

11/9/15

**MEETING MINUTES
Town of Halfmoon Planning Board
November 9, 2015**

Those present at the November 9, 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 - absent
 Margaret Sautter - absent

Director of Planning: Richard Harris
 Planner: Paul Marlow

Town Attorney: Lyn Murphy
 Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski
 Jeremy Connors

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

Donald Roberts made a motion to approve the October 26th minutes, seconded by Richard Berkowitz. Motion was carried.

Public Hearing(s):

15.128 Robin Bailey, 42 Church Hill Road- Minor Subdivision (Lot Line Adjustment)

Robin Bailey: It's a lot line adjustment of 30 feet, which I'm increasing the width of my property by that much to the McBride's and that's about it

John Ouimet: Do you have a map? Can you put it up on the board please?

Robin Bailey: The map is right behind you, that map.

John Ouimet: Ok, thank you, anyone from the public wish to speak? If not I'll close the public hearing, any questions from the board?

Marcel Nedeau: John I took a look at the subdivision and I didn't find any issues with it so I make a motion to approve the subdivision.

11/9/15

Marcel Nadeau made a motion to approve the Minor Subdivision application, John Higgins Seconded it. Motion Carried.

Marcel Nadeau made a motion to declare a Negative Declaration pursuant to SEQR, Tom Ruchlicki seconded it. Motion carried.

14.126 Paar Estates of Halfmoon, 33 Farm to Market Road- Planned Development District (PDD) Recommendation.

Don Roberts recused himself.

John Ouimet: Would anyone like the notice read? (No one responded)

Jeff Williams: Bruce Tanski Construction and Development here today with the applicant and the principal behind the project Mr. Bruce Tanski, along with Jason Dell Lansing Engineering, our design engineer and Wendy Holbreightburger from Kreation & Manning Engineering our traffic engineer. I am here tonight to discuss Paar Estates Halfmoon Planned Development District PDD we introduced this concept back in 2014 September to the town board, we have been in front of this board a couple of times with it and we have also been through a number of reviews with Clough Harbour and discussions with the town. Paar Estates is located at 33 Farm to Market road some people might know it as the Leggett Farm its on the North Side of Farm to Market Road between Pruyn Hill Road and Route 146, the proposed site is 89.2 acres, its currently zoned agricultural / residential. We are proposing to construct 132 units of town homes, all the units will be owner occupied, each unit will be on its own piece of property with its own tax id being given to it when its established. Town house development will be surrounded by a 9-hole golf course with associated car path and a large expanse of green space. This concept is modeled after the Fairway Estates, which was built in the late 90's by Mr. Tasnski up in the northern part of the town. Each one of these town homes will be approximately 1700 sq ft. attached 2-car garage, full basement, 3 bedrooms, and 2 1/2 bathrooms. Municipal water will be provided by extending the water from Pruyn Hill easterly down farm to market road, and Public sewer will be provided by going across the Leggett, the other Leggett parcel to the south to go into the route 146 main. Storm water areas and roads will be offered to the town. We worked out the density for the project 89.2 acres we took away steep slopes, wet lands that gave us 37.9 net acres, that net acreage divided into the number of units works out to be a density of 3.51 units per acre. The public benefit the applicant proposed to construct approximately 16 1650 in ft. of 12" water main on Tabor Road. This water line will extend the towns water where it's closer to the county water system. And as a side note it will alleviate a ongoing water quality and quantity problem with the residents up there, again we are here tonight in hopes of moving the project forward to recommendation back to the town board, we will be happy to answer any of the questions you have.

John Ouimet: Jeff can you take a minute to just go over the history of this project, how it started, it started as a single family home, started at a density higher than what you have now.

Jeff Williams: No I believe the project that we have always proposed twin homes on it with a golf course.

John Ouimet: what was the density you originally proposed?

Jeff Williams: I'm not sure, I know that through reviews and doing our grading and stuff like that we lost 16 units prior, we were up to 148 units at one time, I don't have the density number for that in my head but we are now down to 132.

John Ouimet: So you just said the original number of units was 148 and you are here now looking for recommendation of 132.

11/9/15

Jeff Williams: Yes

John Ouimet: Would anyone from the Public wish to speak? If so come up and identify your self.

Joseph Maiello: I live on Route 146 directly south across the Leggett Farm so I'm their next-door neighbor. I just have a couple of questions regarding the project. How far will the water line go down Farm to Market road to the development, anything beyond that?

John Ouimet: Jeff would you come up, Jeff or Bruce.

Bruce Tanski: There has been a joint venture between Chris Able, Ed Able and Carl Clemente and our goal is to start the waterline as soon as spring comes around, right away, we are already in the process of negotiating to buy pipe and so it will go from Pruy Hill road to 146 to the two properties that have already been pre approved by the town.

John Ouimet: Does that answer your question?

Joseph Maiello: Yes it does, I have a couple more though. From where will the natural gas line go to the development, have you determined that yet?

Bruce Tanski: We are in the process of working with NYMO now. Public service commission says we are allowed a hundred feet per unit so you can do the math to figure out, we will probably have to bring it up from Mechanicville come that route but we are still negotiating with NYMO on that.

Joseph Maiello: Ok, to be determined. The sewer line is going to connect to the main on 146, I believe so, there is a 6 acre lot that is part of this proposal is in that 6 acre lot that they will cross from Farm to Market to 146 and where on 146 will they tap into that sewer line?

Bruce Tanski: We have secured an easement from the people that own the Leggett Farm, which is on, lets see if I can get my direction, on the southerly boundary of their property that we are not buying its the commercial entity. And we have an easement to go on the west line, I'm sorry, I'm half polish, but anyways, so we do have an easement to tie into the sewer line at that point its a gravity sewer line its an 18" ducted sewer line, so we would make the tap in there.

Joseph Maiello: So it's across the 6 acre lot now David.

David Leggett: I'm one of the owners of the Leggett Farm that's being developed by Mr. Tanski. The easement that is being referred to is at the easterly far end of the piece of property across the road, which is actually not involved with this development. We are just giving Bruce the easement, a 10 ft easement across the end of the field over to the end sewer line. It's at the easterly end of the parcel that's on the south side of Farm to Market road.

John Ouimet: Ok, thank you.

Joseph Maiello: I know a neighbor down that's interested in different things. Another question, the applicant has proposed a water line extension on Tabor road which I think is a great thing based on what I've heard, I talked to the water dept. director he had indicated that it was a critical area there, does the town maintain a database of critical areas in the town that have water problems, to be able to pick and choose when there is a development like this that has public benefit and where do they apply that public benefit?

11/9/15

John Ouimet: I would have to refer that question to our planner Rich Harris.

Rich Harris: I hate to have to pass the buck, but I would have to talk to Frank Tironi about that I know he is aware whether he has a database of it, I don't know, I know that's who I rely on and my staff rely on when there is a project and there is a potential public benefit where there might be a need in the town, so I would have to talk to Frank Tironi.

Joseph Maiello: I did get to speak with Frank and I had a good conversation with him and I did forget to ask him if there was any kind of tabulation or computation of areas in the district that may have water issues.

Richard Harris: I don't have it a planning but that doesn't mean it doesn't exist, so we can follow up with that for the board.

John Ouimet: Can you follow up with the resident by email or snail mail or however you want to follow up, just check with Rich at the end of the meeting give him your email address and you can follow up with frank and get back to you.

Joseph Maiello: Thank you Sir. Thank you for your time.

John Ouimet: Your Welcome, would anyone else wish to speak? Yes ma'am come on up.

Pat Rushby: 47 Tabor Road, I'm here to acert for sure that the people on Tabor Road would welcome having water brought to our road and this has been an ongoing plea with the town board and the planning board, I know I myself I have had several meetings with Frank Tironi, with the Supervisor Kevin Tollisen, the last Supervisor Mindy Wormuth, I mean this discussion has been going on for a very long time so I would like to just read a letter that I wrote to Kevin just a few weeks ago." *It is my understanding that there will be a public informational meeting on November 9th 2015 as I review my multiple requests over the year to the Town Board, the Town Planning Board, and the Town Supervisors it is clear to me that bringing water to Tabor Road has not been a top priority .As you are aware I have been a resident on Tabor Road since 1976 there has been development all around us that was approved by the town. Most of the projects that were developed have in my opinion negatively affected Tabor Road residents. Rolling Hills Development Phase I, II, and III came in; they had a PDD that I believe brought water to Cary Rd. but Tabor Rd didn't get it. I also believe that the lowering of Tabor Rd. directly in front of my home by 3 ft. was very expensive and was done because of the entrance at Liebiech Rd to Tabor Rd, and the Town paid that. I also believe that the lowering of the road has affected the water table, which has had a huge impact on my well. We have a shallow well, its enormous; I would say 10 years ago when you looked at it the water was at the top now I can barely see it at the bottom of the well. I have not run out of water but it is pretty frightening when you see the change in the amount of water that you have available. So I'm writing once again to ask the Town to approve the proposal by Bruce Tanski that would bring us Town water now. I am beyond frustrated by the many delays that have occurred with this project moving forward. It is in huge contrast to all else that I see going on. I have been assured that we would have water last spring and the spring before that. There seems to be multiple issues that delay and obstruct the project from happening and prevents us from getting the PDD that would finally bring us water, and I don't understand why. I have been told that the Town believes that the Paar Estates is a positive for the Town, so again I don't understand the delays, and would ask you that you would move forward now. The meeting is in November and the ground will soon be frozen which means another delay. I hope that you will take all of this into consideration and realize that these are legitimate complaints and frustrations and that you will resolve them by speeding up the process and allow the project to move forward."* I would appreciate you sharing this with whoever would need to know, Thank you very much.

John Ouimet: Thank you.

11/9/15

Scott Saunders: I am a property owner at 23 Farm to Market, I just have some concerns about my septic and drywell and the effects it might have on my well water, as the construction and stuff will be going on.

John Ouimet: Jeff, are you able to answer this?

Jason Dell of Lansing Engineering: Where is your house located, (resident points out home location on map) with the proposed construction should not have any negative impact on his septic field, all drainage and storm water will be collected in pipes and brought back to storm water management areas so there will be no additional surface water going onto your property that would impact your septic.

Scott Saunders: My field currently leaches right down right through there. It has been that way since 1953.

Jason Dell: It would continue to leach down where its going right now, I mean there will be cross culverts underneath the road right through there and they will all be engineered and reviewed by the town engineer. So drainage will continue to go where it is today.

Scott Saunders: what if they dig up my infiltrators for my drywell, that's actually on the Leggett Farm property that's been there since the 1980's

Jason Dell: We would have to identify that and look at that we are not aware of any septic field that's on the property where we are developing, but there would be potential access to a sewer that would be out there now too, that if there was ever an issue you could connect into the sewer mains that are going to be constructed.

Scott Saunders: And who is going to pay for that?

Jason Dell: That I don't know.

Scott Saunders: Ok

John Ouimet: Thank you, Sir.

Michael Callucio: At 46 Route 146, Mr. Tanski, mentioned that the water was going to come to the end of 146 and I just wanted to clarify that.

John Ouimet: Bruce or Jeff did you hear the question.

Jeff Williams: I didnt

John Ouimet: Could you repeat the question again?

Michael Calucio: you had mentioned the water might come down to the end of Farm to Market at 146.

John Ouimet: Thank you, Bruce I think you stated when you said that, I think you said it was going to come from Pruy Hill to 146, so from the end of Pruy Hill to 146 you are going to pick it up there? Because you said the approved project, but those are towards east of the project I believe.

Bruce Tanski: It's going from Pruy Hill down to Farm to Market Road passed the Leggetts down to the Chris Able and Carl Clemente project.

John Ouimet: Ok

11/9/15

Bruce Tanski: So which goes all the way down passed that tool place and then goes down 146 and then branches into the two properties.

John Ouimet: Ok thank you, Sir does that answer your question?

Michael Calucio: I believe so; you said it was going to come to the end of Farm to Market and 146?

John Ouimet: That's right, thank you.

Laurie Dibell: I am an owner at 37 Farm to Market Road, my question is the water is going to come down Farm to Market, does that mean that we are going to be accessible to that, properties on Farm to Market will be accessible to the water?

John Ouimet: Bruce

Bruce Tanski: If this property, the way I understand it, it is going to come down to farm to market road, that line has already been approved by the town, its been approved by Frank Tironi or by his committee or whoever does it, I would assume when we bring that line down we are probably going to leave a tap for the individual property owners that are along that road to me that's good engineering and I would assume that's the way the town would make us do it. But even if there isn't a tap there a homeowner can have a wet tap done and they can connect to the line very easily.

John Ouimet: That's probably a question for Joe Romano if you just want to let us know.

Laurie Dibell: years ago we were sent notification of possible future water and were we interested, and I responded to that in the affirmative.

John Ouimet: Joe Romano is our Town Engineer

Joe Romano: Bruces' statement is correct and where it makes sense as a public waterline is extended we would expect to have individual taps installed for the homeowners and if by chance one isn't, it will be a public water main, so properties that run in front of it can easily tap in for a home service.

Laurie Dibell: And can you speak to the access to the sewer as opposed to we all have septic's now would we be able to tap into the public sewer system.

Bruce Tanski: The sewer inside the development would be private, the sewer along the road would be public, it would be turned over to Saratoga County Sewer, and so if your property is contiguous to that then I would assume that you would be able to tap into it. So if you are coming out of the Leggett Farm and going east, and if we are going east if your anywhere near that area, then you will be able to tap into it.

John Ouimet: That's an issue for the county correct once it becomes a county sewer.

Laurie Dibell: The other issue I have is I have a lifetime easement of power lines that are on the Leggett farm for my properties, so I am just wondering how my power is going to be changed?

Bruce Tanski: We are going to cut you off and give you a generator (laugh) nothing will change

Laurie Dibell: so the power poles will still be there?

11/9/15

Bruce Tanski: Yes m'am

Laurie Dibell: Thank you.

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

Barbara Koval: I reside at 33 Tabor Road, I just wanted to say the same as what Pat said, she has been a big proponent for getting water on Tabor road for a really long time, way before I even moved in, but even in the short time I've been there I've had issues with water and so I'm in favor of not only the project in itself but also in getting water on Tabor Road. I do have one question about the water on Tabor Road; do we know which side of the road it's going to go up?

John Ouimet: Jason I guess that would be a question for you right?

Jason of Lansing: We don't know yet .We have to work with the town and we are not done doing that yet.

Barbara Koval: Ok, Thank you.

Marcel Nadeau: Pertaining to the extension on Tabor Road, I think you mentioned 1680ft,

Bruce Tanski: 1650ft.

Marcel Nadeau: Do you know which home is the last home on Tabor Road to get that? Because I think some of these people are under the influence that they are going to get water and I don't think it's going as far as some of those homes.

Jeff Williams: Bruce Tanski const. 1650 but I'm not sure who the last person is, I think there was 24 residents or properties that were going to be serviced by that water line.

Marcel Nadeau: So it is not going completely down Tabor?

Jeff Williams: No.

Rich Berkowitz: Do you know how many residents will not get water?

Jeff Williams: That I don't know either, I know there's a development further west on Tabor that was stopped way back when, because there was no water was there, but I think it gets more sparse the farther you go on Tabor. I think there is a cluster of people on the eastern side of Tabor that we are going to serve, but I don't know the number I can certainly get that though.

John Ouimet: Sir, come on up

Sean Leggett: Of the Leggett Farm, back to the power lines, on this proposed plan the power lines are kind of on the boarder underneath where these houses are so if they are not going to be disturbed but you are going to build on top of them how do you go about doing that?

Bruce Tanski: I've had discussions with NYSEG and in any of the areas where the power lines are close to proximity to the homes they might put extra pads in and then we might in some cases run another sub feed to an existing home to get rid of the poles that are overhead, but you wont at anytime be without power.

11/9/15

Sean Leggett: So even though if you are going to build overtop where power lines already are you are going to move said power already. Correct? Now is that going to be done with permission of the owner or are you going to go ahead and do that even though those are deeded to the owner?

Bruce Tanski: I don't think it's going to change anything in the easement, I think the easement is still going to be maintained. It's just going to be a different way of being delivering power. In other words it will be underground instead of overhead, which I think everybody can agree is more aesthetic than it is with the poles.

Sean Leggett: The other question I had was for the properties that are surrounded by the development, for instance if there was a house in this area would they be able to get access to the road from their property other than coming down to the road and then coming back in would they be able to come through here and access their new roads.

Bruce Tanski: That's a question for engineering, I don't think that we did that because I don't think there is enough area to do that, we would have to leave extra space to get in maybe a 60ft. right of way and then I just cant answer that question but we didn't have that in mind when we were designing this, and I don't know if that's such a good idea with liability with other people and everything with other people using the road that doesn't live there even though its going to be a commercial or public road. I guess that's going to be a question for council.

Lyn Murphy: It's more of a design layout. Looking at the way the project is proposed it doesn't look like you've accounted for having a sub street there, so it doesn't look like, it is not on those plans to have a sub street.

Bruce Tanski: Jason just said there is a bunch of wetlands in there too and that's another reason why we couldn't do it and the Paar 3 golf course.

Rich Berkowitz: Where is the golf course?

Jeff Williams: Bear with me because I cant see, I know Hole 1 is basically in this area and you would cross the 2, 3, 4, the cart path I think comes around there's 5, 6, another cart path 7, 8, I cant even tell where 9 is on that.

John Ouimet: Can you tell from the hard copy map better?

Jeff Williams: There, 4 & 5 are right next to each other, 5,6,7,8 and 9 is right here.

John Ouimet: Jeff can you see better on the hard copy map right behind you?

Jeff Williams: Yes I might be able to. To 1, cart path to 2, cart path to 3, cart path to 4, 5, cart path to 6, cart path to 7, cart path to 8 and 9.

Sean Leggett: And the last question was if there is a hole in the area that's surrounded with that surrounds other residents that are already there how are you going to protect or shade or keep residents apart from your said community.

Bruce Tanski: I'm sorry I don't understand

Sean Leggett: I'm curious if there is a golf hole here and golf over here and there is a house here how do you protect this house from getting interrupted by someone Saturday afternoon golfing, how do you keep your people from going in from her to into here, what's the border, what's in between them.

11/9/15

Bruce Tanski: I think we have landscaping, if we have to we will put a fence up, we will get together with whoever the contiguous neighbor is, we are showing a row of shrubs but that might not do the trick, if we have to put a fence up we will put a fence up.

John Ouimet: Anyone else from the public wish to speak. (No comments) If not I will close the public hearing and open it up to the board.

John Higgins: I just have one quick question, this is two pieces that you are combining together, is that correct?

Jeff Williams: That's correct.

John Higgins: And what is the piece along between Farm to Market and 236, that's going to be separated out?

Jeff Williams: yes that's right the Leggett's are going to retain that

John Higgins: So there is a sub division involved with this?

Jeff Williams: Yes we are going to get at that point.

Marcel Nadeau: So the original farmhouse is going to stay?

Jeff Williams: The barns on the South side we are not touching them, there is a farm house up in this corner somewhere that is going to be removed its an old house or something like that. But there is a barn I think across the street right here I think it is, we are not involved with that.

Tom Ruchlicki: I have no questions

Rich Berkowitz: We get to see this again at Site Plan review?

Jeff Williams: We are looking for recommendation and then after the Town Board hopefully gives us legislation, then we will be back for final site plan.

Rich Berkowitz made a Positive Recommendation to the Town Board and Tom Ruchlicki seconded it. Motion carried.

New Business:

15.151 Falcon Trace Lot 4, 175 & 177 Route 236 - Amendment to Site Plan

Jeff Williams, Bruce Tanski Construction: we are here tonight to show an amendment to the site plan for Lot 4 of Falcon Trace, it is a commercial site that has 2 existing commercial buildings that are approximately 30,000 sq ft each, the design of these buildings is they have a main lobby in the front where they face 236 and we had to provide a sidewalk to that main entrance along with that we provided the handicapped accessibility we moved the 2 handicapped parking spaces in the rear of the buildings to the center aisle between the two buildings so they would be able to access that sidewalk more easily.

John Ouimet: any questions from the board? (No questions)

John Higgins made a motion to approve the sidewalk and handicapped parking changes. Rich Berkowitz seconded. Motion was carried.

11/9/15

15.135 I love New York Pizza, 1 Plant Road - Amendment to Site Plan

Jason Dell of Lansing Engineering: I'm an engineer with Lansing Engineering here on behalf of the applicant and we are seeking an amendment to the site plan for the I love NY Pizza located at the corner of Plant Road and Rte 9. This project was before the Board some years ago and when it was before the Board it was agreed based upon access issues at the time that this would be a delivery only establishment and the applicant has had a tough go at it with respect to the business model keeping it going and we are here tonight to request that now only it be delivery only but also that pick up of pizza be allowed as well, and for modifications to the site plan that I believe will alleviate the access issues and the turns out onto Plant Road. The applicant has had a discussion with the owners of the Wendy's establishment and they have a verbal agreement in place to provide a one way out easement for the I Love NY pizzeria so that folks could either take a right out onto Plant Road but could not make a left onto Plant road, if they wanted to make that maneuver they would have to go out the back to the Wendy's road, they would have to head up to Marianna I believe, and over to Plant Road, so that way they would have a safe means of egress out onto Plant Road. In doing so they would lost 2 parking stalls at the rear of the building although we believe we can make up those 2 parking stalls by constructing 2 new ones at the front side of the restaurant so we are here tonight to answer any questions that you folks may have in the hopes that you will allow the amendment to the site plan.

John Ouimet: Well we had a couple of questions raised at the pre meeting. Then most significant of which is, that this alleged easement with Wendy's verbally I don't think it will satisfy the board, because we think that if you have an in and an out proposed to be used on that driveway that's on the North side of the building, that won't work. There can only be an entrance in so the egress has to be provided through the easement solution. Either to Marianna Dr. or through the Wendy's lot, which would bring you out further south onto route 9. The traffic conflicts are unbearable I think for this kind of operation going back out directly onto plant road and I think that the only way that this board would even consider approving the proposal would be through that easement, but I don't think that verbal easement is going to be enough.

Jason Dell: We will get a written easement in place and we will get that submitted to the town.

John Ouimet: The town attorney would have to review that before this town would even be satisfied of that easement arrangement. I think you would have to come back with some kind of signage that would limit the flow of traffic or direct the flow of traffic.

Jason Dell: you say one way in only, no out onto plant road even a right out.

John Ouimet: Correct, they would have to come out on Marianna Dr.

Jason Dell: I directed the applicant to wait and get some feedback from you folks before actually getting the written easement and pay for the lawyers, they do have it in place and they are ready to get that so we can certainly get that to you, the written easement.

John Ouimet: I think at this point I would want Clough to review whatever you come up with as far as traffic flow and signage. Joe, I think the board needs you to review this one. And I would also want referral to the Fire Dist. to make sure that they are ok with this as proposed, and whatever you submit to clough or work with clough on make sure you have the replacement parking places indicated where you are going to put them.

Jason Dell: Yes, well right now we are proposing them along the front right here

John Ouimet: In front of the store? In front of the building? I don't know if there is any room for that.

11/9/15

Jason Dell: There actually is enough room to put one.

John Ouimet: And you don't back out onto plant road right?

Jason Dell: No they don't back out onto plant road there is enough room to make a maneuver out.

John Ouimet: Well that's something that CHA can review.

Rich Berkowitz: Jason is there any type of curbing you could do at the entrance there so people will not go back out that way?

Jason Dell: Well we would have to improve that intersection we would have to install some curbing in order to make that one way only, so that we would obviously work with Joe on that.

John Higgins: Now Jason, did I hear you correctly, did you say pick up and delivery only? No seating what so ever?

Jason Dell: Yes there will be no seating what so ever, alright thank you.

Don Roberts: Jason that rear entrance is there enough for two-way traffic.

Jason Dell: Are you referring to this area right here?

Don Roberts: Yes, where you have the arrows going out towards Wendy's

Jason Dell: Yes right now its 12' wide access road out

Don Roberts: it's enough for 2 cars side by side?

Jason Dell: No, we would have to make it wider, but right now we are proposing it as one way.

John Ouimet: That is why you would need directional signage.

Don Roberts: How would you get in there from any other way, besides coming North on Plant road, if you are coming South on Plant Road how would you get in there?

Jason Dell: You would still be able to make the maneuver in, coming from either way.

John Ouimet: So there is enough room for a two-way passage as you go towards Marina Dr.

Jason Dell: For a year we would be able to come in and then this is a two way road here for Wendy's, actually this shows it a bit better, can you see where we are in relation, and here is the two way road for Wendy's.

John Ouimet: Yea I see it .One other thing the, sign, I don't know that the sign was approved by this board, was it?

Richard Harris: I'm not sure I'll check it.

John Ouimet: There is an existing sign on the building that I'm not sure this board approved.

Jason Dell: That I'm not aware of.

11/9/15

John Ouimet: I think you need to go back and check. I don't know that it meets the signage code, but I need you to look at that.

Jason Dell: Will do.

John Ouimet: Also CHA if they would review, if they are proposing a sign take a look at the size and make sure its in conformity with the signage group. Any other questions John?

Jason Dell: The applicant's son just indicated that he believes that the signs on the building were approved.

Richard Harris: I found the file, I don't know if they were the exact ones that were put up but we did see an approval here.

John Ouimet: So the sign was approved in 2011, it was a 2ft x 16ft sign for a total of 38 sq. ft so we can just verify that everything is as was back then.

John Higgins: I just want to confirm that you will offer delivery service also, so in other words, it is take out and delivery.

Jason Dell: Correct.

John Higgins: there will be no seating either in or outside the building.

Jason Dell: Correct.

John Ouimet referred it to CHA for further review.

15.138 Elevate Cycles, 215 Guideboard Road - Sign

Chris Pitts: From Elevate Cycles, I put an application in for a sign on the back of the building at 215 Guideboard rd, I think you may have a copy of it, I'm not sure.

John Ouimet: Don, have you had a chance to look at it?

Don Roberts: Yes, It's right here. And it meets the code so I'll make a motion to approve.

Don Roberts made a motion to approve Elevate's Sign Application. John Higgins seconded it. Motion was approved.

15.146 Fastenal, 217 Guideboard Road - Sign

Allen Hansen: I'm the General Manager of the Fastenal, we just recently moved over to Guideboard and we want permission to put up our same sign that was at the other location to have it put up at our new store.

John Ouimet: Don Roberts have you had a chance to look at it?

Don Roberts: Yes, I have John, this meets also.

11/9/15

Don Roberts made a motion to approve the Fastenal Sign Application. Rich Berkowitz seconded it. Motion was approved.

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

Amy Pollard: Hello I'm one of the owners of CaNine to Five

Samantha Smith: I'm the other owner.

Amy Pollard: So we are looking to relocate our business from Schenectady to 1534 Route 9 in Halfmoon. We are a dog daycare training, boarding and grooming company.

John Ouimet: Hours of operation

Amy Pollard: Daycare is open from 7 am - 6 pm Monday through Friday grooming is by appointment only Monday through Saturday basically same business hours. Boarding is a 24/7 operation but that doesn't mean that clients will be coming in there will be set drop off and pick up times and then training is by appointment as well.

John Ouimet: Is this done in a group or is it done individually?

Amy Pollard: Both.

John Ouimet: Both, how large are the groups?

Amy Pollard: Usually 5 people.

John Ouimet: Do you have a limit on the group? It depends on the group class, if that's something that was an issue with somebody then we would be open to a discussion about that. Right now our classes have capped out at 5, but we were talking about doing larger group classes, something called socials so that could be larger.

John Ouimet: So it's my understanding your not renting the entire site?

Amy Pollard: No just the front two buildings, which my diagram is upside down, but the back building the owner is retaining the one that's not in the red outline. So the front's smaller building, which I believe is 900 sq ft, that will be reception and grooming, and then the back building which is I think 3,300sq ft that will be where day care, training and boarding are.

John Ouimet: So are you sharing a curb cut onto Rte 9?

Amy Pollard: I'm not sure what a curb cut is.

John Ouimet: It's how the traffic gets into your place

Amy Pollard: Yes, yes, it's one entrance and exit

John Ouimet: Can you tell me where that is?

Amy Pollard: That is basically where the corner, the left corner of the red outline is. It is probably right there.

11/9/15

John Ouimet: There isn't anything that shows the parking layout though is there?

John Ouimet: What was the problem that we were having at pre-meeting as trying to visualize where the cars were, where the drop offs would be, where the office is?

Amy Pollard: Currently there's five spots in front of where the reception building is, other than that it looks like the car dealership before may have just moved the spots around.

John Ouimet: Most of it was display by the car dealership.

Amy Pollard: Right, yes.

John Ouimet: I think what we are going to need is an engineered site plan that shows where your parking is, the flow of the traffic around the buildings and then you can show

Amy Pollard: There wouldn't be any traffic flow around the building

John Ouimet: Well of course they have to enter, they have to go in some direction, and I mean if you have a vacant parking lot with out marked spaces. You don't have any marked spaces.

Amy Pollard: There are five marked spaces right in front.

John Ouimet: How do you drive the car around, how does the car come in and if there is a car in there and one is coming in and one is going out, where does it go?

Amy Pollard: There's arrows, there is an entrance arrow and an exit arrow.

John Ouimet: You're saying that it's already marked on the pavement?

Amy Pollard: The entrance and the exit correct. Yes

Samantha Smith: Do we need it on the pavement as well?

Amy Pollard: No, It's on the pavement coming in and going out.

John Ouimet: If it's on the pavement and it's how ever many feet away from your building, how do you get to your building?

Amy Pollard: Oh Ok.

John Ouimet: Is there a drive lane and a parking stalls are in one place and you have a drive lane or can you go anywhere you want?

Amy Pollard: Ok, gotcha.

John Ouimet: Can you go along side route 9?

Amy Pollard: We can just park where we want it will be fine, (laugh) just drop your dog out of the car and run.

John Ouimet: Hence the dilemma.

11/9/15

Amy Pollard: I gotcha, yes.

John Ouimet: So I think the site plan would clarify that both for you and for us, any other questions from the board.

Don Roberts: How many dogs do you propose boarding at one time?

Amy Pollard: We will have space for 13 dogs, the daycare will be approximately 10 dogs and then grooming and training are by appointment only. I can only groom one dog at a time so there won't be that many dogs.

Rich Berkowitz: The play areas 1 & 2 are they going to remain pavement or are they going to become grass.

Amy Pollard: Pavement.

Rich Berkowitz: Do we know how many parking spots are required, just so we know?

Richard Harris: For retail it's 1-per 200 SF plus, define use for drop off and pick up.

John Ouimet: I think the best thing to do is to refer you back to the planning dept. and iron this entire out.

Amy Pollard: Ok

John Ouimet: We will put this on for our next meeting hopefully it will be all ironed out.

Rich Berkowitz: I just have one more question. Where is the main entrance to the building?

Amy Pollard: It would be the smaller front building

Rich Berkowitz: So people would bring their dog to the front building and you would transfer them to the second building.

Amy Pollard: We would walk the dogs to the second building, correct.

Samantha Smith: There may be people who will come directly to the second building though.

Amy Pollard: It's possible for training.

Rich Berkowitz: is there a main entrance into the second building? Where would that be?

Samantha Smith: there are two doors.

Amy Pollard: See where number 1 play yard is, it's directly to the right of that.

Rich Berkowitz: You don't have to go through the play yards to get to the main entrance.

Amy Pollard: No, absolutely not. No one is allowed to go into the play areas except for us and the dogs.

Marcel Nadeau: On boarding the dogs, are you doing overnight?

Amy Pollard: Yes

11/9/15

Marcel Nadeau: Obviously they are inside?

Amy Pollard: Yes, absolutely.

Marcel Nadeau: Do you know how close the mobile home park is to the property you will be using?

Amy Pollard: I don't know the feet away.

John Ouimet: Proposing any fencing of any nature?

Amy Pollard: The play yards, will be fenced in. number 1 and number 2.

John Ouimet: What are you proposing for fencing? Chain link?

Amy Pollard: No, right now in the contractors plan is 6ft vinyl fencing.

John Ouimet: Similar to what's in the back of that lot already?

Amy Pollard: Yes, exactly like that.

John Ouimet: And that fencing is going to stay?

Amy Pollard: Yes, we are not doing anything with that.

John Ouimet: When you develop area three, which is the future play area will that be fenced as well?

Amy Pollard: Yes, it fencing.

Marcel Nadeau: How do you control the noise of the dogs barking?

Samantha Smith: They won't be left out there for extended periods of time and they won't be left out there in the morning or late at night. So there aren't going to be just dogs running in and out like a general kennel that just has in door out door runs, where the dogs can just freely run in and out and bark all day. This is going to be managed play out there so its not going to be dogs just sitting outside for ten hours barking at every leaf and squirrel that runs by, and like at somebody's home nobody puts their dog out at four a.m.; we will not be open at four a.m. and the same in the evenings there will be an evening potty break and that's it they are not going to sit out there for hours at night barking and frolicking.

John Ouimet: So you don't plan to have any staff on duty at night?

Amy Pollard: No

Rich Berkowitz: So mainly the play areas are open from 9-5, 9-6?

Amy Pollard: Correct

Rich Berkowitz: You might have training sessions in the evening.

Amy Pollard: Correct

11/9/15

Rich Berkowitz: That someone will be present at?

Amy Pollard: Yes.

John Ouimet: Are you proposing any renovations of these former garages that are there?

Amy Pollard: Yes, we will obviously have the fencing installed; Kennels will be put in the back part of the second building, and the floors need some work, and a little bit of plumbing and electrical.

Rich Berkowitz: Do you have video monitoring?

Amy Pollard: We will for the boarding.

John Ouimet: Any other questions? Are you proposing a sign?

Amy Pollard: Yes, I have the application it's not in yet.

John Ouimet proposed to adjourn the application until the next meeting on Nov 23, 2015 to get a revised site plan for parking lay out.

15.142 **Hoff Jewelers, 1546 Route 9 - Sign**

Eric Hoff: From Hoff Jewelers looking to add additional signage to my building, which I gave everybody a copy of.

John Ouimet: Don, have you had an opportunity to look at the proposal

Don Roberts: Yes and this also looks good.

Don Roberts made motion to approve sign application. Marcel Nadeau seconded. Motion carried.

15.143/15.144 **St. Luke's Episcopal Church, 40 McBride Road- Site Plan Renewal & Special Use Permit**

Rev Dave Hague: I'm the new kid on the block, and we are re applying for a permit to put up the rectory for the clergy that will come to service that, that happens to be me right now. We applied ten years ago and then eight years ago for the whole project and this is phase II cause we didnt get the chance to get everything built in time.

John Ouimet: Are there any changes to what was approved back several years ago?

Rev Dave Hague: No changes

John Ouimet: No, changes so this is a straight approval of an existing site plan but it requires a special use permit, so we are going to have to set a public hearing at our next meeting.

Don Roberts made a motion to set a public hearing for the next meeting November 23, 2015. John Higgins seconded. Motion carried

11/9/15

15.139 Lown's Extreme Auto Detailing, 211 Fellows Road- Change of Tenant / Use

Nichole Lown: I'm looking to do an auto detailing shop out of 211 Fellows Road.

John Ouimet: Your hours of operation are? Or are you looking to be open whenever you get a car?

Nichole Lown: 9-5

John Ouimet: 9-5, 5 days a week or six.

Nichole Lown: Monday through Friday

John Ouimet: No weekends

Nichole Lown: not usually, maybe the occasional one car, once a month max.

John Ouimet: And you would do that Saturday and Sunday or both?

Nichole Lown: Saturday, no Sundays.

John Ouimet: So I guess your hours of operation should be for six days a week that way you are covered.

Nichole Lown: Ok

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

Don Roberts made a motion to approve the Change of Use/Tenant application. Rich Berkowitz seconded. Motion Carried.

Old Business:

15.123 Enter Solar LLC. , Cary Road - Commercial Site Plan

Jesse Markwad: I'm with CC Male, Landscape Architect presenting this project for Enter Solar. The last time we were here in the end of September we presented the project, which is on Cary Road, it's two properties, adjacent properties, both owned by Enter Solar. There is a development proposed for an array on the east and west sites where the maintenance road that runs down the center of the two sites, it is right on the property line, within twenty feet of the two arrays. As a follow up and summary of what we have done since our last meeting we received the day of that meeting a comment letter from Hillcrest Fire Dept. with a number of questions and concerns that he had raised. We met with him along with Rich Harris on October 7th, 2015. To go through his comment letter to understand his concerns and what we learned at that meeting was that we got the sense that he was unfamiliar with these projects, solar projects, he hadn't had one in his district before and he was looking for more information and some other things on the site so we provided a response letter back to him. We included UL certification and cut sheets on the modules and inverters to provide more information on that. He had asked for a special training for these solar projects so we pulled up together information from NYSERDA on the training they provide specifically for first responders and PV projects, we provided that to him, we gave a description of the safety features which are above and beyond what current NEC, I believe it's 2008 requires on these modules there's additional safety features things that shut themselves down, reducing the risk for any first responders. We gave some clarification to grading there was a low

11/9/15

point in the road he was concerned about draining. He was worried about how drainage might be trapped by the maintenance roads, we clarified that we were actually providing a space on the maintenance roads where water could travel through from the west site to the east site and we are basically keeping with the existing drainage patterns. We increased the fence height from 6 feet to 7 feet throughout the site. We revised the road detail to accommodate 12,000 lb truck, that was in response to his request to make this accessible for his largest truck which I believe was a ladder truck, that is not what is required by NYS fire code, to provide a fire apparatus road here so in order to give him a certain level of comfort we revised the detail to accommodate the 12,000lb detail which at least one or two of his trucks is 12,000 lb. We also revised the end of the road here the hammerhead so we could accommodate a larger truck than just what we were anticipating of maintenance truck, which was a pick up truck. So we gave a little bit more space there at the end, we lost a couple panels when we did that. We added a knock box at the front gate, which was one of his requests. We provided all of that information back and he gave us another set of comments and also requesting information on toxicity in case these modules did ever have a fire issue, we reiterated the UL classification and the fire code rating is as high as it can possible be. We provided a really great study that the state of Oregon did for PV developers on safety and health and how the new safety features on these modules has really reduced exposure to toxicity. So we provided that back to him, we increased spacing between the array and the fence as he requested, it was originally 15 feet we increased it to 20 feet all the way around and we clarified that there was an existing 20 feet between the East and West arrays. We further clarified the road detail he still has some concerns about Spring, about it being muddy in the Spring so basically its a level of stone with a mixed blended layer of soil and stone at the top of it. The fact that we have this layer of stone below allows drainage out of the top soil, and we really don't expect it to be muddy in the spring and its going to be, we stand by our detail will be traversable by a 12,000 lb truck. We also added ballards at the equipment near the road here, ballard protection around that at his request and then we shared the NYSERDA contact information when we talked to them, they actually preferred to set the training modules up with the Fire Dept. so we gave them the contact information for that. So that's sort of a summary of what we have gone through since we have been here last, what we have changed and I welcome any questions.

John Ouimet: There was a change to the fence I understood right?

Jesse Markwad: Yes we increased the fence from 6 to 7 feet.

John Ouimet: Was that at the request of the Fire Dept.?

Jesse Markwad: Yes it was.

John Ouimet: Rich where do we stand at this point and time?

Richard Harris: There's been several rounds of review and comment letter and meetings with the Fire Chief. I did speak to him Friday and we got their response and he was potentially going to come to the meeting tonight and I stated that if you want to submit a response to their response, feel free to do so, I haven't received anything, but he felt that he had made his opinion clear in the review letters and that he left it in the boards hands at this point.

John Ouimet: Were there outstanding issues that were not addressed one way or another by the applicant?

Richard Harris: I don't know if you want to answer that Jesse, but there were certain requests he did not meet 100% for the chief, one of which was an access road around the entire site for year round access I believe.

Jesse Markwad: You stated he would like to have access all the way to the North here, the maintenance access now it to that point and that's all they need for maintenance on the site and then they will really only be maintaining the equipment maybe around twice a year they are going to be here and they wont be maintaining this road during the winter so there wouldn't be anyone on site to maintain it in the winter. Maintain the equipment.

11/9/15

Lyn Murphy: Just so we are clear there is nothing alive at this site correct, no humans, and no animals?

Jesse Markwad: No there is no occupiable spaces.

Lyn Murphy: But if it was to catch fire and they couldn't access it what would happen is your property would be damaged.

Jesse Markwad: Yes

John Ouimet: Any questions from the board?

Don Roberts: How high will these be off the ground?

Jesse Markwad: They are at an angle, like a lot of on ground solar rays are and the bottom portion of that is around 3 or 4 feet above grade and the highest point is around 8 feet above grade and that is consistent with grade, we are not flattening the site and they are all at an 8 feet above one point they undulate with the ground but they are all maximum around 8 feet.

Don Roberts: Ok, Thank you.

Marcel Nadeau: John I think in reviewing this we need something in the minutes or in the approval if this should be dissolved or abandoned who's to remove it? So I think we would have to have some type of language in the approval.

John Ouimet: What is the process if you abandoned this site? For whatever reason, either it becomes obsolete, the company goes bankrupt.

Jesse Markwad: So there's really two ways that would happen one is that they would sell the property and the array to another provider and maintain the solar array as it is, the other way would be it no longer serves its purpose as an array and at that point the modules are highly recyclable so they would sell them off and the same thing with the steel structure. That supports them.

John Ouimet: So would the applicant be willing to agree to remove the structure should it dissolve or abandon the project.

Jesse Markwad: Yes they would.

John Ouimet: Does that satisfy you Marcel?

Marcel Nadeau: Yes it does.

John Ouimet: First I would like to thank you for working with the fire district to try to resolve the issues that were raised, I also understand that the other fire districts in town can take advantage of some of this additional training that you have ferreted out for us, and we thank you for that as well. I know it has taken a while for the board to come this far with this project but hopefully tonight we can move it forward.

John Higgins: John I just want to confirm for the minutes that the chain link fence is 7 ft high and there will be no barbed wire or razor wire on top of the chain link fence.

Jesse Markwad: That's correct.

11/9/15

Don Roberts made a motion to declare a Negative Declaration pursuant to SEQR, Marcel Nadeau seconded. Motion carried.

Tom Ruchlicki made a motion to approve the application with the stipulation cited by Lyn Murphy that in the event the business discontinues they will be responsible for removing all of the equipment. If they fail to do so the Town would do it and they would incur any cost to the town through a tax bill since they are the owner. Marcel Nadeau Seconded. Motion approved.

Tom Ruchlicki made motion to adjourn meeting. Rich Berkowitz seconded. Meeting adjourned.