

Town of Halfmoon Planning Board

November 23, 2009 Minutes

Those present at the November 23, 2009 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
John Ouimet

Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the November 23, 2009 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they had reviewed the November 9, 2009 Planning Board Minutes. Mr. Ouimet made a motion to approve the November 9, 2009 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

New Business:

09.097 NB EEZYCREDIT.com, LLC, 1534 Route 9 – Sign

Mr. Igor Lensky, the applicant, stated the following: We are here tonight to apply for a sign change. Our proposed sign would be exactly the same as the existing sign. We would just be changing the face of the sign. Mr. Watts asked would the name of the sign be EEZYCREDIT.com. Mr. Lensky stated yes. Mr. Nadeau stated Mr. Roberts initially had issues with the existing sign. Mrs. Zepko stated they would just be replacing the face on the existing sign. The proposed sign would be two-sided, 108 SF, the height is 14 FT/10 inches and would be internally lit.

Mr. Nadeau made a motion to approve the sign application for EEZYCREDIT.com, LLC. Mr. Higgins seconded. Motion carried.

09.098 NB Papa John's Pizza, 1525 Route 9 (Plant Road Plaza) – Change of Tenant & Sign

Mr. Christian King, the applicant, stated the following: I am owner and operator of the 12 Papa John's locations in the Capital Region. We are proposing to locate a store at 1525 Route 9 and would occupy 2,145 SF of space in what is labeled tenant 6 and tenant 7. This store would be a traditional Papa John's versus a non-traditional, where we have one in a convenience store. I have supplied a menu to all the Board members. It would be traditional pizza with sides such as wings, chicken strips, desserts

and non-alcoholic beverages. The facility is designed as a carryout and delivery only. Typically the general makeup is 60% delivery and 40% carryout. I know that parking is one of the Board's concerns. The number of employees will vary from a low of 3 on Monday's and a high of 8 on a Friday's. Our delivery drivers' use their own personal cars so it is not like we are going to have 3 employee cars parked at the site. This is a pretty basic concept as far as a change in tenant. Mr. Nadeau asked if there would be seating inside where people would sit and eat their pizza? Mr. King stated there are 2 benches that would seat 2 people on each end, which is shown on the layout that I supplied. That bench area is a customer waiting area where people wait and watch the preparation of the pizza. Mr. Nadeau asked do you sell pizza by the slice? Mr. King stated we don't sell slices. Mr. Berkowitz asked how many pizzas would they put out on a Friday or Saturday night? Mr. King stated approximately 250 on a typical Friday. Mr. Berkowitz asked would you have about 40 people coming in every hour on a Friday or Saturday night? Mr. King stated correct, it would be about 40% as I previously stated. We have about 60% deliveries and 40% pick up. Mr. Ouimet asked for a description on their delivery operation. On a typical night for instances do you have a drivers meeting before the runs go out? Mr. King stated the drivers are all trained prior to deliveries. Mr. Ouimet stated you had said that Fridays and Saturdays are typically high volume pizza nights. Mr. King stated yes. Mr. Ouimet asked how many drivers would you have on a high volume night? Mr. King stated on a busy Friday night we would have 4 drivers and then we usually have a 5th and 6th employee that could go on a run and we do try to cross-train. Mr. Ouimet stated so all your employees would be either working as drivers or inside doing prep work? Mr. King stated that is correct; we try to have everybody cross-trained. Mr. Ouimet stated I assume the drivers would only be parking for short periods of time to either pick up or return. Mr. King stated that is correct. Mr. Ouimet asked are you going to have 4 drivers on a busy night? Mr. King stated correct. Mr. Ouimet asked do you have a procedure where all 4 drivers come in and then you talk about how you are going to move the product out on a given night? Mr. King stated the following: Obviously they are all fully trained. So on a Friday night 4 guys would come in and they are usually staggered. Mr. Ouimet stated when you say they are fully trained please tell me a little about what that means. Mr. King stated the following: We run motor vehicle records (MVR's) on everyone so we know that they have clean driving records, etc. They go through training, which prohibits cell phones, texting and all the typical things that you would worry about as an owner because that is our liability for a kid in a car on a Friday night. Typically on a Friday night we'll have one driver that would come in about 3:00 pm, a second driver would come in around 4:30-5:00 pm, another at 5:30 pm and then the fourth driver will come in around 6:00 pm to get that evening rush out. Then they would start ending their shift as they did as they came in. So the driver that came in at 3:00 would end first so forth and so on. The way pizzas get staged are through a computer terminal. So the pizzas get all prepped up and they come in sequence and the drivers know when the pizza comes up that the address is there and what the pies are then they log in and log out based on that terminal. The drivers come in sequence so when they log in they don't fight over who gets the next order because obviously everybody wants to take that next order. Mr. Berkowitz asked would a driver wait until there is about 4 or 5 deliveries? Mr. King stated the following: No, actually, our philosophy is out of probably 100 orders, 98 orders are taken with one order. We want speed and we don't want them taking 2 to 3 orders at a time. Obviously if you are going to the same neighborhood you would take 2 but you don't want people driving around with the pizzas getting cold if they are in the car. Mr. Berkowitz asked what is the radius of your delivery? Mr. King stated the following: Eight to ten minute drive time at peak hours. This evening we drove the market just to see what that is like on Route 9 and Route 146. Again, the philosophy is, we don't want to be more than an hour when the order is placed. Our goal is 25 minutes. Mr. Berkowitz asked on a Friday night on Route 9 it's an eight to ten minute drive? Mr. King stated yes, the farthest north we go is Kinns Road and over to Miller would be our western delivery area then down to the this side of the

river and just a little bit into Waterford. Mr. Berkowitz asked so are you talking about a 5-mile radius. Mr. King stated the following: Yes. Again, we go by drive time so everything is based on the 25-minute delivery time frame. The majority of that or 80% is probably within 2-miles. Mr. Berkowitz asked how many people have you had to let go because of tickets or infractions? Mr. King stated again, we get MVR's through our insurance company that is done through Papa John's and they couldn't even log onto the system to take a delivery if they didn't get a MVR. Mr. Berkowitz asked so every time someone logs into the system does the system check to see if they have had an infraction? Mr. King stated the following: Corporate checks once a month and if they see them still on, they automatically run it and then they send it to us electronically. So they can't literally log in if they haven't been checked for their driving records. Mr. Ouimet stated the following: On a busy Friday night give me an estimated total of how many pizzas would you normally turn over through delivery and through pick up. I am trying to figure out what the parking requirement is going to be for this business because it sounds like it is pretty high volume to me. Mr. King stated the following: On a Friday night it is all peak so 200 to 250 would be a busy Friday. Again, we don't work off of pies we work off orders. Mr. Ouimet stated orders are fine and your delivery staff delivers 60% of that? Mr. King stated correct. Mr. Ouimet asked is that pretty much standard? Mr. King stated the following: We are running about 45% in Troy right now but it takes a while for the delivery to ramp up just to be up front. Particularly it gets to about 60% once you get a mature market. You have to remember that Papa John's is not in this area so we are slowly getting that word out. Mr. Ouimet asked would it be safe to say it's probably 50/50 at least when you start? Mr. King stated on a Friday night that is exactly what we are running in Troy and that would be the total for the whole day. Mr. Ouimet stated the following: So that would be 125 orders being picked up and 125 orders being delivered. So maybe 250 orders isn't the number we should be talking about because I am talking about the peak times between 5:00 pm and 8:00 pm. Mr. King stated yes between 5:00 pm and 8:00 pm is typical. Mr. Ouimet stated I am trying to get a sense of what the volume is going to be going in and out of that building between those peak hours. Mr. King stated between 5:00 pm and 8:00 pm you'd probably be doing about 130 to 140 orders during that time frame. Mr. Ouimet stated is that going both ways with the deliveries and pick-ups? Mr. King stated that is correct. Mr. Higgins inquired about the trucks that deliver their ingredients and asked if that was done during the day. Mr. King stated the following: Right now, we are getting all our deliveries in Albany. We just lost our commissary in Rotterdam that was there for 20 years and they moved it to New Canterbury, New Jersey so by the time they make their route up the Northway it is in the middle of the night and they would get keys and alarm codes to drop the product in the middle of the night. Mr. Higgins asked would those deliveries be delivered to the rear of the building? Mr. King stated Mr. Roger Bordajian's facility has a runway for delivery trucks through the back of the building. Mr. Higgins stated okay because we have other locations where there are problems with these delivery trucks blocking the roads. Mr. King stated to the southern end of the property there is a back delivery area for this plaza. Mr. Watts stated the plaza is located pretty close to a residential neighborhood and asked what type of trucks would be coming in? Mr. King stated it is 18 wheel-refrigerated truck and it's Papa John's company owned. Mr. Watts stated so it is a tractor-trailer. Mr. King stated yes. Mr. Watts asked at what time might they be delivering? Mr. King stated the following: Right now in Troy we are getting the delivery at midnight but that could change because it is supposed to be there at 5:30 pm. However, that hasn't quite worked out that way up to this point because they are literally running 6 hours behind. Like I said the Rotterdam commissary just closed and one opened up in New Jersey. Mr. Watts stated I was thinking if I lived in the house next door and I do know it is zoned C-1 Commercial there but there are residences that are on Plant Road that are fairly close and there could be some noise issues. Mrs. Zepko asked how many times a week would they make deliveries? Mr. King stated twice; Tuesday's and Saturday's is the delivery schedule right now. Mr. Watts stated the following: I am thinking of minimizing disturbance to neighbors. If

the trucks come in at 2:00 pm that would be okay but if they are making the deliveries at 1:00 am that could be an issue. We just had that with one of our new businesses in Town where we hadn't put it in the approval or on the site plan but somebody was picking up the dumpster at 3:00 am and I was able to prevail upon the company that picks up the dumpsters to change that schedule so they don't get to site until 6:30 am because we can't keep people out of there all the time. I am mentioning this for your consideration because there are residences around there. As part of our site plan approval process we could limit the delivery hours. I understand what you're saying about the business closing in Rotterdam but then again I don't want to worry about somebody who can't sleep at night because tractor-trailers are noisy. Mr. Nadeau stated plus the trucks are refrigerated and it would have the refrigeration unit running. Mr. Higgins asked what are your hours of operation. Mr. King stated we would be open from 10:30 am to 11:00 pm. Mr. Nadeau stated the following: When we designed this plaza and when the owner came in to do this plaza, one of our large concerns was that this plaza would have to be a low-key plaza and not a high volume situation, due to the neighbors in that area and due to the traffic on Route 9 as well. I think we need to look at this delivery situation very closely. Mr. King stated the following: Your concern on the delivery and the delivery area is to the southern end of the plaza near the traffic light and I believe the residences that you are speaking of are to the northern end of this facility. So we would be on the complete opposite end of the parcel, which I think is why the plaza was designed that way. I'm only speculating that is why the delivery area was pulled all the way to the back to the south end of the property. Mr. Watts asked what is the length of the plaza? Mr. Berkowitz stated about 200 FT. Mr. Watts asked how long is a tractor-trailer? Mr. Higgins stated about 70 FT. Mr. King stated the plaza is 300 FT long. Mr. Higgins stated the reason why it was laid out that way initially was that was supposed to be the carpet warehouse at that end of the plaza. Mr. King stated the truck unloading area is right behind our proposed facility, which completely blocks those houses. Mr. Berkowitz stated the following: There are also houses and a senior housing complex across the street. Once you have those back-up sensors on the trucks going, the refrigeration unit running and the diesel is idling and it is in the middle of the night when there is not a lot of background noise; that noise kind of penetrates. Mr. Watts asked what would happen with your deliveries if part of our approval process said no deliveries between the hours of 11:00 pm and 6:00 am? Mr. King stated the following: Obviously that would be the Board's decision. Unfortunately I don't control the deliveries but we would have to go back to corporate and tell them that is the stipulation for us to go to this site so they would have to work with us. One of the things that I can already foresee happening in the wintertime is that if we were scheduled for a 9:00 pm delivery, it could be later due to the bad weather. If you were to put that in your approval, I would just have to go back to corporate and I would take the approval as is. Mr. Berkowitz stated if there is a lot of snow in the rear of the site, that tractor-trailer is not getting in there. Mr. King stated I was referring to the drive up from New York City. Mr. Watts stated the owner of the plaza would have to work to keep it clear from snow. Mr. Nadeau asked if that site was designed for an 18-wheeler. Mr. Berkowitz stated the following: The back of the building does have a spot that appears to be designed for a tractor-trailer. The curb cut that is on Plant Road is fairly wide and I was looking at that earlier as to how they would do that. I can't imagine them coming in off of Route 9 onto Plant Road and making a left into the parking lot then trying to back around. Which would mean they would come in off of Route 9 into the parking lot, driving across the front of the site, around to the side and then what? They would almost be doing a Woods Plaza thing where they would drive out onto Plant Road in order to back in. Mr. Nadeau stated knowing that it was designed that way is one thing but the average person is not going to go through that criteria because they are going to take the easiest way cutting across the road to back in and they are not going to do it the way it was designed for. Mr. Watts stated the following: There are the issues that we face and then there are safety and health issues. There was somebody from one of the food purveyors that would deliver at the Halfmoon Diner and then drive down Grooms

Road at 8:00 am, pull up in front of the Mobil Station and then back into the plaza where the Inferno Pizza is located and that was an extremely hazardous situation. We did contact the owner to tell the driver not to come there or to come with a different truck. I don't need anybody getting backed over on a road because I see these guys driving the trucks and they are trying to make time. I just don't want to see somebody get squashed. Mr. Nadeau stated it might work in that design but the average driver is not going to use it that way. Mr. Watts stated the following: We are finding a lot of stuff that wouldn't happen today and things weren't as busy when they were approved in Town and there wasn't as much traffic. If we thought about it, it is not going to happen. I have one concern about the hours and you have ameliorated the concern about the seating inside where people could have decided to eat inside and now they are going to have to eat standing up and they are going to have to buy a whole pizza anyway. The food is not intended to be consumed on premise in other words. Mr. King stated that is correct. Mr. Higgins asked if there were going to be benches and not the individual seats that are shown on the layout. Mr. King stated the following: There are 2 benches and we have stools. The curb is obviously cut for a tractor-trailer access so they would come in off of Route 9 and pull directly in. That is why this curb is cut way back like it is. Mr. Ouimet stated but whether or not they pull straight in or back in, they are going to end up backing onto Plant Road no matter what, either coming out or going in. Mr. King stated no they will back up and then pull right out. Mr. Ouimet asked pull right out where? Mr. King stated right out the front. Mr. Higgins stated that's if the parking lot is empty. Mr. Ouimet stated the following: I don't see that because chances are they're not going to pull straight in; chances are they're going to stop on Plant Road and back in so they can unload from the back of the trailer into the loading area. Or they're going to figure they can't get in there to unload in the back where they're supposed to so they'll pull up in the front and unload in the front. When they get there with a trailer full of stuff and they have another place to go after your place, they are going to get in and out as quick as they. The problem is the design of the plaza isn't conducive to the kind of operation you want to run out of there. Mr. Higgins stated the following: You were saying that the deliveries would be either on a Friday night or Saturday morning and you just said that Friday night was your busiest night. So if the truck gets there earlier in the evening, then it is going to interfere with your delivery people. Mr. King stated the following: Our deliveries would be Tuesday's and Saturday's. With all due respect and I appreciate all you are saying; we are in business to be successful and we're not going to have a truck delivery there at peak hours that would disrupt the way we do operate. We need to run this business professionally. This is not my plaza and I understand the Board's concerns. I own convenient stores and we have small lots and we get 18-wheelers in and it is done safely all the time. I appreciate the Board's concern but when I looked at the whole site, that wasn't even a concern based on all the other operations we have. I don't know how to address this other than it has a loading and unloading area. Mr. Higgins asked would your delivery drivers be working out of the back of the store or the front of the store? Mr. King stated the following: They could work out of either and it is really up to what time they are there and what's the safest for ingress and egress and not disrupting our business. The 18-wheelers work off sides or the back of the truck and they have lift gates on both ways. Mr. Ouimet stated the following: I would like to get back to a discussion regarding the volume of traffic in and out of the site. If we use a conservative figure of 120 orders for a Friday night and a 50/50 breakdown between how many are delivered and how many are picked up. You are talking 60 trips on both ends, 60 pick-ups and 60 deliveries. That is a significant number of vehicles moving in and out of the site. Are you going to have dedicated parking spaces or reserved parking slots in front of your building or will your drivers compete with the pick-up customers for prime space? Mr. King stated we have 3 spots for carryout directly in front that would be labeled for our customers. Mr. Ouimet asked would they be designated "carry-out only"? Mr. King stated that is correct. Mr. Ouimet asked and your drivers would not use those spots? Mr. King stated that is correct. Mr. Ouimet asked so where would they go? Mr. King stated on this site they could either be

along the side or more than likely we would put them in spots 44 through 47 and it would be easy enough to back up and to go out to the signalized intersection or out the back. They would probably be in 44 through 47 and the 3 designated spots for carryout are 12, 13 and 14. Mr. Ouimet asked which are right in front of the waiting area. Mr. King stated that is correct and those are right in front of the southern most door and the secondary spots for carry-out would be 15, 16 and 17. Mr. Ouimet stated I don't know what the other Board members think about the volume of traffic but I think it is too high. When you talk about high intensity verses low intensity, it is not even medium intensity with 60 trips in and out. Mr. King stated again we're talking about one time period through the whole week and it is not every hour of every day. Mr. Ouimet stated I know but it is that one time period that we have to be concerned about and you have to understand from our standpoint, we have to make sure the operation is safe at all times. Mr. King stated and I completely appreciate that and I don't want to be any place that is not safe because no one is going to come in there to pick-up pizzas and that wouldn't be any good for me either. Mr. Nadeau asked Mrs. Zepko what the remaining square footage to be used in that plaza. Mrs. Zepko stated I don't know the exact square footage but there are 3 suites remaining. Mr. Higgins stated but they are the larger suites. Mr. King stated we would be utilizing 2,145 SF so my estimate would be 4,500 SF and I think the entire plaza is 12,000 SF. Mr. Berkowitz stated the following: I think that one of the problems we first had when we approved the plaza was that it was partially going to be a warehouse. Mr. Bordajian was supposed to go into that building and he was going to use part of the building as his showroom and the other part was going to be a warehouse. So that was going to be a low intensity use with very little traffic in and out. Now that Mr. Bordajian is leasing out the entire building; one space is being used for Will Nails, another space was leased to All in One Wireless (Sprint) and now your restaurant and there are still 3 other tenant spaces to lease out. At this time we don't know what the 3 other tenants are going to be. Mrs. Murphy stated there would be 7,500 SF left to lease out and asked what the parking requirement would be for that amount of space? Mrs. Zepko stated providing there wouldn't be any other restaurants and the tenant would be for retail or a office space the requirement is 1 parking space per 200 square feet. Mr. Nadeau asked what is the volume of customers for the nail business? Mrs. Zepko stated the nail business is by appointment only. Mr. Higgins asked what time they were open until? Mr. Berkowitz stated they are open until 8:00 pm. Mr. Watts stated the following: When we originally approved this site and I did point this out to you some time ago when we met. At the April 8, 2002 Planning Board meeting the minutes read, "Mr. Berkowitz asked if Mr. Pratico had seen the new drawings and what CHA had regarding the loading docks. Mr. Watts stated one of the concerns that people had was with the tractor-trailers. Mr. Watts asked what tenants were envisioned to go in there, how often deliveries would be and what kind? Mr. Pratico responded Vehan's Floor Covering is the main tenant and 2 smaller tenants. Mr. Pratico stated Vehan's Floor Covering is relocating from Towne Center Plaza who would be the main tenant". We have an interesting dilemma at this point and the plaza owner isn't even here tonight. Our dilemma is that if we approve this we may have serious issues with the volume. Mr. Watts asked Mrs. Murphy if it would be possible that the rest of the plaza could not be occupied unless they had an extremely low intensity use? Mrs. Murphy stated the problem is even with our least intensive use they would require 32 parking spaces and there is going to be 25 parking spaces remaining based on this use. Mr. Watts stated so that is a distinct possibility, which we have said all along, and I mentioned that to you months ago. Mr. King stated yes, you were very upfront about that. Mr. Watts stated the following: We are not trying to be anti-business in any way shape or form, but we don't want to have a problem with that particular plaza either. It is conceivable that should we approve this with that use, we may have to limit the type of use that could be going in there to a very low intensity use, which is how we approved it originally. Originally there was supposed to be a total of 3 business in there and one was the big floor covering place. It would be like Raymour and Flanigan's who have a huge amount of square footage of a building but if you

have 5 people in there; it's a lot. I have a bit of a dilemma as to what I think we should do next here. Mrs. Murphy stated in the past when we've had dilemmas whereby the parking situation was not going to permit additional tenants in the plaza we had contacted the owner and got a written sign-off from the owner prior to acting on an application. That is not addressing anybody's volume issues; I'm just talking about the parking requirements in and of itself. Mr. Nadeau stated the following: I'm not so concerned about limiting the plaza to what they are going to do because that becomes the owner's choice at that point. I am more concerned about the traffic situation because that could be a safety issue. Limiting the plaza to other businesses is not a safety issue and it would just limit the owner to who is going to rent it. This proposed application was not our idea of a low intensity use. Mr. Ouimet stated the following: I'm concerned about the tractor-trailers and the number of trips in and out on busy days. While we can all focus on Friday, as being the busiest day and that might be the busiest day in week one but you could run into a holiday weekend. Friday is going to be day and so is Saturday. I just think there are too many trips in and out for this kind of plaza. The way the plaza is designed and laid out and the businesses that we already approved to go in there are going to take up a significant amount of parking spaces. But, it is the movement back and forth and the ins and the outs that is my major concern. To me that would cause some real safety considerations. Mr. Watts stated regardless of whether other tenants were in there. Mr. Ouimet stated the following: Yes, and that would make it even worse because we don't know what else is going to go in that building. You could go from a critical situation to a total catastrophe. Mr. Nadeau stated I do know that Route 9 is not the best place to be traveling at a 5:00 pm time frame whether it is Friday and Saturday or Monday through Friday. Mr. Ouimet stated we also know that this particular intersection poses some serious challenges. Mr. Ruchlicki stated the following: I can't disagree at all. I would like to think that it could handle it, but I know better. Did you mention that the drivers would have their own vehicles? Mr. King stated yes that is correct; all our drivers use their own personal vehicles and there are no corporate Papa John's cars. I also think the tractor-trailers are going to be a problem and it is not anything that the applicant can control. I am not an expert on this but I could say that I am pretty familiar with how they handle those vehicles and they will do whatever they have to do to make life easy for themselves to get in and out of there. So, we are not really going to be able to control that. Other than that, Mr. Ouimet has covered just about everything that I would be concerned with. Regarding the number of trips; how can you really judge that? Well, based on what you are telling us, I think it could get pretty busy there. The way this plaza was designed, it does kind of cause me some concern. Mr. Berkowitz stated I tend to agree. Mr. Higgins stated the following: I have said all along that this plaza was originally portrayed as a low intense use and that the traffic there is very bad at 5:00 pm on any night, not just Fridays and Saturdays. Also the concerns about the trucks delivering; if it is at busy hours, it is going to be tough enough and then if it is after hours, as Mr. Watts' mentioned earlier, there are some residences there that could potentially have some problems with noise at night. Mr. Ruchlicki stated the following: As just an observation from living in the community my entire life, we are at a point now with the way traffic is in the entire community that it really doesn't matter what time of day it is because there are always cars on the road. So, if you are talking about making a delivery at midnight, depending on where you are in the Town, there could be a lot of cars on the road at midnight. It isn't just like saying it's at midnight so the volume of traffic on the highway is going to be low. Then there is the resident's issue as far as the tractor-trailer being in there at midnight because that will be a problem. The truck is a refrigerated unit and I know what they sound like. One of these trucks could be outside of my house half a mile down the road and on a winter night with a lot of snow on the ground and no foliage; you will hear that refrigeration unit 2 miles down the road and that unit will run while they are unloading the truck because they have the doors open on the tractor-trailer. Mr. Berkowitz stated it is not just with this plaza because we have also not approved another pizzeria right across the street from there for the exact same reason. Mr. King stated the following:

Obviously it sounds unanimous and I don't want to take up any more of your time this evening. I'm just trying to bring this to an end because obviously there is more negativity than not and the Board is belaboring the same points.

Mr. Ouimet made a motion to deny the change of tenant application for Papa John's Pizza due to safety concerns with truck deliveries and safety concerns with traffic volumes. Mr. Nadeau seconded. The Board's vote for the denial was unanimous. Motion carried.

09.099 NB AAA of Halfmoon, 1647 Route 9 – Concept-Commercial Site Plan

Scott Lansing, of Lansing Engineering, stated the following: Also present for tonight's meeting is Francine Dailey, Senior Vice President of AAA Northway, the applicant's for the project. We are here tonight for a conceptual presentation of the AAA of Halfmoon facility. The site location is located at 1647 Route 9 and is 1.34-acres. The north orientation is roughly toward the top and left of the parcel and is just north of Birch Briar Village and Oak Hill Drive. The AAA facility: Both the services and the proposed conditions for the parcel. For services; they do offer emergency roadside service and towing and they would have a small retail store that would offer maps and tour book guides, insurance coverage, mechanical repair and service and a full service travel agency. The applicant's are proposing a single building approximately 7,692 SF and it would be a single-story structure. There would be 2 primary parts to the building; the first would be the office and public area, which would be located on the left portion of the building that would be approximately 2,613 SF. Within that area there would be a waiting area, the insurance office, the travel office, retail store, restroom, locker room and break room. The balance of the building, which is approximately 5,079 SF would be located on the right hand portion of the building would be the service bays that are being proposed. There would be 10 service bays with 5 doors so basically it would be a double-stacked service bay for each one of those doors and that is where they would provide service facilities for vehicles. As far as architecture; we have supplied a photo of a similar facility and that is proposed for this structure. What is shown in the photo would be on the left portion of the building and that façade would face directly out towards Route 9 with the service bays being off to the right hand portion of the building. The hours of operation are proposed to be Monday through Friday 7:00 am to 7:00 pm and Saturday's from 8:00 am to 2:00 pm. The applicant's are estimating approximately 18 to 20 employees for the facility. The access is proposed from Route 9 and we have conceptually located it on the northern portion of the parcel. Given that Route 9 is a State road, we would coordinate with the New York State Department of Transportation (NYSDOT) for the curb cut, location of the curb cut, site distance and we would coordinate with CHA as well. Parking: The applicants have checked with the national portion of AAA and the national portion has recommended 50 spaces for a facility of this type. Again, the applicants are estimating 18 to 20 employees; approximately 10 spaces for the service bays, 10 spaces for the members and the public, which equates to about 40 spaces total. With keeping with the national recommendations, the applicants are proposing 50 spaces at the facility. We are proposing 14 spaces on the backside of the parcel to be banked at this time and they would be constructed, as the facility requires those. Again, in keeping with the recommendations by the national AAA, those most likely would not be needed for the parcel. As far as dumpsters; we are proposing dumpsters on the southeast corner of the building. Water, storm and sewer; the site would be served by public water that is available along Route 9. Sanitary sewer is also available in a couple of locations; (1) through a Saratoga County Sewer easement just to the north of the parcel and (2) there is also public sewer down along the Birch Briar Village roadway as well. Stormwater would be managed on site and the general topography is towards the back of the parcel. We do have an open space area to the south of the parcel although grade wise stormwater would likely be managed underneath the parking lot of the site. Greenspace: We are proposing approximately 55% for the parcel and that is above the 20%

minimum required. Conceptual lighting and planting: The lighting would be designed during the preliminary design phase and coordinated with CHA and the Town. The planting; we did have a conceptual meeting on the planning for the parcel and one comment that was raised was to provide some minimal screening for the service bays on the front the building. So, we are proposing a small amount of screening in the front portion of the parcel but as a function of the business for the facility, they do want people to recognize that they do offer this service facility. So, it would be a minimal to moderate screening in the front and some other trees adjacent to the service bays as well to seclude that area somewhat. We are here tonight for questions and comments from the Board and we are hoping to advance to preliminary design for the project. Mr. Nadeau asked if there were any wetland areas on that property. Mr. Lansing stated no, we have had it looked at by a wetland scientist and given the topography I believe there might be wetlands just off the parcel. Mr. Nadeau stated yes there are and that is why I asked if it went into your property or not. Mr. Lansing stated no, not according to our wetland scientist. Mr. Nadeau asked how far north is the entrance to Casale's? Mr. Lansing stated I believe it is immediately to the north. Mr. Nadeau asked what is the distance between the two? Mr. Lansing stated about 80 to 100 FT or so. Mr. Ruchlicki asked what are those two businesses on the opposite side of the street. Mr. Lansing stated I think one of those used to be Belmonte's offices but I'm not sure what that the other one is. Mr. Berkowitz asked has any consideration been given to connect it into Casale's lower road now that it has been paved? Mr. Tom Savino, Realtor, stated we did approach Mr. Casale but he was not cooperative. Mr. Nadeau stated the following: There used to be a business there and asked if that was the same entrance that they were using because I thought it was further south. The business was selling modular homes at one time. Mr. Lansing stated the existing aerial shows an older shed type garage. Mr. Nadeau stated they used to come in on the southern portion and I don't know if that still existed. Mr. Lansing stated the existing curb cut looks pretty centralized. Mr. Higgins asked have you talked with the NYSDOT as far as where their preference is for a curb cut? Mr. Lansing stated no, I have not yet. Mr. Watts asked Mr. Lansing to give the Board a rundown of your cliental because I saw on one of the write ups that it was light maintenance and light repair of member vehicles but you have a regular license so would you have to let anybody come in? Mr. Lansing stated it is my understanding that it is offered to the public as well for service and it is not just for membership customers. Mr. Watts stated one of the general concerns that I've had on a few occasions with automobile repair facilities is the large number of cars that tend to be on the lot. We had that problem with Jay's up on Route 146 where the guy was very successful; we had given some original approvals and then cars tended to spill out into different places. What plans do you have to make sure that doesn't happen? Also, is this going to be an impound lot because I know AAA does a lot of towing and are they going to tow wrecks there, are they going to store wrecks there and how would that work? Ms. Dailey stated no, that is not our intention to tow wrecks there; it is our intention to tow cars that would need routine maintenance. If the car is broken down on the side of the road and they do need to be towed to a facility for repair, we're hoping to bring them to our facility for repair. Our facility would not be a dump site for wrecked vehicles. Mr. Ouimet asked is this a new concept for AAA? Ms. Dailey stated the following: Yes, it is. It is a new concept for AAA Northway, however, the concept is being done across the association nationally and it has been deployed in several locations; the Carolina's being the largest area that has several of these facilities for approximately the last 5 to 6 years. However, this is a new concept for AAA Northway. Mr. Ouimet asked so none of the other AAA offices do light repair? Ms. Dailey stated not in the immediate location. Mr. Ouimet stated I have been a member of the AAA for 20 years and I have never had my car towed anywhere other than to a garage. Ms. Dailey stated exactly and we're trying to close that loop and bring them to our own car repair facility. Mr. Berkowitz stated would you also be doing bodywork? Ms. Dailey stated light bodywork; our intention here is more oil, lube, maybe glass repair and some minor bodywork; nothing major. Mr. Nadeau asked would you be selling parts or

accessories? Ms. Dailey stated yes we would be. Mr. Berkowitz asked would you be doing car washing? Ms. Dailey stated no. Mr. Ouimet asked would you do oil changes? Ms. Dailey stated yes. Mr. Higgins stated with 5 double bays you could theoretically be working on 10 cars at the same time and asked where would your potential customers be parked in the southern area? Ms. Dailey stated our office location is where our members would be conducting business during the day; traveler services and so forth. Mr. Higgins stated I am not as concerned about that as I am on the repair side. Ms. Dailey stated I would believe that the parking for the repair facility would be near that side of the building. Mr. Watts stated with the kind of repair that you might do is it the kind where the car is not going to sit there for 4 to 6 days waiting for a part? Ms. Dailey stated the following: No, we aren't doing any major engine repairs or anything of that nature. It would be strictly oil change, lubrications and possibly glass repair. It would be a simple repair because we are not going to get into major overhauls. Mr. Higgins asked if they would have a spray booth for bodywork or anything like that? Ms. Dailey stated no. Mr. Berkowitz asked if people would wait while their car is being serviced? Ms. Dailey stated yes, they could be or if a car comes in and the customer has to go off to work, we would be happy to transport them to work and then we would pick them up from work and bring them back to pick up their car. Mr. Berkowitz asked for their hours of operation. Ms. Dailey stated 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 2:00 pm on Saturday's is what we are proposing. Mr. Ruchlicki asked if all of the bays would have lifts in them. Ms. Dailey stated yes. Mr. Ruchlicki asked would any of them be alignment racks to do front-end alignments on the cars. Ms. Dailey stated I'm not sure. Mr. Ruchlicki stated the reason I asked is because that could end up to be a lengthy stay for a car sometime. Mr. Nadeau stated the following: With your bodywork, how are you going to differentiate what type of work that you are going to do? You say that you would be doing light work but if someone needs a fender or something that would need to be ordered. So, what percentage are you allowing for the bodywork verses the mechanical? Mr. Lansing stated the following: I would like to clarify one thing regarding the parking and the amount of parking available for the service facilities. In talking with Ms. Dailey's associate at AAA, he had indicated that there would be 10 spaces needed service. The national is actually allocating 20 spaces for service outside of the bays that they have. So, there could be 10 cars in the bays, 2 in each one of the bays and then another 20 spaces available on-site for cars that are either waiting to be brought into the bays or exiting from the bays. As far as waiting for a fender or something of that nature I don't know about that. Ms. Dailey stated the following: That is not our intentions of getting into that kind of work. If a vehicle needs touch up work or they need a little bit of paint done; that is what we would take care of. If it were a fender replacement, we would have to take it to a facility that would handle that. Mr. Nadeau asked so you wouldn't be doing heavy collision bodywork? Ms. Dailey stated the following: We would not be doing any heavy lifting or any spray-painting. We would just do touch up work. Mr. Higgins asked how many employees would you have on the site? Ms. Dailey stated there would be approximately 6 to 8 employees in the office location and 8 to 10 employees in the repair facility depending on the business. Mr. Watts stated their application states that they are proposing 18 to 20 employees total. Ms. Dailey stated yes. Mr. Nadeau asked Mr. Lansing if he said they could have as many as 20 cars parked outside. Mr. Lansing stated the following: According to the calculations we would need 20 spaces for employees using the high end number of 18 to 20 employees, 10 spaces for the members or the public that might come in to visit the office area for a total of 30 spaces and we are proposing 50 spaces. So, there would be 20 spaces outside of the facility for the service bays; either cars that are waiting or finished cars. Mr. Nadeau asked so you could have as many as 20 cars? Mr. Lansing stated correct, 20 cars outside and another 10 cars inside. Mr. Nadeau asked would the parking area be fenced in? Mr. Lansing stated I don't believe it is proposed to be fenced. Mr. Ouimet stated in the office area I see that you have one spot allocated for handicap parking and asked if Mr. Lansing would discuss with the applicant the possibility of having more than one handicap spot. Mr. Lansing stated the following:

There are actually 2 handicap spaces but that tree covers it. We have a loading zone on the middle of 2 spaces and we can look at that and consider more spaces as well. Mr. Watts stated the following: At this point I think we will refer this to CHA to look at the stormwater issues and again the suggestion during the process of getting access from that other road that could work. Did you say Mr. Casale has not been cooperative at this point with using his access? Mr. Savino stated I don't think Mr. Casale will give us the time of day. Mr. Nadeau stated obviously that would block a large portion of his site and that could be the idea visually. Mr. Watts asked who is the owner of this site? Mr. Savino stated Mr. Bill Carley. Mr. Watts asked if this site is going to sold or leased. Mr. Savino stated it would be sold. Mr. Watts stated so there would be a contingency on approval for the sale of the property. Mr. Savino stated correct. Mr. Watts stated the following: We do have these issues of spillover parking so if and when you get your approval for the site plan it would have a number of designated parking spots and if you go park where you are not supposed to, you would not be in compliance with your site plan. We want the businesses to operate well and to be successful. Mr. Nadeau asked if the storage of the vehicles waiting to be serviced was located behind the building and would it be visible from Route 9? Mr. Lansing stated the following: There is no parking proposed on the back of the building given the depth of the lot. We have room limited just for the aisles for access around the parking lot. The parking is proposed on the south and north sides of the building. So, yes you would see cars. Mr. Watts stated the following: During the site plan review we might be looking at some screening issues. The rendering of the building is very attractive so that would be a great improvement in that area. As our commercial area redevelops in Town from what we've had, we want to make things as nice as possible. Mr. Nadeau asked is the existing building to the south a residence and is anyone living there? Mrs. Zepko stated yes.

This item was tabled and referred to CHA for their review.

09.100 NB Hoff Jewelers, Inc., 1546 Route 9 – Concept-Commercial Site Plan

Mr. Joe Dannible, of the Environmental Design Partnership, stated the following: I am here tonight on behalf of Hoff Jewelers. I am representing their application for a retail jewelry store located on Route 9. The applicant proposes to renovate the existing residence into a retail jewelry store with approximately 1,600 SF of retail area and 300 SF of office space. The minor site improvements being proposed would be the existing gravel access driveways and parking area would be paved, there would be a new sanitary septic system proposed on site and the existing overgrown landscaping and vegetation to the front of the building would be removed and rejuvenated. We are proposing a total of 6 paved parking spaces adjacent to the building and that is within the existing gravel parking area that is there now and 4 additional spaces are proposed within the existing garage and an additional 6 land banked spaces are proposed at the back of the garage. Again, the applicant would be renovating the building, adding some display windows to the front, some wall mounted signs and also a free-standing monument sign in the front. Mr. Higgins asked if the existing garage would be used strictly for storage because currently there is a business operating out of it now? Mr. Dannible stated the following: There is not going to be any business related storage in the garage at this time. It is proposed to be some employee parking in there and also a little bit of storage to the rear of the building as it is a large garage. Mr. Higgins asked if the existing tenant would be moving out? Mr. Dannible stated yes. Mr. Nadeau asked what is the current business now? Mr. Dannible stated it is a landscaping business and the proposal here is to have the property sold from the Lindsey's and Mr. Eric Hoff, of Hoff Jewelers, would be taking over ownership of the property. Mr. Higgins asked would the existing residential building would be renovated and it wouldn't be totally torn down? Mr. Dannible stated the building is proposed to be renovated and I believe they would be putting a new roof on the building, new signs and a handicap access ramp. Mr. Watts asked if they had any renditions of what this building would

look like and the out building? Mr. Dannible stated not at this time because Mr. Hoff wanted to move through this first meeting with the Board to get an idea of the Board's level of comfort with the project and then move in to get an architect on board for more detailed architecture plans that the Board would see at final approval. Mr. Watts asked if they were aware of the wetland issues. Mr. Dannible stated the following: Yes, we have had the New York State Department of Environmental Conservation (NYSDEC) out on site and went through that with them. From what we're proposing with the minor renovations to the property and a new septic field, he doesn't feel that it is going to require a wetland disturbance permit from the NYSDEC, just a letter of permission. Mr. Watts asked what is a letter of permission? Mr. Dannible stated the following: It doesn't require the full blown permit application to the NYSDEC and it doesn't go through the full 60 to 90 day review process and they can issue a letter of permission the same day the application comes in. In speaking to the NYSDEC, when the NYSDEC was on-site and starting to look at this wetland as it extends down south to the main wetland ravine, the NYSDEC was thinking that that buffer would disappear as they might not take jurisdiction of this entire finger. We are working with the NYSDEC and we'll find out more about that as we move along with them. There may be no NYSDEC issue altogether that we would need to deal with on this site. Mrs. Zepko stated the following: I would imagine that would occur when the maps are revisited because that has been under review for several years now with the correct maps that show the jurisdiction on the NYSDEC wetlands. Like I said that has been under review for several years and I don't know when and if those maps would change. The NYSDEC intends to review the jurisdictions and may change the maps, as they exist now. Mr. Dannible stated that and also the representative from NYSDEC, Mr. Jedd Hayden, who visited the site and was looking at the vegetation in comparison to the rest of vegetation and he just doesn't think that in his initial look that this really meets the criteria of what the NYSDEC wants jurisdiction over so it may just be removed altogether from that. Mr. Watts stated relative to the fixing up of the architecture of the buildings, I trust that the existing buildings would look different from what they currently look like now? Mr. Hoff stated yes they would as we are planning on putting in 2 big bay windows in the front and redoing the windows upstairs. It wouldn't look anything like it does now and it would definitely look more appealing to the eye. Mr. Watts asked and does that include the outbuildings as well? Mr. Hoff stated yes and nothing is going to look like it does now. Mr. Watts asked does that include the siding and the roofing? Mr. Hoff stated yes.

This item was tabled and referred to CHA for their review.

09.101 NB A & M Sports (Girl's Softball Expansion), 12 McBride Road – Special Use Permit

Mr. Tom Center, of Nace Engineering, stated the following: I am here tonight to present the project for A & M Sports Complex located on McBride Road. The current site is a private sports complex owned by Mr. Steve McBride. The site currently has 3 softball fields and 5 soccer fields. The softball fields are used in the spring and summer and the soccer fields are operated in the fall by the Mechanicville-Stillwater Youth Soccer League. The proposed expansion is to add 3 additional girl's softball fields, an associated new entranceway into the parcel and parking for 90 cars in the center. Currently the Mechanicville-Stillwater Lassie League has 3 fields on property owned by Decrescente Distributing and this project would be constructed on Mr. McBride's parcel by Decrescente to move the Lassie League from their current location to the McBride Road facility. The proposed project would consist of 3 new fields, a concession stand for pre-packaged goods for sale, a crushed stone pad for portable toilets, parking for 90 cars and stormwater would be managed via dry swale at the end of the parking area and would discharge out in that direction. Mr. Higgins asked where is the concession

stand? Mr. Center stated in the center near the first two. Mr. Higgins asked would it be near the parking area where it says shed? Mr. Center stated no sir; it would over in between fields 1 and 2 along that path along the edge of the parcel. Mr. Higgins stated the following: I was on the original committee that looked at this site and I know there were some concerns about the wetlands over in that area because at one time they were going to put a building over in where the softball fields are now and that drops off quite a bit into a ravine. I assume that area would have to be leveled out. Mr. Center stated the following: Yes, that area of the fields would be skinned and material would be brought in to raise the fields up and grade it so it follows the currently drainage path out in the direction of the wetlands for the softball fields themselves. I believe one of the grading drawings show the fields are raised with areas in between where the stormwater would flow to and out towards the wetlands. Mr. Higgins stated it has been a while since I walked this site but I remember that there was quite a bit of a ravine back in there. Mr. Centers stated also I believe on one of the drawings you'll see plans for under drains, which would be collected into a center solid pipe and discharged to daylight out the backside of the fields behind the outfield fence. Mr. Higgins stated so the existing soccer facility is all built and asked so all we are talking about is actually adding these 3 softball fields and the parking area? Mr. Center stated yes sir. Mr. Higgins stated but because of the seasons generally they won't both be utilized at the same time. Mr. Center stated the soccer fields are used in the fall and the softball fields are used in the spring and summer time. Mr. Higgins asked so would the traffic be about the same? Mr. Center stated yes, the traffic would be about the same. Mr. Nadeau asked what is the buffering area around the wetlands and is that a requirement? Mr. Bianchino asked if the wetlands were Army Corp. or New York State Department of Environmental Conservation (NYSDEC)? Mr. Center stated they are Army Crop. Wetlands. Mr. Watts asked Mr. Bianchino if there was enough here for CHA's review? Mr. Bianchino stated the following: The plans look fine for the site plan. Mrs. Zepko and I discussed that the Stormwater Pollution Prevention Plan (SWPPP) needed to be reviewed and that is something that I would have to somebody from your office take a look at it. Mr. Watts asked is that the one that is currently in existence or a new one? Mrs. Zepko stated that would be a new one for the new area disturbed. Mr. Watts stated so CHA would have to review that and do you think that would be the extent for CHA's review. Mrs. Zepko stated yes.

Mr. Berkowitz made a motion to set a public hearing for the December 14, 2009 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

Old Business:

08.057 OB

Grosky Office Building, 436-438 Route 146 – Commercial Site Plan

(Re-approval)

Mr. Mark Grosky, the applicant, stated the following: I am here tonight for the Board's consideration of my letter of request for an extension of the site plan approval for a previously approved 15,800 SF office building located at 436-438 Route 146. Mr. Ouimet stated the following: I hate to revisit old history but when the site plan was finally approved, there were a number of ameliorative measures that the applicant was going to take to put up a vinyl stockade fence to separate the trailer park from the new building and there was a number of plantings that were supposed to take place on both sides of the property. I noticed that the property has been clear-cut and has been sitting open, unused and undeveloped and no buffering or fencing has been installed. Is there any consideration to doing any of that even though I know you're are delayed in constructing your building? Mr. Grosky stated the following: Right, when we were here, the land had been clear cut prior to the Board's approval and with the Board's recommendation it was suggested to either allow some vegetation to grow back in conjunction with the silt fencing that was installed around the entire parimeter of the property and actually on all four sides. So, although it looks a little bit unkept, that was by design to keep any dust

down so we do have some vegetation that is there as a rye seed mix that was put down and there is vegetation over all of that property. I had spoken to my old neighbor, but have not spoke to the new neighbor that is going in there, which I believe is Mr. Herrmann, and I have had no complaints as far as any dust or anything like that. I have inspected the silt fencing recently and that seems to all be in place. Also, because the development hasn't taken place, there has been no final grading of site that would allow me to install that fencing or the plantings which are all meant to be done as part of a complete design. Mr. Ouimet stated so I guess your answer is that you have considered it but you are not going to do it until such time as you construct your building? Mr. Grosky stated the following: Right, we are hoping to obviously do it all at the same time so that so we can avoid wasting planting material or having to reset a fence that is not installed to a finished grade because there is no finished grading done on the property. It was just cut and then vegetated over with silt fence with the expectation that we are going to start some time this past summer and then the economy did what it did and we made the business decision to postpone that. Also, because one of the tenants that we had, with the delays that we had in finalizing the approval, we were hopeful of getting a major medical tenant downstairs. The building is almost 16,000 SF; roughly 6,000 SF over 10,000 SF. I would be occupying the top floor so I am anxious to get going on building it for my own purposes but for business purposes we didn't get that medical tenant that was going on simultaneously when there was a lot of buzz about a potential hospital coming in. By the time we got the final approval that tenant had moved on. So, we choose not to move forward on the project on the basis of building it and hope they come. I didn't want to find myself in any kind of a financial situation where I have to develop a lesser building just to get it done. My intent is the same as it was a year ago, which is to build a marquee building that is 100% stone and brick all the way around on all four sides and I don't really want to find myself compelled to build a vinyl sided building just to get it built and to get it done cheaper. I'm really wanting to be patient and build it on my own terms at my own timeline so I can construct the building that was proposed to the Town envisioned by me, which is a very triple "A" class building. Mr. Berkowitz asked what neighbors did you talk to? Mr. Grosky stated Oscar Schreiber's Law Office. Mr. Berkowitz asked is Mr. Schreiber located to the west of your site? Mr. Grosky stated that is correct and he was kind enough to allow me a grading easement over the property and he has since sold that to Mr. Herrmann. Mr. Berkowitz stated so you only spoke to the people west of your site. Mr. Grosky stated that's correct, but I did speak to the children of the neighbor to the east of my property also. Mr. Berkowitz asked did you speak to the neighbors to the south of you who we were concerned about? Mr. Grosky asked are you referring to the D&R Village residences? Mr. Berkowitz stated yes. Mr. Grosky stated no I have not spoke to any of them nor have any of them attempted to contact me. Mr. Berkowitz asked would they know who owned the property? Mr. Grosky stated they could easily call the Town and find out that I own it as my name and address are on file with the Town. Mr. Berkowitz stated but you made no attempt to notify them of anything. Mr. Grosky stated well this project was open to a public comment period before my site plan was even approved or referred to CHA for that matter and were no objections raised by any residents at that time or at anytime during the process which lasted for a year and a number of months. Mr. Berkowitz stated but the property also wasn't clear-cut by then. Mr. Grosky stated the following: Right, but there were several meetings that had occurred after that had been done. I think the property was cleared some time in April or May of last year and I believe the approval was last October or early November. Mr. Ouimet stated the following: I think one of the reasons why there was a rush back them to approve this site so Mr. Grosky could get started before the building season went a rye so to speak. Unfortunately, it never got started but the issue is still present to me anyway. I just want to clarify for the record you said that there was clear cutting and then the approval by the Board. I want to make it clear for the record that the Board never approved the site being clear-cut and the site was clear cut and then the approval process continued. Mr. Grosky stated that is correct. Mr. Ouimet stated I

understand what you are saying about the need to get a final grade before you put in a fence and before you install final landscape buffers but what's to say that the project won't be delayed another 8 months and people will be looking across this nicely seeded vacant land that's been clear-cut for another year? Mr. Grosky stated the following: Keep in mind that all of the stormwater management is located at the rear of that property. Therefore, that makes any plantings or putting up a fence along that border impossible because that is where all of the major heavy lifting is going to go on as well as the deposit of the silt during the construction phase that is supposed to be toward the rear and over towards the western part of the property as approved on the SWPPP. So, really there is no way for me to ameliorate the site as it currently stands because all of the stormwater management is along that entirety of the 330 FT in the back. If the Board would be happy for me to mow it as apposed to leaving it 2 FT tall like it is, I suppose we can do that if there is a need to do that cosmetically. Again, I do inspect the property roughly once every couple of months and walk it to make sure the silt fencing is up and in good stead and it has been reinforced on both sides and that was a Board request that we do that. Another Board request was that we take the yellow discharge pipe and wrap that in the orange fencing and that was all done prior to the final approval and that still maintains in place as does the silt fencing all around the perimeter. So, I'm not sure at this point what we could do on any basis to ameliorate the look of the site until we actually go forward with the construction. Mr. Ouimet stated I just think it is a frustrating thing for us as a Board that we can't buffer the property and we can't accelerate the construction of the property so we just have to let things go the way they are. Mr. Higgins stated the following: What about the buffering that was supposed to be along the front of the property? Is that all going to be taken down also and is that nowhere near finished grade out there? Mr. Grosky stated the following: Originally this project was proposed as 2 separate roughly .9-acre parcels with 2 curb cuts and that was at the very beginning stages of this, which I believe was back in 2006, and it was proposed as a roughly a 6,000 SF building on each lot necessitating 2 separate curb cuts. That had been referred to Mr. Chauvin and that had come back before the Board as grandfathered in and allowing that to not have to meet the 150 FT requirement of frontage. Implicit in the conversations that we were having with the Board at that time was really an unspoken request to build a bigger building on one lot that would allow us to have one curb cut based on the traffic concerns. I was always of the mindset that I had been willing to do than take upon that extra financial risk and change the project over and resubmit it. We actually pulled our pending request for a building lot on 436 Route 146 and I then acquired the adjoining lot on 438 Route 146 and then resubmitted the plan to the Board as one bigger project with one curb cut and that met with unanimous gratification of the Board members at the time. So, I did wind up ultimately biting off more than I ever expected. I anticipated building a 6,000 SF office building for myself to spend the rest of my career as an attorney there and it kind of morphed into let's do one big footprint with one curb cut and be a better neighbor. So, it is taking me some more time than I would have anticipated and that's because of the scope of the project really grew beyond my initial expectations. I can only say that with the architectural renderings that have been before the Board, what I am proposing is really a marquee building with a front portico that is all cast stone with a backlit clock with Roman numerals on it and a very beautiful building that I will be proud to live and of course as many of you know I live across the street in the Timberwick Development. So that is where I am going to be hanging my professional hat so to speak for the rest of my life. I will eventually be a very good looking neighbor and I would ask the Board for some consideration with the fact that I made some concessions in not developing 2 separate parcels, which perhaps would have been more of a traffic concern and perhaps less desirable to the overall look of that corridor. I am asking for approval and I'm hopeful not to be here again asking for further approvals because I am anxious to get my practice in my own building. My practice is growing by leaps and bounds and I need the space. I am kind of holding my breath on a temporary location on Plank Road and have been doing that for a couple of years more than I wanted to. I am anxious to

get going and I can only ask for the belief that the end result will be worth the wait. Mrs. Zepko stated the following: Mr. Grosky I just want you to understand that the Board is only allowed to grant a one-year extension and that is only one one-year extension. If you do not do any site work within that one-year extension, which would be until October 14, 2010, you would need to go through the entire approval process again. Mr. Grosky stated okay. Mr. Higgins stated I still don't think Mr. Grosky answered my question which was: is the front elevation approximately where it is going to be or does that have to be changed? Mr. Grosky stated the following: I don't believe so because the existing entrance is much more to the east than what is proposed on the final approved site plan. And as you know, there is that drainage swale that runs down that side because I believe the sewer is on that side and the water is on the other side or vise versa. That is actually all going to be ameliorated with the final site plan. Mr. Higgins stated I for one think that if you can get somebody out there with a brush hog or some kind of a mower just to knock it down it would definitely look better than it looks now and that is my own personal opinion. Mr. Grosky stated I would be happy to do that. Mr. Nadeau asked Mrs. Murphy to just verify again what Mrs. Zepko stated although if we should approve this tonight as an extension, it is really retro back to October 14, 2009. Mrs. Zepko stated correct, October 14, 2008 was the original approval date and this past October 14, 2009 was the one-year anniversary and the Board can only grant a one one-year extension. Mr. Watts stated if you were to come in after that date, you are going to have to repay the fees at that point. Mr. Grosky stated understood.

Mr. Nadeau made a motion to grant a 1-year extension for the Grosky Office Building commercial site plan to expire on October 14, 2010. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 23, 2009 Planning Board Meeting at 8:35 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary