saying is if you had less lots you would have more control over the common driveway, the issue with the culverts plugging up, the fire hydrants, you were only going to have 2 families

**Duane Rabideau:** Yea but now you're going to have an issue where you have two families the cost the maintenance of the driveway the hydrant, the issue as far as clogging.

**John Ouimet:** Maybe you better look at one; maybe you better look at one lot and one family.

**Duane Rabideau:** No we are sticking with four.

**Marcel Nadeau:** I think when the committee looked at originally it started out as five lots that are not going to happen.

**John Ouimet:** Right so now it's four at this point, any other questions before I

**John Higgins:** Just to refresh my memory because it was a while ago, I thought the five lot subdivision include the existing house correct?

**Duane Rabideau:** No that would have been six

**John Higgins:** ok Where was the, again refresh my memory if you have 100foot frontages on every lot four lots, where were you going to get the other 100 feet from?

**Duane Rabideau:** We had it set up where the house would go right here.

**John Higgins:** But this piece is not even part of this consideration now, correct?

**Duane Rabideau:** Correct, there were two separate minor subdivisions.

**John Higgins:** Ok so the piece at the time the committee told you we thought it was too intense you haven't changed that its still four on that piece?

**Duane Rabideau:** that's correct but we dropped off that fifth one.

**John Higgins:** You dropped off the fifth one so it is not a major subdivision.

**Lyn Murphy:** What he is doing is, there are two separate tax parcels so the four is on one, and he is talking about a whole different parcel that happens to be owned by the same person,

**John Higgins:** Correct Lyn but what the committee told him when we were out there walking this, that we felt that four houses on that piece, on that single piece was too much, correct.

**Marcel Nadeau:** No John I recall that they wanted to do five houses and we said five is not going to get it.

**John Higgins:** But five was on on the North that he is not including here now.

**Marcel Nadeau:** I think what we are saying is that your not going to get that lot is what we were saying

**John Higgins:** Its not part of this at this point anyway because he changed the application.

**Marcel Nadeau:** Right.

**John Higgins:** I remember we talked; we stood up on the ridge and said standing here you would almost be looking in your neighbors windows.

**Duane Rabideau:** I remember very clearly.

**John Higgins:** So that was one of the things we discussed when we were out there at the committee meeting, and we requested that we look at reducing the number on this piece, which they have not done.

**John Ouimet:** Thank you John, I think you've heard a lot of things tonight one thing we have to do, I think we have to take some time and have you stake out the southerly side of the proposal, we need you to do that, I think you've heard the sentiment of the board, from its individual members and the comments that they have raised tonight. So I think what I'll do is ill adjourn this matter so you can get the lot lines staked out and let see our next meeting is in 3 weeks correct.

**Richard Harris:** Yes it is, but can I back up for a minute, the discussion before was the property lines for lot one and the no cut buffer for lot one is that what you stick with?

**John Ouimet:** that's correct so it's actually two lines you have to stake out

**Duane Rabideau:** That's correct all within lot 1.

**John Ouimet:** You know I think you heard a lot of things from the board, you heard about the fire access, you might want to revisit some of your discussions with the fire dept, you may want to look at some of your concerns raised by Mike Valentine, from the county planning dept. I'd have a conversation with the developer over the next three week period when you stake out the lines and we will bring it back in three weeks for our next meeting and we will see where we go.

**Lyn Murphy:** Just for purposes of the record although the public hearing was closed which would in theory start the 62 day subdivision period the application is deemed incomplete because we are awaiting for additional information from the applicant that being the demonstration onsite with regard to the flagging together with the information as it relates to if you are going to have an HOA, a maintenance agreement because that all will directly affect the ability of this board to proceed with the application.

**John Ouimet:** ok that's what we are going to do.

*John Ouimet: tabled the Biceglia Minor Subdivision until the December 14th Meeting. The Board also requested the applicant stake the property line of Lot-1 and the no- cut buffer Line.*

#### **15.112 Connor Homes Subdivision, (Lands of Rucinski), 37 Staniak Road- Minor Subdivision.**

**John Ouimet:** When the agenda was put together we had hoped that at the last meeting the public hearing was adjourned until tonight and we hoped that the engineers could get together between the last meeting and tonight and

resolve some of the questions with the wells, and outputs and testing. I was told yesterday that on the 19th you finally got together, the agenda had already been set so what I'd like to do is reopen the public hearing in case there is something here from the public. But before I do that I want to read the letter I received from Clough Harbor. CHA met with the applicants engineer The Chazen companies on November 18th to discuss the proposed well testing methodology, we offer the following comments: It was agreed that test well will be installed with in the center of the proposed lot, and a 4 hour well test at 5 gallons per minute will be conducted in accordance with the NYS DEPT. OF HEALTH guidelines. Additionally to further evaluate the potential impact to adjacent wells a 24-hour test at 0.5 gal a minute will be conducted during which adjacent wells would be monitored. The results of these tests will be provided to the town for review and comment. The proposed project appears to be an unlisted action pursuant to SEQR and as such a coordinated review is optional. We don't need that for the public hearing but the testing you have arranged to do the testing, the dates are set or not yet.

**Stewart Messinger:** with the Chasen Companies, just to expand on that, we met we brought our hydrologist, he did what hydrologists do, they agreed on a protocol which you just read so our next step is to engage a driller, we are in the process of getting a proposal from the driller. Drill the well and do the pump tests, what we wanted to do when we do the pump tests is we will reach out to the neighbors prior to that and we will ask who would like their well monitored as part of that because that's how we will determine what the impact is. We actually stick down a device into their wells we don't have to do every body's but we want to do a couple of folks who are nearby so we can see what happens. That will be next.

**John Ouimet:** Now we know today is the 23rd not much time to reach out to the neighbors.

**Stewart Messinger:** Well we have to drill the well first then you have to install the equipment so my suggestion would be to continue this into the January meeting, I doubted we would be ready with only 2 weeks to report.

*Rich Berkowitz made a motion to re-open the public hearing for Connor Homes Subdivision and John Higgins seconded it. Motion Carried.*

**John Ouimet:** Would any residents that would like to make comments to what has been said so far were welcome to come up and voice their concerns.

**John Ouimet:** Would anyone from the public wish to react to what has been said so far? Just come up and tell us who you are and let us know what you have to say.

**Ed Melvin:** From 18 Staniak Road, and all you board members seen the petition that was signed by everybody seen that.

**John Ouimet:** Yes

**Ed Melvin:** Is there a way we can get this up on the, this map that I have, up on the thing here. There's no way, ok all right. It shows all the homes here, in counting all the homes, it affects 15 of us on that street right there.

**Richard Harris:** Is that what was submitted with your petition?

**Ed Melvin:** Yes

**Richard Harris:** Can we get copies of that?

**Ed Melvin:** Yes that should be in there right?

**Richard Harris:** Yes we distributed a copy last time and I think I read the petition the last time it was on the agenda, I can go scan that if the chairman wants, I mean its going to take five or ten minutes. They did get copies last time and we will make sure to have it.

**Ed Melvin:** It just shows the water lines and how close they are to these homes and to hook it up, I don't know have any numbers been put together on what it would cost to do that, run public water.

**John Ouimet:** I don't think much has been done since tube last meeting. thats why we are at where we are at here.

**Marcel Nadeau:** Excuse me you're saying the waterline runs in front of your house?

**Ed Melvin:** No it doesn't run in front of my house, it goes in on bent grass and its been approved for behind those homes too on the bend on Staniak rd. So this shows the lines on here so that's why I wanted to put that up there so everybody could see that. Extended from Bent Grass, it would only need to be extended like 3/10th of a mile to satisfy all of the homes.

**John Ouimet:** This will be extended; we will get copies between now and the next meeting.

**Ed Melvin:** Yea, we are just concerned about these tests because I lost a well, I've got some property on Cary Road, same thing somebody drilled a well, the well went away to nothing, I had nothing over there. So that's our main concern.

**John Ouimet:** So your concern is if he drills a test well you may lose water?

**Ed Melvin:** Yes, I want to know how they are going to monitor the wells. I mean are they going to actually look in our wells and put a probe in there, how is that going to happen?

**John Ouimet:** Can you respond to that?

**Stewart Messinger:** You've described it perfectly, what will happen is we will send a letter to you and ask you if your interested in having your well monitored and I'm guessing you will say you are.

**Ed Melvin:** And if our wells do go away who's responsible for that? Is the town responsible; are these guys responsible if the wells go away? You start drilling holes that water disappears who is responsible?

**Lyn Murphy:** Your requesting that the test well be drilled to ensure that you have water, the town is not going to be responsible if it has a direct impact you would probably although I cannot give you legal advice because I give legal advice to the town have civil ramifications against the person who drilled the well.

**Ed Melvin:** Ok, then worst case scenario say my well does go away, then I have to bring a truck in, I deepen my well, these guys have beautiful homes built that are say half a million dollar homes and all the sudden I have to address my well and whatever I have to do to get water and their water goes away. You know they got beautiful homes and now they have no water.

**Stewart Messenger:** The purpose of the 4 hour 5 gal minute test is to demonstrate that there is sufficient capacity within that well to serve not only that well but the two additional homes that they are proposing. We don't have that data yet. We need them to go and do that analysis and then do the additional tests, which they have agreed to do, which will be a 24-hour test, which is where they will evaluate the potential impact to the adjoining neighbors. Until we have that data we can't speak to it.

**Ed Melvin:** To me 5 gallons a minute is adequate for one home not 3 homes. Correct?

**Stewart messenger:** 5 gallons a minute is a significant amount of water for 4 hours, and that is the standard that the Dept. of Health requires for test wells. If you look at the 4 realty subdivisions, which is much larger subdivisions we are pulling from that's where this DOH test comes from, it allows for 1 test for up to 10 lots. And we are actually, they are proposing this test for 3 lots.

**Ed Melvin:** We have been overlooked on Staniak Road, when they proposed a development across from us over here that's been built, I was told a long time ago don't worry your going to get water, with all these homes going up your going to get water, I'm still waiting. Alright thank you very much.

**John Ouimet:** Thank you, anyone else from the public wish to speak?

**Charles VanVorst:** I live at 41 Staniak Road. I live directly across the street from where one of the proposed lots are, I see the sense in drilling these test wells but they drill test wells now what about in the middle of august when we are in the dry season? If they drill test wells now and they find that they are getting water to me that doesn't make a lot of sense as far as when we get to the dry season in august. We have all had trouble with our wells over there and as Eddie said, where do we go if our wells go dry? If we have no recourse? I'm a retired contractor I hate to think about spending another 15, 20,000 dollars that I don't have to put a well in, and it seems to me that 3/10 of a mile, we are coming here on our hands and knees begging to get water, there is something wrong with that picture. We are talking about 3/10 of a mile for 15 homeowners on that road. We all pay taxes and I just don't understand why we all can't get water down the road.

**Lyn Murphy:** As part of the prior public hearing there was discussion about coordinating to both doing the well tests and talking to the director of water there is a formula created by the comptrollers office that only permits a town to even consider extending a water line based on its linear footage cost vs. houses served so those two processes are going forward at the same time so this public hearing isn't over, we will have that information and be given another opportunity to speak prior to them closing the public hearing permanently.

**Charles VanVorst:** Alright, thank you very much.

**John Ouimet:** Thank you, anyone else? (No comments)

*The Public hearing was adjourned until January 11th. when they are expecting to have results of the well monitoring tests completed. Marcel Nadeau Made a motion to adjourn Don Roberts seconded. Motion Carried.*

### **New Business:**

#### **15.148 Empire Ambulance Service, 9 Corporate Drive - Change of Tenant / Use**

**Ed Able:** I am from Able Builders, Troy Ambulance also doing business as Empire Ambulance is a existing tenant at 14 Corporate Dr. and their proposing an expansion across the street. Its a relatively small space around 1300 sq ft and they are going to have just a primarily a dispatch center there. So we are just here for a change of tenant permit.

**John Ouimet:** And do you know if they are going to erect an antenna?

**Ed Able:** I asked that question today, Rich had told me there was a concern on that, the answer is yes and its approximately 2feet high, 2 feet above the roof.

**John Ouimet:** 2 Feet?

**Ed Able:** Yes 2 feet

**John Ouimet:** Do you know whether or not if they have coordinated with Saratoga County Emergency Services?

**Ed Able:** I don't know that, I'm guessing there wouldn't be any problem making them coordinate that.

**John Ouimet:** Don't really like to guess, cause at that point in time because if there were any bleeding of the antennae signal it impedes the ability to dispatch emergency vehicles that would be a problem for everybody. Empire and the sheriffs' dept., local ambulance corps, fire depts. I think we are going to need to get that information before we can intelligently determine whether or not a change of tenant is appropriate.

**Ed Able:** Ok, fair enough, that sounds sensible given the nature of the concern. I was going to suggest is there an application for an antenna in the town code?

**Lyn Murphy:** Based on the definitions contained in our telecommunications law, because they are dispatching for ambulance services if they don't exceed 20 ft then they don't have to go through that application process.

**John Ouimet:** Its not a new application, I think its just a question of making sure that the signals don't cross or impede with the existing ability of emergency services to coordinate.

**Ed Able:** Ok and we can do that, but just before we move on, as a condition of approval that we got tonight, if we committed to applying for a permit and not having the change of tenant the operative until the applicant demonstrated that would that suffice?

**John Ouimet:** Would it make a difference if we put this on for 3 weeks from now, until our next meeting?

**Ed Able:** No

**John Ouimet:** I don't know when you tenants plan on moving in.

**Ed Able:** They were shooting for January 1st.

**John Ouimet:** That would only give them a couple weeks after that. Although they could move some equipment before.

**Ed Able:** Ok, I understand.

**John Ouimet:** I'm hesitant to bring it up to a vote with that big question hanging over our head as to whether or not we have a problem.

**Ed Able:** We will get that answered

**John Ouimet:** If there is a problem it will give them some time to straighten it out.

**Ed Able:** Sure, given that it's a public safety thing, I understand, no issue with that.

*Empire Ambulance Service Change of Use/Tenant application was tabled until the 12 /14/15 meeting to be able to gather more information about the company's use and safety of an external antenna.*

#### **15.150      Jean Paduanno - Teal CPA, 5 Corporate Drive - Change of Tenant / Use**

**Ed Able:** Hi, I'm hoping they don't need an antenna. It sounds relatively tame but they are interested in moving into 5 Corporate Drive, and just to orient you that's just somewhat opposite the Sportsplex of Halfmoon and we are very pleased to have them they are a local CPA firm, a husband and wife team. It's in Jeans name they DBA, Accounting For All. We are pleased to secure them.

**John Ouimet:** are they moving from another location Ed.?

**Ed Able:** Yes their office right now is in their home, and their prospering pretty well but its getting kind of tight, that's the sense I got, and they are looking very much forward to having an office. Which will be very nice.

**John Ouimet:** Now is there a sign that is going to go up or no sign?

**Ed Able:** There is an existing monument sign out there that they would just use, its something like a directory, but its an existing monument sign that would just get the placquered and just change that out when the tenants come in.

**John Ouimet:** Is that something that would need sign approval by this board?

**Richard Harris:** You have in the past.

**John Ouimet:** You don't happen to have proposed letter with you do you?

**Ed Able:** Well the directory signs are basically slats that are mounted on the monument sign I don't have that with me, but I know the other tenants in the building they will want to have that.

**John Ouimet:** Well we can consider the change of tenant but we cant consider a sign we cant see, so I understand they will have to apply for a sign and come back for approval before you switch it out.

**Ed Able:** I, am just trying to think if there's a way, for an existing monument sign are permits still required?

**Richard Harris:** Yes for panel changes they treat it, as an insert or panel change, yea it is a change. Last year the town board did make some amendments if it is a similar change for an existing business then they don't have to come back but this is a brand new business.

**Ed Able:** Ok, that shouldn't be an issue, and is that handles with the board or administratively?

**John Ouimet:** Right here

**Ed Able:** Ok we can do that

**John Ouimet:** Hopefully you can do that when you are here at your next meeting.

**Ed Able:** Yea typically ABD handles a lot of these change of tenant permits for me but I don't think that's an issue if we could move on the change of tenant itself and defer on the sign.

**John Ouimet:** Sure, any questions from the board on the change of tenant?

*Don Roberts made a motion to approve Jean Paduanno - Teal CPA Change of Tenant/Use application Rich Berkowitz seconded. Motion passed. A Sign Application is still needed for the sign panel.*

#### 15.149

#### Conroy Racing Ent. LLC, 8 Fellows Road - Change of Tenant/Use

**Theresa Conroy:** We live at 8 Fellows Road, we own the building that's adjacent to it at #6 Fellows Road. There was an existing business there for the last 30 years which he left the building on October 1st and we are applying to have a Change of Tenant and have our own business in there.

**John Ouimet:** Thank you, any questions from the board?

**Don Roberts:** Will there be a sign for this business?

**Theresa Conroy:** No, no sign, it will be just like the existing, what was there.

**John Ouimet:** Any more questions? (No comments)

*Don Roberts made a motion to approve Conroy Racing Ent. LLC. Change of Tenant/ Use application. Marcel Nadeau Seconded. Motion Passed*

**15.152/15.153            Legacy Financial LLC, 440 Route 146 -Change of Use/Tenant and Sign**

**Bob Daley:** I am another one of those CPA types. I also do financial advising. I've been a resident of Halfmoon for 22 years and I am getting a little tired of going up and down the Northway so I am trying to establish myself close to home. So I am basically renting a single office within an existing law firm and we share a conference room and that's about it.

**John Ouimet:** What about traffic in and out, what about parking, not an issue for you?

**Bob Daley:** No I'd only have one person coming at a time, its all I can do. It's not like H&R Block where they are lining up.

**John Ouimet:** We have looked at the parking situation Paul?

**Paul Marlow:** Yes, there are 15 spots on site and there are 4 Land Bank parking spots. More than meets the requirements.

**John Ouimet:** Any questions from the board? (No comments)

*Rich Berkowitz made a motion to approve Legacy Financial LLC application for Change of Use/Tenant. Tome Ruchlicki seconded it. Motion passed.*

*Don Roberts made a motion to approve Legacy Financial LLC Sign application. Rich Berkowitz seconded. Motion Passed.*

**15.145                    Tanski Commercial, Route 146 - Minor Subdivision**

**Duane Rabideau:** From Van Guilder Associates representing Bruce Tanski for a proposed 3-Lot commercial subdivision. The parcel is located at the intersection of NYS 146 and Fellows Road, right across from the realigned portion of Fellows Road basically just west of the Sunoco station. Basically requesting to subdivide 3 1/2 acre parcel into 3 lots. Lot #1 being further west over one acre in size. Lot# 2 a little bit over 1 acre and the 3rd lot which is the one nearest to the Sunoco station 1 1.5 acres. Basically there is existing water that goes by the site, we are in the process of designing a sewer system which is now pending before the Saratoga County Sewer Dist. to service these lots. Basically the applicant wants to create these 3 commercial lots in order to market it to prospective buyers. This action tonight is only to subdivide the parcel and we are aware that any proposed businesses coming in that each of those lots will have to come back before the board for site plans review. The applicant would like to request to be scheduled for a public hearing.

**John Ouimet:** Thank you, any questions from the board?

**Rich Berkowitz:** I just have one question and this might be too soon to discuss this, but is there going to be an easement to allow the flow of parking or flow of cars into the Sunoco station?

**Duane Rabideau:** The intent is to have a cross easement so that the 1 1.5 acre parcel would have direct access to the curb cut on this Sunoco station.

**John Ouimet:** Any other questions? (No comments)

*Rich Berkowitz made a motion to set a Public Hearing December 14, 2015 for the Tanski Commercial, Route 146 Minor Subdivision. John Higgins seconded. Public Hearing set.*

**15.147                      The Tire Warehouse Inc., 1428 Route 9 - Commercial site Plan**

**Robert McCarthy:** I apologize in advance, Mr. Mugrace who was supposed to be here tonight to present to the board was unable to do so I believe his daughter had a car accident or something so I am familiar with the project, I might not have all the answers you are looking for tonight but my client wishes to get this going forward and moving in the right direction. What's proposed is a change to the address 1428 NYS Route 9, including 2 modifications to his existing buildings. The first is the tire facility. The tire facility is approximately 9,000 sq ft. we are looking to add 6,000 additional sq ft for a total of excuse me 3,000 sq ft for a total of 9,000 sq ft their second building in the back is a storage facility that has 9,000 sq ft and we are looking for an additional 6,000 sq ft for a total of 15,000 sq ft. The building where the bays are, where the work is done would include 2 additional bays in the front which would be able to drive through for 2 in the back but the same bays and the additional office space and the back would be cold storage and the cold storage would be mostly tires. There is an additional parcel that is next door. The additional parcel was deeded into John McCall who owns both parcels now so their might be an issue if the board has an issue having them reconnected to one tax map number which we would have no objection to. That's been transferred. Nothings changing with the business, same employees, same hours, maybe there might be 1 or 2 employees but nothing substantial. Parking has been increased to 6 spots, which meets the requirement by more than what is required. Everything else relatively remains the same, the purpose for the change is just to compete with the local Wal-Mart who has a lot more buying power a couple other tire companies that are getting bigger we need more space we needed to look and function better but it was time to put some money into the building and make it a better facade for the town and as you can see from the conceptual it will do that dramatically. Any questions?

**John Ouimet:** The expansion is going to go to the Southern part of the structures?

**Robert McCarthy:** Yes, there is a second lot that is purchased, was transferred and that is the property that's going to, the expansion for the first building is going to be on that property.

**John Ouimet:** So if I recall that property to the south is quite hilly.

**Robert McCarthy:** Correct, well as you can see from the plans the hill is going to come down and there is going to be an 8 ft retaining wall on the property line.

**John Ouimet:** On the property line of the parcel you just acquired?

**Robert McCarthy:** Correct. It's right there. There's going to be a lot of site work there to bring that down to level it off and there will be additional parking there as you can see. The existing house will be removed and the existing garage will be removed. We will clean up that whole area. That house is relatively old. The retaining wall is about an 8 ft retaining wall.

**Marcel Nadeau:** That detail shop, is that still there.

**Robert McCarthy:** Those buildings one is the house one is the garage, they are coming down they are not at the facility any more.

**Marcel Nadeau:** So they are relocating someplace?

**Robert McCarthy:** Yes.

**John Ouimet:** Any other questions, John?

**John Higgins:** The 8 ft retaining wall is that going to be right on the property line or set back off the property line

**Robert McCarthy:** I believe it's on the property line. There is some room there so if that's an issue for the town.

**John Higgins:** Well no obviously if you are going to affecting the adjoining property you might have to get an easement from them or temporary permission to do grading that close. You don't want to plan on it and then all of the sudden the neighbor comes over and says you have to stop.

**Robert McCarthy:** There is room there so I will take that into consideration if need be.

**John Higgins:** Ok.

**John Ouimet:** Tom?

**Tom Ruchlicki:** I have no questions.

**John Ouimet:** I think at this point in time we will refer your concept plan to Clough for review.

**Robert McCarthy:** Thank you.

**John Ouimet:** Thank you very much.

**Robert McCarthy:** Have a good holiday.

**John Ouimet:** You too.

**15.155**      **RCC Enterprises DBA Maple Leaf Childcare Inc., 41 Werner Rd - Change of Tenant/ Use**

**Tom Savino:** With CBRE I'm here representing the property owner that is out of town on a family event this week and couldn't be at the meeting. Linda Moran will discuss the change of tenancy that she is applying for.

**Linda Moran:** Hi, I'm the owner of Maple Leaf Childcare along with my husband and we are requesting a change of tenancy at 41 Warner Road. We currently own and operate six childcare programs in counties of Guilderland, Rotterdam, Glenville and three in Malta N.Y. and we would like to open up a center on 41 Warner Road.

**John Ouimet:** How many children?

**Linda Moran:** Approximately 100 children.

**John Ouimet:** In my understanding I don't know if you can answer this one Tom, my understanding is this is a replacement of a former day care center?

**Tom Savino:** Yea there are four buildings on this site, the building on the bottom of the screen, this building was used primarily as a day care center there were classrooms in these other buildings. The school at it's hey day had over 200 kids in there and in terms of the school and its daycare facility, its been a licensed day care facility for 30 years. The number of students fluctuated depending upon the amount of use they had for the school or daycare. Daycare was always in this one single building right here and it's set up for that. Hopefully that answers your questions.

**John Ouimet:** So the change of tenancy is only for that one building, the rest of the site is not before the board?

**Tom Savino:** Correct, nothing else is here, other than the application for change of tenancy for that one building.

**John Ouimet:** Now before you go, the existing daycare center, the one that's no longer functioning, how many children did it serve?

**Tom Savino:** I spoke to the owner this evening about that, he said it fluctuated over 30 years sometimes that building had a lot more kids in it as daycare, then if the school there was a need for an extension of the school they pushed it into some of that building as well. Towards the end they were more, they utilized more of the whole property for the school use as opposed to daycare, but there was daycare.

**John Ouimet:** I understand there was daycare, the question is I'm trying to get a handle on how many kids they served. You have to have a license for a certain number of children am I correct. Maximum capacity license. Do you know what it is? Or what it was?

**Tom Savino:** I don't, at the maximum over the years; I would have to get that from him.

**John Ouimet:** My understanding is they have an active license right now even though they are not operating.

**Tom Savino:** Yes that was a license they had before they closed the school and relocated.

**John Ouimet:** The only evidence that we were able to find in the planning files was how many kids Rich?

**Richard Harris:** 13 on the most recent License and when I looked at discussions in past meeting minutes at the daycare use, it didn't mention numbers. It talked about the school in the same sentences as the daycare acknowledging the two different uses but both occurring on the same site. SO that was the only indication of numbers for daycare was in the latest license that you showed me.

**Linda Moran:** Weren't there close to 200 at one point he said.

**Tom Savino:** Well yea there were close to 200 kids in the facility.

**John Ouimet:** I guess the question is, is there a current license for 200 kids? Because if there is a current license for only 14 kids and your asking for the ability to put in 100.

**Tom Savino:** The school that we had for 200 kids had to be a licensed day care facility.

**John Ouimet:** I'm not a young guy anymore, I used to know the answer to this question when I worked for the Dept. of Children and Family Services but I don't work for them and haven't for five years so I don't know the answer anymore, but my understanding is you have to have a license and it has a maximum capacity.

**Linda Moran:** Yes

**John Ouimet:** So the question that I have is what was the maximum capacity on the license that exists right now for this facility?

**Linda Moran:** I believe it was 13 he had seen because I know Shannyn's Rainbow helping hands, I've known that company for a long time, I've also been in business for 28 years and I knew they had a thriving business at one time and it slowly crept down and crept down and crept down so I know right now they only renewed for 13 I believe is what you showed me but at the building that we want the change and is I believe 5,600 sq ft for 100 children we actually are minimum amount of space would be 3,500 sq ft so .

**John Ouimet:** I don't doubt you could get a license for 100 children the question is whether or not this board could approve a change of tenant from a smaller number to a larger number, I would have to defer to council on that one.

**Lyn Murphy:** I think the question is because it is a pre existing non conforming as it relates to the daycare center is this an expansion of a pre existing non conforming. If its going from 13 to 100 obviously that would be an expansion of a pre existing non conforming, not to say that the community doesn't want something like that there, it's just that unfortunately the way the law is written, school is allowed there, the daycare is a pre existing non conforming and unless its been in that use with in the last two years it sounds like you would be expanding. So if we could show in the last 2 years there have been 100 people there for daycare.

**Linda Moran:** I don't have that information the owner is not here so.

**Tom Savino:** I don't have that information here so if we have to table things for this evening until he gets back then we have to do that. If at any given time over their 20 years they had more students than would that satisfy the board?

**Lyn Murphy:** Typically the pre existing non conforming use is they expire after 2 years of no longer using. I would have to do additional research because its not that they terminated the use they are fluctuating the numbers so I actually would need time to do research as well so we can both do ours.

**Tom Savino:** The alternative if I understand things correctly is for us to get a denial from you and then go to the ZBA for a variance on the use or the density of the use.

**Lyn Murphy:** What you would want to do in my humble opinion although you should seek legal advice elsewhere is to get a variance and then you don't have to worry about expanding on a pre existing non conforming because if you get a use variance you can use it that way

**Tom Savino:** So it's a use variance that we would go for.

**Lyn Murphy:** Again I have to tell you to seek your own independent legal council but to me that would be more beneficial for the future.

**Tom Savino:** That's probably what we would need to do this evening because the owner is not here and I don't have any other documentation from previous years and number of students and so forth.

**John Ouimet:** Ok, should we make a motion to table?

**Lyn Murphy:** Do we make a motion to table or denied?

**John Ouimet:** Or do you want to withdraw it and re file it after you have the information.

**Tom Savino:** Whatever is the, they just want to open a daycare center so if we have to go for the use variance, if denial is the quickest way to do that, then if that could happen tonight or tomorrow once I talk to the owner.

**John Ouimet:** Too late to get on the zoning calendar?

**Richard Harris:** No it's not too late and if they want a few days to figure out that answer I have the authority to deny them outside of the meeting. I'm just throwing this out there say by Monday given the holiday if they find out bad news that it's been 13 students for 40 years for child care then you don't have to wait till December 14th to get a denial I could do it and then we could do our best to get you on the meeting.

**Marcel Nadeau:** You're saying you can't find out from the previous owner or you couldn't find out tonight.

**Tom Savino:** No the previous owner is out of town tonight so I'm just going to ask him to go back and see if he has any records indicating higher density of daycare on that site.

**Marcel Nadeau:** So you have someone to ask, its not that you don't have somebody to check

**Tom Savino:** No I have someone to ask he is just out of town.

**John Ouimet:** So if this is removed at the applicants' request, he could find out the information and go to you as the zoning officer.

**Richard Harris:** Yea if you want to table it until he finds out good news and he doesn't want to go the ZBA route because you not only have to go December, be at the meeting you've got to have a public hearing in January, then you would still have to come back.

**John Ouimet:** I think the more prudent way would be for us to table it and then you could pursue the other avenue as well and then you would know where to go.

**Linda Moran:** So are you saying that if they were licensed for 150 kids 20 years ago then we might be able to do this?

**Lyn Murphy:** Yes I understand your question, I wish I could answer it more directly, I'll have to do more additional research with regards to that specific use but what you are not allowed to do is expand a pre existing non conforming. Its going to be difficult to get a definitive answer because of the nature of the daycare is that it fluctuates, so if say the person the prior owners said it fluctuated and sometimes we had 20 and sometimes we had 120 and it constantly did that then this board would be able to go forward.

**John Ouimet:** But if you find out that its been 15 in for the last 3 or 4 or 5 years then this board might not be able to do that, cause we couldn't approve an expansion of a pre existing non conforming.

**Linda Moran:** Ok thank you.

*Tom Rchlicki made a motion to table the application until the next meeting on December 14, 2015 for RCC Enterprises DBA Maple Leaf Childcare Inc. Marcel Nadeau seconded. Motion carried.*

### Old Business:

#### **15.140                      CaNine to Five, 1534 Route 9- Change of Tenant/Use**

**Samantha Smith:** Good evening, I was here a couple of weeks ago, there was some concern about the parking so we.

**John Ouimet:** I think there was an issue with the site plan, Correct?

**Samantha Smith:** Correct.

**John Ouimet:** I understand you met with the planning dept.?

**Samantha Smith:** We did, yes. And so we have given them this and we have discussed it so we have enough parking spots now and were going to also line in what is highlighted.

**John Ouimet:** So some of the spots are already lined but just not the highlighted areas. ?

**Samantha Smith:** Yep.

**John Ouimet:** And that's what you're proposing to do?

**Samantha Smith:** yes and we will obviously make sure everything is lined appropriately.

**John Ouimet:** Thank you for that and at our pre meeting a couple more issues were raised by the board so. I'm going to open it up to Don.

**Don Roberts:** So when you're boarding the dogs in that room where they are going to be boarded are you going to take any precautions to like sound proof the building.

**Samantha Smith:** we are in the boarding area, which is in the back part of the middle building, it is already sheet rocked.

**Amy Pollard:** It's not already sheet rocked its blocked and then they are going to insulate and sheetrock the inside of that room specifically.

**Samantha Smith:** And then we are putting in a drop ceiling as well in order to kind of additional insulation so that will buffer the noise and there are no indoor or outdoor runs so the dogs will not be out at night or anything like that, its all inside.

**John Ouimet:** Tom? Any questions

**Tom Ruchlicki:** No I just had concern about noise and the only other thing and I think you mentioned the last time you were here will the dogs ever be outside for any length of time.

**Samantha Smith:** We are going to have a stockade 6 foot vinyl fencing so that's how they are going to be contained and they are always going to be monitored as well they wont be put out for hours at a time by themselves.

**Tom Ruchlicki:** So my only concern is that I don't know what this fence is going to look like are you going to be able to see through that fence?

**Samantha Smith:** No, It is solid white vinyl fencing no slats because we don't want the dogs to be able to see outside because that's what usually gets them barking.

**Tom Ruchlicki:** That's why I asked because I know.

**Rich Berkowitz:** What's the earliest they will be outside in the day.

**Samantha Smith:** We are going to be opening at 7 o'clock in the morning for daycare, boarding dogs might have a quick potty break at 6 am but they are not going to be left out at 6 am in the morning to just bark.

**Amy Pollard:** But daycare dogs are not out at 7 in the morning.

**Samantha Smith:** No from 7-9 is drop off. All daycare dogs are going to be in the daycare room between that time frame, there won't be any dogs playing outside at that point.

**Rich Berkowitz:** So the earliest they will be outside if they make noise would be 9 am?

**Samantha Smith:** yes for daycare.

**Tom Ruchlicki:** Ok

**Don Roberts:** And do you have a sign application?

**Samantha Smith:** We do yes, I wasn't sure if we could give it to you now because we just got it. I have it with the check and everything.

**Lyn Murphy:** It sounds like they haven't filed it; they will just have to come back.

**Samantha Smith:** That's fine.

**Marcel Nadeau:** You said you will be boarding them overnight?

**Samantha Smith:** Yes.

**John Ouimet:** Any other questions? (No comments)

*Don Roberts made a motion to approve the CaNine to Five application for Change of Tenant/Use. Marcel Nadeau seconded. Motion Carried.*

**15.108 / 15.122      Liebich Lane Flex Park, 3 Liebich Lane - Commercial Site Plan & Minor Subdivision**

*John Higgins and Tom Koval recused themselves. Rob Partlow stepped in as alternate.*

**Joe Dannible:** Of Environmental Design. Valente Building Group LLC. And our application for a 52,000 sq ft flex building to be located at 3 Liebiech Lane. The site itself this board is very familiar with this is our fourth site plan approval we have proceeded with on this site, the site itself is zoned under the PDD to allow for 600,000 sq ft. of light industrial use. With the approval of this site plan that would bring the total sq footage on site up to 205,000 sq ft leaving roughly 400,000 sq ft left to be developed. As you can see on the map here Liebiech lane travels East to West the yellow area highlighted on the map is the site location, we are proposing to subdivide the parcel out into 8 - 8 1/4 acre parcels with the remaining 91 acres of land and remaining part of Clifton Park Materials LLC or Valente Materials LLC. The plan you are looking at now is what was previously referred to Clough Harbour in June of 2015 this year, as you can see by the next slide we have essentially kept the identical site layout as we have moved through, we have gone through a series of comments with Clough Harbour the comments we've provided responses to their initial comment letter that came out. And to the second comment letter that has been provided. We don't see any substantial changes needed to finish and finalize the review comments offered by Clough Harbor. The site itself its 52,000 sq ft building divided into 40 ft. bays. Perspective tenants may lease one 4,000 sq ft bay or multiple 4,000 sq ft. bays it depends on the exact use of their business one of the items that we have added to our site plan and as we are aware at the town all proposed tenants are subject to change of use / change of tenant requirement so that parking can be looked at carefully and cumulative impact on the parking and the number of parking spaces can be reviewed as they move forward with all of those change of tenants and the use areas associated with them. The site itself provides a 146 parking spaces we have 2 points of egress existing egress on the Eastern side, say Northeastern side of the building that services the tractor trailer loading dock for 5 Liebiech Ln. Formally Barron Companies, now owned by J.W Danforth Mechanical and we are proposing a new curb cut on the west side of the West side of the building that will access both the tractor trailer loading dock area and the parking for this facility. The project is going to be connected to municipal sewer and water both are available with in Liebiech Ln. and storm water will be managed with green infra structure components all on site and then there will be an off site discharge to the North to a large reservoir holding area. As part of what we have been looking at with this project it was the intent of a town to minimize any storm water runoff that would travel in a Southerly direction to the existing stream section Just to the south of this site. And that's what we have been able to do with this plan. Also as part of this plan we are requesting a waiver to disturb greater than 5 acres of land at one time. If you go out to the site and you look, this is part of a mining operation the entire 9.5, 10 acres of land that we are proposing to grade as part of the site plan is essentially for all intents and purposes bare soil and disturbed at this time so there really is no way to proceed at this time. We are doing some large massive cuts and fills to balance the site fill certain areas and grade off to the end. So yes we are requesting a five-acre waiver and we are submitting that documentation to the town and to Clough Harbor. Can I scroll this, two slides elevation? This is a perspective view of the Southwest corner of the building as you look at the front of the building each tenant space will include the double front doors and 2 windows looking out the front on that is a respective feature along the facade of this building. The lower portions of the facade will be a stone material as such and as you go above that and into the windows it will be aluminum siding similar in appearance to

the 5 Liebiech In building. On the next slide we are looking at a partial front and partial rear elevation again we are looking at the lower of two slides the front elevation each building unit has a door and two windows and on the rear elevation your looking at the smaller door will be a depressed loading dock for tractor trailer access and the larger doors are overhead doors so that box trucks drive into each facility. We find as we developed these flex buildings and the tenants looking to lease them they want access to both those types of doors for their materials. Again we have referred to Clough we have reviewed this and we are looking forward to setting a public hearing to go into our 2 lot subdivision portion of the project in December. Thank you.

**John Ouimet:** Thank you, any questions from the board?

**Marcel Nadeau:** I just have one question, the map we saw up there is different from the map we have in front of us?

**Joe Dannible:** Because the driveway goes out to the other property line that's the one change we made from the conceptual plan and the plan that the board has in front of them. This property line is being adjusted again what I had mentioned on the plan we call out an 8.15 acre parcel we have since adjusted this plan and gone to an 8.25 acre parcel so that the driveway remains entirely on that land.

**Marcel Nadeau:** So you have to do a subdivision also?

**Joe Dannible:** Yes we need a subdivision and a site plan review.

**John Ouimet:** Anything else?

**Tom Ruchlicki:** That whole area going toward the bottom corner of that map

**Joe Dannible:** Right about here is where the existing stream corridor is there is a large settling pond right here.

**Tom Ruchlicki:** That's what I wanted to know; now directly in that arch on Liebiech In on the opposite side of you your proposal there's a whole another base in there too.

**Joe Dannible:** There's an existing storm water pond here that treats storm water for Liebiech In we are not proposing any storm water to be retained in this pond as part of this proposal

**Tom Ruchlicki:** That's what I wanted to know, that one that you show in front of the building in front of the building in front of all of those parking spaces is where you are going to locate it?

**Joe Danible:** This area in front of the building, we have a bio retention area here, this will be landscaped and there will be a soil media installed to help filter storm water run off. We then have a grass swale that comes over to a larger basin. This area right here is primarily designed to provide green infrastructure for the storm water management, then this area is all piped with an overflow pipe around to the rear of the building and up in this area here

**Tom Ruchlicki:** You are going to discharge all the way to the back of that?

**Joe Danible:** We are going to discharge everything to the back of that building that's what the town preferred us to do to alleviate any stress on that existing area down there.

**Tom Ruchlicki:** Thanks.

**John Ouimet:** Any other questions? (No comments)

*Marcel Nadeau made a motion to set a public hearing for December 12, 2015. Don Roberts seconded. Motion Carried.*

*It was decided no expanded notice was needed, regular notice only would be sent out.*

**15.136                      Valero (Halfmoon Petroleum Inc.), 1493 Route 9 - Change of Tenant/ Use & Signs**

**Hume Zahalids:** I'm here for the change of tenant and renewal for the site for Valero gas station 1493 Route 9, and we had an environmental concern about it in the last meeting and that's what we were waiting for and they cleared, because there was a contamination in the soil when they took off the tanks so we cleared that out and it is ready to go.

**John Ouimet:** Do you have an agreement with Valero to occupy the site?

**Hume Zahalids:** Yes

**John Ouimet:** It's in place now?

**Hume Zahalids:** Yes they were interested in it yes.

**John Ouimet:** Any questions from the board before we get to the signs?

**John Ouimet:** The contaminated soil has that been removed yet or is it still in piles?

**Hume Zahalids:** They dug out tons of soil.

**John Ouimet:** Yes it's a big mound of dirt

**Hume Zahalids:** Yes

**John Ouimet:** Do you know when that is going to be removed?

**Hume Zahalids:** I did not find that out yet, probably tomorrow.

**Don Roberts:** I'm sorry did you say you have a contract with Valero and it's all set?

**Hume Zahalids:** I believe because my father had to be here but he couldn't come but they were interested in it and I think they were making him do a contract with it.

**Don Roberts:** Ok thank you.

**John Ouimet:** So the site plan is for Valero so if you change it up if it becomes something else.

**Hume Zahalids:** No we are doing it as is.

**John Ouimet:** Same as what was here and was expired because it didnt go forward for three years.

**Hume Zahalids:** Yes, same thing.

**John Ouimet:** Now I guess there is an issue with the sign, is that correct Don? One of your signs.

**Don Roberts:** Yes there is, back when it was a Getty Station the pylon sign, you know the tall one that was approved under our old sign ordinance at 20 feet, since that time the ordinance has been revised, now it is a maximum height of 15 feet so we would like to see that large pylon sign come down and if you want to put another one up it cannot be any higher than 15 feet.

**Hume Zahalids:** You want us to remove that?

**Don Roberts:** Well I would think you would have to right?

**John Ouimet:** Either remove it or lower it, I don't know if you can, I don't know the construction of the sign, is the pole integrated steel pole? Can it be shortened?

**Hume Zahalids:** Yea, that's on the side, I believe it can.

**Don Roberts:** If you can shorten it ok.

**John Ouimet:** I think what Don is saying is that this board has routinely approved signage in that area at 15 feet or less since the gas station across the street from you.

**Hume Zahalids:** The Sunoco.

**John Ouimet:** Yes, was approved at a 15-foot height, we feel that 15 feet is plenty high enough for your sign on your side of the street.

**Hume Zahalids:** Ok

**John Ouimet:** Even though it actually was the existing sign it's higher than 15 feet, I believe its 18, Rich is that correct?

**Richard Harris:** We don't have an exact height but it appears to be 20 feet.

**John Ouimet:** 20?

**Richard Harris:** When measured in the field.

**John Ouimet:** So it's really 5 foot higher than everyone else's and that's not anything that this board chooses to approve at this point in time.

**Hume Zahalids:** Ok we will get that reduced.

**John Ouimet:** Now the other issue is one of the signs on the existing, or on the prior submission was to be located on Guideboard road, are you familiar with that? That was not approved so if that's included in the sign package before the board tonight.

**Richard Harris:** No they were just requesting a renewal of the signs and site plan from last time.

**John Ouimet:** So it's just a building signs plus the sign, the stand-alone sign?

**Richard Harris:** Yes everything that was approved last time they asked for it to be re-approved. Correct.

**John Ouimet:** Can I have a motion on change of tenant, unless there are any other questions from the board.

**Tom Koval:** So we are moving forward with having them cut that down to 15 feet and our approval is based on that.

**John Ouimet:** Yes but we are going to take the sign separate though.

**Don Roberts:** So we are taking it separate?

**John Ouimet:** Yep we are going to do the requests for renewal of the change of tenant.

*Rich Berkowitz made a motion to approve Change of Tenant as approved previously for Valero- Halfmoon Petroleum. John Higgins seconded. Change of Tenant was re authorized. Motion Carried.*

*Don Roberts stated that the other signs are ok, but the pylon sign can be no higher than 15 feet, the other Guideboard Road signs are off the table.*

*Rich Berkowitz made a motion to approve Valero signs as indicated by the Board. John Higgins seconded. Motion Approved.*

*Tom Ruchlicki made a motion to adjourn the meeting at 9:15 pm. John Higgins Seconded. Meeting Adjourned.*