

## **Town of Halfmoon Planning Board**

### **February 23, 2009 Minutes**

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

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

**Senior Planner:** Jeff Williams

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Paul Hotaling  
Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the February 23, 2009 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the February 9, 2009 Planning Board Minutes. Mr. Berkowitz made a motion to approve the February 9, 2009 Planning Board Minutes. Mr. Higgins seconded. Motion carried. Mr. Ouimet abstained due to his absence from the February 9, 2009 Planning Board Meeting. Vote: 5-0 for approval.

#### **New Business:**

#### **08.110 NB Interior Café, 1475 Route 9 – Addition to Site Plan** **(formerly Romano's Restaurant)**

Mr. Kevin Mickels stated the following: I'm representing Romano's Restaurant remodel. We did a previous inside tenant change and now we have come back before the Board to propose two different sunrooms on the property. On the northeast corner there would be a two-story structure (one below grade and one at grade) with a mezzanine level above the grade level room. We are also proposing a seasonal deck on the roof so that we can have plants and things for the vegetarian cuisine that would be available. There would be a couple of different tables sitting up on the top and on the eastside out the backdoor, there would be a single-story sunroom that is to be built. Both are to be enclosed. This is a basic proposal and we have already bid-out for construction. We did add 3 extra parking spaces because we would lose one parking spot from this proposal. Parking should be adequate and would meet code requirements. Mr. Berkowitz asked what the use would be at this site. Mr. Mickels stated it would be a vegetarian internet café. They would have vegetarian food, no meat, no alcohol and a very healthy place. It would be the same thing that we received an approval for the last time on the tenant use. These are simply additions to what we were already proposing with making the building larger and maximizing the space to add more room that we can use. Mr.

Ouimet asked if any of the additions would be seasonal. Mr. Mickels stated the following: The way we are designing them is that they would be energy efficient in the enclosed areas but we will not be using the roof deck in the winter because it would be too cold. It would probably be more of a fair weather use. There would be a couple of tables up on the deck area, but it would be used more just to have the available space if we needed it in the summer to be able to have some outside dining. Mr. Ouimet asked when you say summer what do you mean by that and when would you start using the deck areas or when do you plan on using it. Mr. Mickels stated the following: The deck area is not going to be covered so it would be used whenever it is not raining and whenever it is warm enough. So it would probably be used about 5 months out of the year and it would be in the middle of year in the warmest weather. Mr. Higgins asked if there would be only one access to the roof area and if they had an emergency access to the roof area. Mr. Mickels stated there is one access and if we need to through fire code, we could. Mr. Berkowitz asked if there was an access out to the parking lot through the basement level. Mr. Mickels stated yes, there would be an exterior exit from the basement and asked if the Board had received the architectural plans that show something coming out of the basement so that we would have a direct exterior stairwell. Mr. Nadeau stated so; this roof deck is on top of the building? Mr. Mickels stated yes, on the existing building. Mr. Berkowitz stated this is quite an old building and asked what the architectural integrity of the building was. Mr. Mickels stated the following: It is an old building but we have had all of the engineering done for this and when we came to the Board on the last remodel that we just completed a few months ago, we replaced a beam that was in the wall and we put in a steel girder. Everything has been engineered structurally so it supports the roof level. Mr. Nadeau asked, at the most, how many people would there be on the deck at one time. Mr. Mickels stated the following: I think we had a layout on the plans. We have it setup for 8 tables of 4, which would be 32 seats, and then we have an access isle that would be open so that people could go down through between the tables. Mr. Nadeau asked if there would be as many as 50 people. Mr. Mickels stated it shouldn't exceed the 32 people and I really don't think that they would be posting it for any more than we have seating for. Mr. Nadeau asked where is this located in relation to the neighbors in the area. Mr. Mickels stated the following: On the backside there are trees all around and on one side there is a seasonal drainage area. There appears to be 2 residential homes where one may have a business in it but it looks like a residential structure that faces out onto Route 236. In the back there is a bunch of trees and then there is a manufactured home park set off a little ways beyond that. So we have parking area, we have vegetation, the 2 residential backyards and the home structures. Mr. Nadeau asked how far was the mobile home park from the deck area. Mr. Mickels stated from the deck area it is clear across the parking lot through the trees and their backyards. It would be at least 50 yards. Mr. Nadeau stated one of my concerns is with the people up on the deck talking and being near a neighborhood. Mr. Watts stated on your application you indicate that you're proposing that this will operate 24 hours a day, 7 days a week. Mr. Mickels stated for the interior that would be great but if there is a concern about the deck being open for those hours, then I am sure we could modify that. Mr. Watts stated you're proposing to operate 24 hours a day, 7 days a week; I wasn't reflecting it to the deck. What market is out there for internet cafés or vegetarian cafes to be open 24 hours a day, 7 days a week? We have no commercial establishments that I am aware of in this Town that are open 24/7. There is a diner up the street that is not even open that much. What is your clientele and what kind of people do you think would be coming there? Mr. Mickels stated the following: That is one of the reasons why we thought it would be feasible because there isn't any competition doing that. I am from the Pacific Northwest and coffee houses there go all night long. A lot of people in the area

have expressed the desire to sit around and have coffee talk; whether it is a musician playing, poetry reading, reading books or things like that. We have had a lot of request about being able to not just close at midnight and go. There are people that work at night and people that want to socialize more. I think it is just a thing that we are missing in this area. We could provide a place that people can go and have healthy cuisine, not having a lot of drinking, heavy meals and things like that. I really think that this is where we are going with being able to service an area that is not already provided. We want something new and we're not trying to provide something that is already here. Mr. Berkowitz asked if there would be any banquets, seminars or training things going on in there. Mr. Mickels stated the following: There would probably be different community meetings. We have one ladies' group that is interested in meeting in one portion of the building. We have furnished it a little bit softer with couches, the old brick wall is exposed and things like that. There would be different groups of different types that may want to come in and take space like that. Our intention is mostly for community stuff so that people can come in, sit, eat and dine or whatever. If people want to reserve a different area for different things that is one of the intentions where we can close a door and that they can use that area specifically. To be just training or classes or things like that, no we don't have any intention of doing that. Mr. Ouimet asked is it overly simplistic to say that you are proposing to put in a 259-seat restaurant in this building. Mr. Mickels stated yes, that is what we are basically trying to do. Mr. Ouimet asked how many handicap parking spaces would they have. Mr. Mickels stated right now we have out front, 3 existing handicap spaces and I believe the one at the end is striped but we can definitely designate more per whatever code we need to meet and I have no problem doing that. Mr. Ouimet asked are you proposing an open railing all around the roof deck area? Mr. Mickels stated there would be a railing around the deck but not all around the roof. Mr. Ouimet stated as I looked at this architectural plan here, it appears that there is an open railing that runs around the roof like a normal deck railing. Mr. Mickels stated the following: What Mr. Ouimet is referring to is actually the addition outside the building. It had been the kitchen back in that area and that is the restrooms. So, it is a top down view and the roof deck would be up on top. Mr. Ouimet stated what I am trying to figure out is that this would be open. Mr. Mickels stated it would be open but just the deck. The roof would be protected with a safety railing all the way around as required by code. Mr. Ouimet stated but if you were sitting at that deck with the railing that you are proposing to install, would you be able to look out to the traffic on Route 9? Mr. Mickels stated I believe the angle that you would be sitting at may prevent that because it is so far back from the front of the building. Mr. Mickels showed the Board the proposed sunroom and deck locations and stated because of where it is located, it may be very difficult to see out to Route 9. Mr. Mickels stated I think because of the parapets around the edge of the building, the rooflines and the way they have to step down onto it and where this would be sitting, I don't think you'll be able to see it. Mr. Ouimet asked do you think this roofline is going to block what you are proposing to add. Mr. Mickels stated I think that angle of view where you would be sitting won't allow you to see Route 9. Mr. Ouimet stated I am probably more concerned about traffic on Route 9 seeing people on a large deck on top of the building. Mr. Mickels stated if they saw anything it would be because people were standing on the deck. Mr. Ouimet asked what type of lighting are you proposing for the roof area or are you proposing that the deck area would only be used in the day time. Mr. Mickels stated the following: So far I don't have a lighting design for that and if that is something that needs to be done, I can get that done or I can limit the hours that the deck area would be used. At this time I didn't have a specific lighting design and I didn't have a specific angle for that roof. The areas around the building have existing lighting that we would be using and would continue to use but we won't

be adding more parking lot lighting there. If that is a concern for the neighbors, which there are not really any neighbors right there except way in the back where the manufactured home park is located. However, it would be directional lighting and we would certainly take that into account. Mr. Ouimet asked if it would be down lighting if you used any lighting at all. Mr. Mickels stated absolutely. Mr. Nadeau asked if there would be any music or anything. Mr. Mickels stated there might be on the inside where occasionally there may be somebody with a guitar singing a song but we don't plan on having anything like that outside. Mr. Nadeau stated I was thinking more about the deck area and I don't really have a big problem with something like that up to 11:00 pm or 12 midnight, but I would have a problem with something like that going on at 1:00 am or 2:00 am. Mr. Mickels stated the following: I agree with that and asked if 12:00 midnight would be acceptable? If not, then we could modify that. Mr. Higgins asked if there was an existing basement in the rest of the building or is this lower level going to be the only basement. Mr. Mickels stated there is a basement just across the front part of the building that faces out to Route 9. I believe the old building dimensions are 67 FT x 24 or 27 FT deep and that has the basement under it. The rest of the building is all on slab. Mr. Higgins asked if the existing basement was used for storage area. Mr. Mickels stated the following: That is storage and we moved the cooler that was on the old loading dock to the basement. It has a cooler, a freezer, an office, employee space and storage space all of which has been checked by the Health Department. It also has the furnaces, the water heater, all the plumbing and all that kind of stuff. Mr. Higgins asked has that been calculated in the parking that is required. Mr. Mickels stated the basement would not have seating so I didn't calculate that. Mr. Higgins stated that doesn't make any difference because it is still storage and I believe that still counts in. Mr. Mickels stated I apologize because I didn't see that in the code. Mr. Higgins stated as far as the lower level, the way I am looking at both exits; whether you are going up the stairs inside or up the stairs outside, these are both in that one corner and if that is blocked, there is no other way to get out of that basement and asked if that was correct. Mr. Mickels stated there would be an exit out in the northwest corner of that area and that is the one that goes direct to the exterior and the other would be the stairs going up and into the existing building. Mr. Higgins stated right but they are both in that northwest corner so if for some reason that corner is blocked, there is no way for those people to get out. Mr. Mickels stated I think we are in compliance with the fire code but that would be a question. Mr. Higgins stated I am sure our engineer can take a look at that. Mr. Mickels stated okay. Mr. Watts stated I believe you had a certificate of occupancy issued back in August. Mr. Mickels stated yes, that is correct. Mr. Watts asked if the were operating in the building at the present time. Mr. Mickels stated we have had some people come in and use the building just as a gathering area. Mr. Watts asked are you serving food? Mr. Mickels stated no, but we have been working with the NYS Health Department. Mr. Watts asked for a further explanation of a "gathering area". Mr. Mickels stated the following: We had somebody come in and they had a birthday party and we also had some other people that came in and they had like a community meeting about what they could do for community events. We have been inviting people in so they can have participation in what we are doing. We are not serving food yet because we found that some of the equipment that was purchased is not going to fit our needs so we are reordering some stuff. Mr. Berkowitz stated it seems like the building has been pretty busy every Sunday consistently and asked if there is a specific activity going on there on Sunday's? Mr. Mickels stated I think that is the woman's group and they meet about community events and what they can do for women in politics and things like that. Mr. Berkowitz stated since this is going to be open 24 hours a day are people going to be sleeping there? Mr. Mickels stated no. Mr. Ruchlicki asked if it was their intention to allow food on the roof deck area. Mr. Mickels stated the following:

The way that this is going to be designed is that people would be able to go to salad bars or areas where we will have pizza crust cooked. The people would be able to select their own toppings and then put the pizza in the microwave oven that already exists and then those people would take their food to their chairs. We are not going to be bringing a lot of food up and there won't be food service up there like the salad bars and things like that. Mr. Ruchlicki stated so you won't have the ability to serve coffee from that area. Mr. Mickels stated not that I am aware of at this time. Mr. Ruchlicki asked if they would have umbrellas over the tables? Mr. Mickels stated yes, they might have that. Mr. Berkowitz asked how many employees they would have. Mr. Mickels stated I believe they have discussed having 5 employees. Mr. Berkowitz asked who owned the building. Mr. Mickels stated the owner is a corporation called Village Hall, LLC. Mr. Berkowitz asked who is the owner of Village Hall, LLC? Mr. Mickels stated I don't know all the owners and I haven't asked. Mr. Berkowitz asked if Mr. Mickels knew one of the owners. Mr. Mickels stated yes, Clare Bronfman. Mr. Berkowitz asked if there were any other Bronfman's. Mr. Mickels stated not that I am aware of. Mr. Ouimet asked if they were adding any sanitary facilities when you expand the addition to site plan proposal. Mr. Mickels stated when we added in the restrooms we put in more fixtures than we were required to by code so that we could provide more if we needed to. Mr. Ouimet asked are they already there? Mr. Mickels stated the following: Yes. There were restrooms in the middle of the building and they were very old and there was one small one in another location. We took the old loading dock and converted that into fully accessible ADA compliant restrooms in the back and then we remodeled the ones up front and added more fixtures also. Mr. Watts asked what the maximum occupancy was for that building when you were issued the Certificate of Occupancy? Mr. Mickels stated the following: No. I just remember that we were at 80 and I think we went to 200. I think that is what we had on the last application. Now we are at 259. When I brought in the proposal I didn't count in for any of the food fixtures or anything else that we were going to be installing for salad bars. When the architect laid that out, he accounted for that and that actually dropped the number. Mr. Watts asked are you going to be able to serve 259 people at maximum capacity with a total of 5 employees? Mr. Mickels stated what they are going to do is the people would be serving their own food most of the time. The people would go and get their food at the salad bars, pizza bars and things like that. This would basically be people restocking, preparing food and possibly serving drinks. The people would get their own food and go back to their tables. Mr. Watts asked about the Internet Café concept that they proposed before. Mr. Mickels stated the following: That is what we are doing. It would be a vegetarian restaurant internet café. Mr. Watts asked how many computer stations would there be? Mr. Mickels stated the following: It would be wireless so anybody who wanted to bring in their laptop could and that is why we thought the people would be hanging longer and that was the intent. The longer people are there the more food and coffee would be served. Mr. Ouimet asked if the internet hot spot was set up now? Mr. Mickels stated yes. Mr. Ouimet asked if the woman's group that meets there are for an internet café purpose. Mr. Mickels stated the following: We are not serving food yet and I don't know if they bring their laptops in. I haven't been there when they meet. The women come in and they meet and they discuss popular events, woman's rights, voting and all kinds of stuff. Mr. Nadeau asked when did you open? Mr. Mickels stated I believe the first function was sometime in September. Mr. Nadeau stated you have said that you were going to do food but you haven't done food since then? Mr. Mickels stated the following: We haven't done food yet and won't until we are done with the NYS Health Department. Because we have been changing the equipment out, the Health Department asked that they be able to come back in and look at the equipment that we installed. Until then we don't need to serve food yet anyway because we're not really doing

much. Mr. Berkowitz asked if they needed any other permits beside the NYS Health Department. Mr. Mickels stated I would need to get a new building permit and then the Health Department has asked to be involved in the design and layout as we go through this and get our permits and they want to know what is going on as we add. They are okay with everything where we are at but we have some final details and equipment to finish. Mr. Watts stated the following: I know in the past that there have been some issues with the sewage system at that site and the plaza. Is there a grease trap in this facility? Mr. Mickels stated the following: Out in the parking lot there are a couple of large areas with big manholes and these are mounded up with asphalt around the top and there are accessible covers for a grease trap out there. Compared to what was going on with the Italian food and all of the meat that they cooked, we virtually would have none. There are existing grease traps, they are in the ground and they are functional. Mr. Watts asked the sewage goes from where to where? Mr. Mickels stated that I don't know because I haven't checked on that part yet and if there is an issue then we can take care of that. Mr. Watts stated the following: I remember in the past that there were some issues at the mobile home park with some sewage issues. I also remember there was a call made a couple years ago from the plaza where the alarm system had gone off. The reason I am asking these questions is because if you had maximum capacity some day with the 259 people, I wouldn't want issues there where we have homes in the back and people living there. I think the sewage has to be looked at. At this point I am going to refer this matter to CHA for their review since you are making some major changes to the building. I want to make sure that the engineers have had an opportunity to look at it. I would ask that you please look at the sewage issues with the County Sewer District. Also, could you please clarify in your narrative about the questions we have asked about the hours of operation. I am getting a sense from the Board that we have had other facilities that wanted to have outside deck operations where there were people in the neighborhood. At Trick Shot Billiards we limited the hours on the deck. I would like you to look at all of this and give us a clear definition of what the operation is going to be.

This item was tabled and referred to CHA and the Board asked the applicant to provide wastewater disposal information and additional information regarding the operation of the business.

**09.008 NB Kincaid Home Furnishings, 1705 Route 9 (Bldg. B @ Shoppes of Halfmoon) – Change of Tenant**

Mr. Bruce Tanski, owner of the Shoppes of Halfmoon, stated the following: Kincaid Home Furnishings would like to take 3,000 SF of the Shoppes of Halfmoon. There would be 3 employees, 1 full-time and 2 part-time. The hours of operation are 9:00 am to 9:00 pm and Sunday's from 12:00 noon to 5:00 pm. Kincaid Home Furnishings is an upscale furniture and mattress store. I don't think there would be a lot of activity all at one time. Mr. Watts stated for the 3,000 SF space 16 parking spaces are required. Mr. Tanski stated right and we have all of that plus the fact that we are trying to bring Subway here and they definitely want to come to the Shoppes of Halfmoon. Because Subway wants to have a little bit more seating capacity then we would like in that building, we are going to move them to the back because we have an abundance of parking in the back. Mr. Nadeau stated on some of the projects that we have done like this just watch what you are getting because as you get to the end of renting out your buildings, you may be limited on what can go in there. Mr. Tanski stated the following: That is why we are going to move Subway to the back because there is a ton of parking. Also, all the parking along Route 9 has been land banked so if we do need additional parking, we can

use the land banked parking. Mr. Watts stated please make sure that it is "Kincaid Home Furnishings of Halfmoon". Mr. Tanski stated okay.

Mr. Nadeau made a motion to approve the change of tenant application for Kincaid Home Furnishings. Mr. Berkowitz seconded. Motion carried.

**09.009 NB Subway, 1705 Route 9 (Bldg. B @ Shoppes of Halfmoon) – Change of Tenant**

This item was removed from the agenda per the applicant's request.

**09.014 NB German Auto Parts.com, 10 Corporate Drive – Sign**

Mr. Dean Taylor, Real Estate Agent, stated the following: I am representing German Auto Parts tonight. The applicant had a baby over the weekend so he was unable to make tonight's meeting. The applicant is taking Business Solutions existing sign and is replacing that sign with the German Auto Parts logo as shown on the application. Mr. Watts stated that Mr. Roberts had reviewed the sign application and said everything was okay.

**The Planning Departments write up stated the sign dimensions are as follows:**

**Location:** Capital Region Business Park (Abele PDD)

**Zoning:** PDD

**Sign Size:** Total of **38.3 SF**-one side=19SF

**Sided:**  one-sided  **Two-sided**

**Location of Sign:** Front of parking area, adjacent to road

**Lighted:**  Internal  Flood  **None**

Mr. Nadeau made a motion to approve the sign application for German Auto Parts.com. Mr. Higgins seconded. Motion carried.

**Old Business:**

**05.209 Pino Commercial/Light Industrial Park PDD, Route 146 – Major Subdivision/PDD**

Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight for the Pino Route 146 Commercial and Light Industrial Park. I believe the Board is very familiar with this project as we did go through the approval process for the Planned Development District (PDD) both with the Planning Board and the Town Board and we have worked to this point for the site plan design of the project. The overall project is 65-acres and it is essentially a 2-lot subdivision with 1 lot being the right-of-way for the roadway that would be dedicated to the Town. The balance of the parcel would be the other lot which would be subdivided at some point in the future with individual site plans and that would be reviewed by the Planning Board. We did receive preliminary approval from the Planning Board and since that preliminary approval we have submitted to the agencies and we have received letters back from agencies indicating their willingness to sign and stamp the plans. We are here tonight for the Board's consideration for final approval of the site plan. Mr. Watts asked Mr. Bianchino if he had reviewed this application and if everything had been resolved. Mr. Bianchino stated yes. Mr. Higgins asked where the water for the site would be coming from. Mr. Lansing stated it would be coming from the intersection of Farm to Market Road and Pruyn Hill Road. Mr. Higgins asked if the applicant would be bringing the water down. Mr. Lansing stated the Clemente PDD across the road had offered that waterline extension as part of their public benefit for the project. The Clemente PDD would be bringing in the water and Pino would connect into that

water. If the Clemente project doesn't move forward, the applicants for the Pino PDD would have to extend that water to the project. Mr. Higgins asked if the applicant understood that. Mr. Lansing stated yes. Mr. Higgins asked if the water would still come down the same way but it wouldn't be going into the other property and would stay in the right-of-way. Mr. Lansing stated essentially the waterline would be in the right-of-way and would be in close proximity to the project to the south but it would need to be extended to that point to service this project with public water. Mrs. Murphy asked is the applicant is aware that without the execution of the water district extension agreement, the property could not be developed? Mr. Lansing stated yes.

Mr. Berkowitz made a motion to grant final approval for the Pino Commercial/Light Industrial Park PDD major subdivision/PDD application. Mr. Nadeau seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the February 23, 2009 Planning Board Meeting at 7:31 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Department Secretary