

Town of Halfmoon Planning Board**July 13, 2009 Minutes**

Those present at the July 13, 2009 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Marcel Nadeau
Tom Ruchlicki
John Higgins
John Ouimet

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

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Mr. Watts opened the July 13, 2009 Planning Board Meeting at 7:06 pm. Mr. Watts asked the Planning Board Members if they had reviewed the June 22, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the June 22, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Hearing:**09.051 PH Roberts Lot Line Adjustment, 111 Devitt Road – Lot Line Adjustment**

Mr. Watts opened the Public Hearing at 7:06 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am representing the Roberts' in their request for a lot line adjustment. The parcel of land is approximately 20-acres located at the southwest corner of Devitt Road and Brookwood Road. Basically we are adjusting the lot line around the existing house on the corner. Currently the lot is approximately 19,000 SF and with the lot line adjustment the lot would become approximately 42,000 SF. This action would make this lot conforming and the 20-acre parcel would still be vacant and the Roberts' do not have any intentions of doing anything with it. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:08 pm.

Mr. Ouimet made a motion to approve the Roberts Lot Line Adjustment. Mr. Nadeau seconded. Motion carried.

New Business:**09.052 NB Halfmoon District Club, Inc. 1404A&B Route 9 – Change of Tenant**

Mr. Matt Spagnola, the co-applicant, stated the following: We are looking to open up a non-for-profit all-male organizational club to play cards, watch TV and to play board games. It would be a place to congregate and to socialize. There would be no alcohol, no parties and no gambling on the premises.

Mr. Roberts asked what is the purpose of this club? Mr. Spagnola stated like I said it would be a place to socialize, play cards and watch TV. It would pretty much be a place to go. Mr. Roberts asked if anyone could go there. Mr. Spagnola stated anyone could go there and there would be a membership fee. Mr. Roberts asked do you have a fee established yet? Mr. Spagnola stated not yet. Mr. Roberts asked how many people would be there at one time? Mr. Spagnola stated the following: Probably 15 to 20 people. We would have ample parking because I think there are 30 parking spots at the location. Mr. Roberts asked if they would serve food. Mr. Spagnola stated the following: Yes. We would have food brought in such as sandwiches. There would be no cooking and no stove there. We would have juice, soda, water, coffee and stuff of that nature. Mr. Higgins asked would the membership fee be on a daily, weekly, monthly or yearly basis? Mr. Spagnola stated we would probably work it out on a bi-weekly basis. Mr. Watts stated the following: Not probably. You filed for 501 status and asked if that was correct. Mr. Spagnola states yes. Mr. Watts stated you filed for a Corporation with the Department of New York State. Mr. Spagnola stated yes. Mr. Watts stated the Planning Board is asking you for specific answers; not probably's and maybe's and you have said you are going to have a membership fee. Mr. Spagnola stated the membership fee would be twice a month. Mr. Higgins stated is that what it says in your paperwork that you filed with the State? Mr. Spagnola stated yes. Mr. Watts asked what do you anticipate that fee would be? Mr. Spagnola stated probably \$100.00. Mr. Watts asked \$100.00 twice a month for a total of \$200.00 for the month? Mr. Spagnola stated for the month. Mr. Watts stated and then somebody joins and then they are obligated to be a member for how long? Mr. Spagnola stated for that month or for two weeks and then it would go into the next two weeks. Mr. Watts asked are there a maximum number of members you would have in this club? Mr. Spagnola stated no there is no maximum. Mr. Higgins stated the following: How are you going to control the occupancy? If you have 200 members and you have 20 people there and 20 more people want to come in, how are you going to tell the 20 new people that they can't come in because you're only allowed a certain number in the club? Mr. Spagnola stated the hours that we have slated on our paperwork is from 10:00am to 2:00am so there would be different shifts of people coming in at different times. Mr. Higgins stated that wasn't my question; my question is if you have 20 people in the facility and it says in your write-up that the maximum number of members allowed would be 20. For instance; I pay my membership and if I walk in the door, are you going to tell me no I can't come in until somebody leaves? Mr. Spagnola stated yes, we are only going to allot so many spots for parking. Mr. Higgins stated the following: Forget about the parking because in your write-up you state the maximum number of members would be 20. So, if you have 100 members paid up and you already have 20 members in the facility, are you going to stop other people from coming in? Mr. Spagnola asked into the facility? Mr. Higgins stated yes. Mr. Spagnola stated well it would go according the occupancy that we have inside. Mr. Higgins stated if I paid \$200.00 to be member for a month and if you are looking for that many people, maybe you need a bigger facility. Mr. Ruchlicki stated what Mr. Higgins' is saying is that if you got 20 parking spaces and they are full and Mr. Higgins and I come together in the same car and you got 20 occupants in the building already; now there is going to be 22 people and asked are you going to turn us away? Mr. Spagnola stated no, I wouldn't turn you away. Mr. Ruchlicki stated so now you have 20 cars in the parking lot and 4 guys come in each car, that just ups the number of people in the building that would be well beyond 20 people already. Mr. Spagnola stated we have to wait to see from the landlord exactly what the occupancy is going to be in the facility. Mr. Nadeau asked don't you already know what the occupancy of the building is? Mr. Watts stated we would have to check with the Building Department. Mr. Higgins stated their application states the maximum number of members would be 20 and that doesn't make sense. Mr. Ouimet stated if a person is going to be able to join for a 2-week period and then you can join for a month; can you join for 6-months, can you join for a year or just for 2-weeks at a time? Mr. Spagnola stated yes that is the way that we would like to do it with 2-weeks at a time. Mr. Ouimet

stated the following: So, conceivably you could have 20 members for 2-weeks, no members for 2-weeks, 20 members for the next 2-weeks; I don't understand how this is going on. Is this like a drop-in center or a drop-in club? And all I have to do is come in and give you \$100.00 and then I can come back any number of times for 2-weeks and asked is this how you are doing it? Mr. Spagnola stated yes. Mr. Ouimet asked are you limiting the number of invitations that you are sending out there and asked how many people could join? Mr. Spagnola stated yes, we are definitely going to limit it. Mr. Ouimet stated the following: What are you going to limit it to? In order for us to gauge whether or not you have sufficient parking, we have to know how many people you are going to allow in the building. Mr. Spagnola stated that is what we are going to gauge it to in what we have allotted for parking. Mr. Roberts asked how are you going to get members and how are you going to advertise for members to get people to come to your club? Mr. Spagnola stated word of mouth and people already know that we are trying to establish this so there has already been some interest. Mr. Watts stated the following: You went kind of quickly through what these members would do. Give me a typical day at 10:00am or 10:00pm at night and what would you envision if you had 10 people in there and what do you see these members of this club engaged in? Mr. Spagnola stated either playing cards, watching TV or basically anything to that nature. Mr. Watts stated playing cards; would there be any cut being taken out of the pot? Mr. Spagnola stated no. Mr. Watts stated so these guys are just going to pay this membership fee and then come there and play poker. Mr. Spagnola stated not necessarily poker, they could be playing gin or whatever card game they want to play. Mr. Watts asked for whatever table stakes they want if it is a poker game? Mr. Spagnola stated right. Mr. Ray Hunt, the co-applicant, stated the following: It is better than going to his house in his basement to hang out and watch TV, watch football or to play cards. We are actually going to have a facility that a lot of our friends can come to watch TV, play cards, to socialize and talk sports and politics. Mr. Watts asked in your dues if somebody signed up for an entire year, would the cost be \$2,400.00? Mr. Hunt stated yes and we would provide all food and beverages. Mrs. Murphy stated but your 501C application says that you're going to receive income and other revenue through the sale of food and beverages. Mr. Spagnola stated the following: I think on that we needed to do some sort of budget so that was for the 501C. Basically we put a budget together that was kind of streamlined to meet the criteria for the 501 paperwork. Mrs. Murphy asked so this paperwork is not accurate? Mr. Spagnola stated it is as accurate as we could come up with to our knowledge because this is like a startup thing for us. Mr. Roberts stated in your write-up it says "the general purpose of this club is as follows: An all-male non-for-profit club", so you are not going to allow woman in there at all? Mr. Spagnola stated no. Mr. Higgins asked not as members or guests? Mr. Spagnola stated not at all; no guests, no parties, no alcohol and none of that stuff would be allowed in there. Mr. Ouimet stated so you said you don't intend to serve alcohol, is that correct? Mr. Spagnola stated no, there is no liquor license. Mr. Ouimet stated if I am a member and I want to bring in a six pack or a bottle of single malt to drink while I'm playing cards how are you going to police that and how are you going to control that? Mr. Spagnola stated the following: Either Mr. Hunt or I will be there around the clock and it just won't be permitted that's all. We are also going to have a security surveillance system there on the outside of the facility and on the inside of the facility. Mr. Higgins asked and what happens if somebody doesn't obey the rules, would they lose their membership? Mr. Spagnola stated they would lose their membership and they would not be allowed in. Mr. Ouimet stated speaking of rules; do you have a draft of your rules so we might get a better sense of how you are going to operate this club? Mr. Spagnola stated at this time we don't have one but we can put one together. Mr. Ouimet stated the following: For me this is kind of difficult to even get my arms around it. It is hard for me to understand exactly what this concept is and I don't know how I could vote to approve or disapprove something like this at this stage. Mr. Roberts stated I think I would find out how many people are allowed or what the capacity of this place is before doing anything. Mr. Watts stated the following: Right, as far as this 501

document that was submitted to the Department of the Treasury Internal Revenue Service, you have said you just put it together so you could give them some numbers. Do you think the IRS would be happy with that? Mrs. Murphy stated I won't speak for the IRS but they're usually sticklers for detail. Mr. Watts asked did you have an accountant help you prepare this? Mr. Spagnola stated yes. Mr. Watts asked is your accountant here tonight? Mr. Spagnola stated no. Mr. Nadeau asked do you screen the type of members that you are going to have? Mr. Spagnola stated yes, we are not just going to have anybody walk in off the street and we pretty much know what we want. Mr. Nadeau asked so what is that type of criteria in order to join? Mr. Spagnola stated we are looking for someone to be at least 25 years old and up. Mr. Higgins asked would you do background checks? Mr. Spagnola stated no we won't do background checks. Mr. Hunt stated the following: Our members would come from other members. We already have some people that want to be members and they have friends who want to be members. Nobody is going to walk off the street and say "here's my \$100.00 I want to be a member". Mr. Nadeau asked are there any other clubs in the area that are operating like this now so we can get an idea of how this works? Mr. Hunt stated there are other clubs in the area that have membership fees. Mr. Nadeau asked do you know the name of one? Mr. Hunt stated I know the locations but I don't know the names. Mr. Nadeau asked where are they located? Mr. Spagnola stated I don't know the exact corporate name that they go under but I know there is one in Latham, there is one on Everett Road in Albany and there is one on Railroad Avenue in Albany. Mr. Nadeau asked are you members of that? Mr. Hunt stated I am a member of one of the clubs. Mr. Spagnola stated Mr. Hunt is but I am not. Mr. Watts asked what is the name of it? Mr. Hunt stated the Albany Poker League and that is located on Railroad Avenue in Albany. Mr. Nadeau stated so they are not gambling but they are playing poker. Mr. Hunt stated yes, it is a league where we keep track of points. Mr. Nadeau stated so it is like playing darts. Mr. Hunt stated exactly and we watch football and other sporting events. Mr. Watts asked how many TV's and things like that would you have? Mr. Spagnola stated probably 4 or 5 TV's because at that location there are different rooms. Mr. Watts stated I think we need a more detailed narrative description of what you are going to do. Mr. Spagnola stated we just got your email before this meeting and if I had known prior to this that you needed more information we would have had it for you. Mr. Watts stated the following: To be honest with you we had asked for more information from you on various occasions from both of you and that is what we got. So I didn't want you to think it was just me asking for it. So I said put it before the Planning Board with the information that has been submitted so that way the whole Planning Board can raise the questions that they have raised tonight and that is exactly why we did it that way. It wasn't that we didn't ask you for all the information, that is how our Planning Board operates. We do have some meetings, if you want to stay around to see some of the other projects, on occasion people will say "gee I talked to so and so". When someone talks to so and so in the office, recognize that there is a seven member Planning Board that can also ask questions. Personally I know that I did ask myself in the previous applications for much more information and I know that Mr. Williams, Mrs. Zepko and our office did and this is what we got. So now I said put it before the Planning Board and let's see what other questions that they have and the Board asked a few questions that I hadn't thought of. That is why we are where we're at. Mr. Spagnola stated now we have that general knowledge. Mr. Watts stated right, please put some stuff together and get back to us with it. Mr. Spagnola stated okay. Mr. Watts stated also could you please get us the names of the other clubs in the area because a lot of times when we get a business or something that is new to us, we can do better by saying what goes on here. This is very unique to us, we haven't seen it before and we want to get more information so we can make a decision as to what is appropriate. Mr. Spagnola stated Mr. Hunt has been to the ones in Albany and I have been to the one in Colonie and we just want to open up our own. Mr. Watts asked what is the name of the club in Colonie and where is it located? Mr. Spagnola stated I think it is called the Colonie Social Club located on Route 7 across from the Peter Harris Plaza. Mr. Watts stated

good that will help us too. Mr. Ruchlicki asked if I had a business associate in town for 3 weeks, could he come and pay for 2-weeks admission and be a member. Mr. Hunt stated the following: if you are a member, yes; if you weren't a member, no. Once again, we need to determine what the occupancy of the building is before we can say 20 members, 40 members or 60 members. There are 30 parking spots, but if there 2 people per spot, that would be 60 people. Mrs. Murphy asked do you hear the Board saying that that is what they want to hear from you before they would be ready to act? Mr. Spagnola and Mr. Hunt both stated yes, they understand.

This item was tabled and the Board asked the applicant to provide a more detailed narrative describing the proposed use in full detail and how it relates to the function of the site, i.e.-parking, interior layout, maximum capacity.

09.053 NB Fastenal Co., 1466 Route 9 – Change of Tenant & Sign

Mr. Jay Vero was present to represent Fastenal Co. for their change of tenant and sign application located at 1466 Route 9. Mr. Vero stated the following: This location is the former Hockey Hut space. Fastenal is a multi-national company in the industrial supply business. Their hours of operation would be 7:30am to 5:00pm Monday through Friday. Fastenal receives their deliveries once a night and they have various truckers in their employ. Each truck has a route that comes out of Scranton, Pennsylvania each night. When the store manager submits the orders, they are pulled at the distribution center and sometime overnight; these orders would be dropped off ready for the staff in the morning to deliver the goods to their customers. Mr. Ruchlicki asked is one of your distribution centers located in Albany? Mr. Vero stated the following: No, their main distribution center for this region is in Scranton. They do have other facilities in the area and some of them are just a store and some of them are larger, for example: In Schenectady they have a combination store and distribution center. They need to have certain items so they sort of have 2 different shops set up in the same building. One for the general contractor and one just for one specific client. Fastenal is a 2.5 billion dollar company on the stock exchange. Mr. Higgins asked are there any storage of flammable material. Mr. Vero stated no. Mr. Higgins asked would they have any outside storage? Mr. Vero stated no. Mr. Higgins stated so there would be no containers or no tractor-trailers. Mr. Vero stated the following: No, the tractor-trailer comes once a night to make a delivery; they open the door, forklift it in, drop it down, then they lock the door and leave. The same tractor-trailer probably makes 20 stops overnight. Mr. Higgins asked do they have any delivery trucks that would be there. Mr. Vero stated the following: Their delivery trucks are pick-up trucks and they usually have maybe one or two per location. So these pick-up trucks may be in the parking lot with other regular vehicles. There would be no tractor-trailers and no other containers. Mr. Watts stated and then people can come and buy your product or get it delivered. Mr. Vero stated the following: Yes. If you want to go and buy there, it wouldn't be like the average homeowner going to buy one nut or one bolt. It is an industrial place where you would go in to buy a box of 100 nuts and bolts. It is not like the average homeowners coming in off street. It is mainly contractors. Mr. Watts stated so there wouldn't be a huge volume of people coming in and out. Mr. Vero stated right. Mr. Nadeau asked would it be similar to Graingers? Mr. Vero stated yes, that would be a good example. Mr. Ouimet asked what would your hours of operation be at this site? Mr. Vero stated the following: The hours of operation would be 7:30am to 5:00pm during the week. They used to have a half a day Saturday but they have discontinued that. So, there would be one shift Monday through Friday. Mr. Ouimet asked how are you going to accommodate this nighttime drop-off. Mr. Vero stated there are exterior lights on the building already. There is a circular road where they would pull in on the northern end that is marked "entrance" and then they would drive around the back and there is a dedicated overhead door into the warehouse portion of this space. They driver would have a key that would open the door. They would

offload their pallet, lock the door and then keep going around the building and then head out to Route 9 to go wherever their next stop is. Mr. Ouimet stated so there would be nobody in the building after 5:00pm. Mr. Vero stated the following: Correct. The truck driver has a key to every stop on their route. Mr. Ouimet asked could those deliveries be made anytime during the night? Mr. Vero stated yes. Mr. Roberts asked if the sign would be on the building. Mr. Vero stated yes. Mr. Roberts stated if the sign is flood lit, make sure the flood lights shine on the building and not out into the road. Mr. Vero stated understood.

The Planning Board Meeting topics describe the signage as follows:

Sign –Fastenal Co.

Sign Size: 36.8

Sided: ☒ **one-sided** ☐ *Two-sided*

Sign Dimensions: 2.83 ft x 13.00 ft

Location of Sign: on storefront above entrance

Lighted: ☐ **Internal** ☒ **Flood**

Planning Board Date(s): 3/23/2009

Brief Description: Applicant wishes to place a 36.8 SF sign above the proposed storefront.

All signage conforms to the Town's ordinance.

Mr. Watts stated welcome to Halfmoon and we hope you do well. In any of your company's advertising, we would appreciate you using "Fastenal of Halfmoon". Mr. Vero stated okay.

Mr. Nadeau made a motion to approve the change of tenant application for Fastenal Co. Mr. Ruchlicki seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Fastenal Co. Mr. Nadeau seconded. Motion carried.

09.054 NB Emotional Rescue, 429 Route 146 – Change of Tenant & Sign

Ms. Elaine Wood, the applicant, stated the following: I have been a hairdresser for 21 years and I would like to become the new owner of the former "Salon Center" located at 429 Route 146. I am very happy about this and I have never been to a Board meeting before so this is a new experience for me. We will be doing hair, massage therapy, manicures, pedicures and facials. There will be no permanent tattooing on the face or anything of that nature. On the application I indicated that the hours of operation would be 10:00am to 8:00pm Monday through Saturday. Some days may not be that long but the hair business is generally kind of crazy and there really are not set hours but it would not be any later than 8:00pm. Mr. Watts stated on your application you indicated 10 full time employees and asked if that was correct. Ms. Wood stated the following: There would be 6 full time employees. I don't remember putting 6 on the application and I do believe there is 30 parking spaces. Mr. Watts asked Ms. Wood to verify the number on the project narrative. Ms. Wood stated that the number was 6. Mrs. Zepko stated there would be adequate parking available. Mr. Higgins asked the applicant if she would be utilizing the separate building. Ms. Wood stated yes. Mr. Higgins asked what the separate building would be used for. Ms. Wood stated that would be used for massage therapy. Mr. Higgins stated I don't believe there are any restroom facilities in that building. Ms. Wood stated yes there is a restroom in that building. Mr. Higgins stated we might want Code Enforcement to check that out just to make sure. Mr. Watts stated okay. Ms. Wood stated the following: I also believe I have to have a fire inspection and I had some questions pertaining to that because I am not familiar with any of that. I know that in other places that I worked there was always exit signs and I have been looking

to see what is there and I think the fire extinguishers need to be serviced and I really don't know anything about that. Mr. Watts stated after you receive an approval, call the office and you can talk to our Code Enforcement people who do the fire and building inspections and they will tell you what you need. Are you doing any renovations? Ms. Wood stated no because this business has been existing for about 15 or 16 years and it also has a handicap ramp in the back of the building for people who are handicapped. Mr. Higgins stated the following: I know it has been in existence but I don't know if it was as intense as you are planning. You cannot park on the road. All of your employees and patrons have to park in the parking lot. So, if you find that your parking is not sufficient, you may have to look at expanding the parking. Ms. Wood stated the following: The parking lot is really large there and I don't really foresee adding a bunch of other people. I am looking for a very quiet environment and something comfortable. Mr. Higgins stated we have had other applicants for other areas that were a lot more successful then they anticipated and all of sudden they had people parking on the streets. Mr. Roberts asked the applicant if she would just be replacing what was already there. Ms. Wood stated just the existing sign. Mr. Roberts asked do you have a color scheme in mind? Ms. Wood stated the following: I am just going to keep it very simple. I have been working with One Day Signs and I am just going to use black and white and they would only be replacing the panels on each side of the existing sign. Mr. Roberts stated nothing real bright. Mr. Watts stated good luck, welcome to Halfmoon and asked the applicant to use "Halfmoon" in their advertising.

The Planning Board Meeting topics describe the signage as follows:

Sign –Emotional Rescue

Sign Size: 98.22 SF

Sided: ☐ one-sided ☒ **Two-sided**

Sign Dimensions: 4.08 ft x 8.08 ft, 2 ft x 8.08 ft (reader board)

Location of Sign: existing monument sign at front of site

Lighted: ☐ Internal ☒ **Flood**

Total Height: 8 ft

Planning Board Date(s): 3/23/2009

Brief Description: The applicant wishes to replace the existing panel to the existing monument sign out in front of the building site.

Mr. Ruchlicki made a motion to approve the change of tenant application for Emotional Rescue. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Emotional Rescue. Mr. Nadeau seconded. Motion carried.

09.055 NB Etheric Creations, 11 McBride Road – In-Home Occupation

Mrs. Rosemary McBride, the applicant, stated the following: I live at 11 McBride Road and I would like to open a home business in sewing. The business would be quilting and craft items. I would be open from 9:00am to 9:00pm. I have those hours because it would be by appointment and people would not be just dropping in. I would probably be getting inventory through UPS or the mail. It would be in a room in my home, which is about 460 SF. I would be the sole employee in the beginning and if I needed help, I would have one other employee. If my business grows I would be looking to move it out of my home and into a shop of its own. Mr. Nadeau stated you mentioned that people would be bring items to your home? Mrs. McBride stated the following: Yes, like quilting because I would want to do quilting. Someone might have a quilt all made up and then I would do the finishing touches on it; quilting itself or the binding. Mr. Nadeau stated so it would be a service that you would be doing in

your home. Mrs. McBride stated yes. Mr. Higgins stated you mentioned inventory and asked what kind of inventory would that be? Mrs. McBride stated I would have batting for the quilts, thread and anything to do sewing wise. Mr. Higgins stated the following: The Town regulations for an in-home occupation are very stringent as far as what is acceptable and what is not. Mr. Williams stated the following: The zoning ordinance for the Town of Halfmoon reads as follows: "HOME OCCUPATION – Any personal or professional services customarily conducted entirely within a principal or accessory structure which use is clearly incidental and secondary to the use of the property for dwelling purposes and does not change the residential character, with no retail sales thereof and in which there is kept no stock-in-trade, and such use shall not exceed 30% of the total building floor space, excluding accessory and outbuildings." Mr. Nadeau stated would that be considered retail sale? Mrs. Murphy stated I would actually need a little more information from the applicant. But this does sound like retail sales. Mrs. Murphy asked do people place orders with you or how does that work and you said it was by appointment only? Mrs. McBride stated if somebody makes their own quilt, they would bring it to me or send it to me through the mail and I would do the finishing touches on it. Mrs. Murphy asked so you don't sell the quilt? Mrs. McBride stated no. Mrs. Murphy asked so it would be fair to say that you do things like put in peoples initials if they want something monogrammed. Mrs. McBride stated yes. Mrs. Murphy stated so you are not creating something to sell, you are working on something that they provide to you? Mrs. McBride stated right. Mrs. Murphy stated the following: Based on that record, she is not creating a product to sell; she is working on a product that they bring to her. She is providing a service; she's embroidering, finishing or working on products. As far as a service goes she is not creating a product. Mr. Nadeau asked how does that differ from someone who does a vehicle service? Mrs. Murphy stated that wouldn't be in an in-home occupation. Mr. Nadeau stated that is what I'm saying, how would this business differ from that. Mrs. Murphy stated because it would take up more space, more traffic and would alter the character of the neighborhood. Mr. Nadeau stated I wouldn't want to set a precedent. Mrs. Murphy stated the following: No and I agree with you in what you are saying and when the applicant was originally speaking it did sound like retail, which would have been a problem. I hear the applicant saying that she would be providing a service to others and that you are finishing product or changing a product that already exist. Mr. Watts stated you mentioned that you have a 5-car driveway. Mrs. McBride stated yes, there is enough parking for 5-cars but I wouldn't expect that many people coming at one time. Mr. Watts asked how would you advertise? Mrs. McBride stated I thought I would probably advertise in some of the small newspapers and I would have business cards and brochures to handout. Mr. Watts stated could you explain to me exactly what you would be doing. Mrs. McBride stated the following: What people do is they make a quilt, they make the top and bottom part of the quilt. The quilting is the sewing on the top which is the design and that is what people don't do at their homes. They don't like to do it on a regular sewing machine because you need a bigger sewing machine for that. Mr. Watts asked have you checked with your next-door neighbors? Mrs. McBride stated my neighbors are not too close.

Mr. Nadeau made a motion to set a public hearing for the July 27, 2009 Planning Board meeting. Mr. Higgins seconded. Motion carried.

09.057 NB The Computer Guy, 1471 Route 9 (Rome Plaza) – Change of Tenant & Sign

Mrs. Murphy recused herself from this item. Mr. David Farone, the applicant, stated the following: I intend to occupy the space at 1471 Route 9-Suite 103, which is located in the Rome Plaza. This is for computer sales and service. The space is about 1,000 SF. There would be about 4 employees including myself. The hours of operation would be from 9:00am to 8:00pm Monday through Friday and abbreviated hours on the weekend. Mr. Watts stated customers would come in and you will have stuff for display. Mr. Farone stated the following: There would be stock; we have computers and

computer accessories. We will also be servicing computers there as well. We will have a bench area and there would be technicians working on computers. Mr. Watts asked how many employees would there be? Mr. Farone stated I anticipate 4 employees including myself. Mr. Watts asked Mr. Williams if there would be adequate parking. Mr. Williams stated yes, there are a lot of vacancies in the plaza at this point because it is under new ownership. Mr. Roberts asked if the sign would be over the door. Mr. Farone stated yes, there would be a sign over the door. Mr. Roberts asked if there would be a sign out front. Mr. Farone stated it is my understanding that there will be an application at your next meeting for a new freestanding sign at the plaza. Mr. Watts stated the following: Good Luck and welcome. Please use "The Computer Guy of Halfmoon" in your advertising. Mr. Farone stated yes.

The Planning Board Meeting topics describe the signage as follows:

Sign –Computer Guy

Sign Size: 16 SF

Sided: ☒ **one-sided** ☐ **Two-sided**

Sign Dimensions: 2 ft x 8 ft

Location of Sign: on storefront above entrance

Lighted: ☒ **Internal** ☐

Planning Board Date(s): 7/13/09

Brief Description: The applicant wishes to replace the existing 16 SF sign with their business logo.

Mr. Nadeau made a motion to approve the change of tenant application for The Computer Guy. Mr. Roberts seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for The Computer Guy. Mr. Ouimet seconded. Motion carried.

09.058 NB Sandy Rock Subdivision, Dunsbach Road – Major Subdivision

Mr. Steve Lamb, representative for Mr. Ray Dahoda, stated the following: I am representing Mr. Ray Dahoda for a subdivision in the Sandy Rock Subdivision. It has been about a year before we have been before the Board and we have received preliminary approval and we have started processing with the other agencies and there was a historical site that was found and has to be avoided. The original plan was for a roadway to come out and exiting and removing the existing structure at 49 Dunsbach Road. That is unacceptable because of an area that has been found to be archeological significant and the State Historic Protection Preservation Office (SHPPPO) wants no disturbance at that site. This required slight modifications to the roadway because there were wetland impacts and there were some tradeoffs to come up with an acceptable plan to the Army Corp of Engineers (ACOE). As a result, instead of the roadway being 125 FT from Bellard to the new roadway, it would now be less, which I believe is in the range of 8 FT. I believe Bellard has 7 residences on it which is sort of a miner road and this is not a major collector on Dunsbach Road and a number of lots that we have our proposed project was 19 lots and this will me it 20 lots. What the ACOE have requested is that the parcel be segregated prior to their acting on it so that the archeological site is not part of the project and it would be extraneous to the project. This is why we are before the Board for a subdivision approval of a portion of this proposed project, which would results in this wetland area and this comprising a said lot not to be further subdivided. Mrs. Murphy stated in all of my dealings with SHPPPO in the past, they do use words like segregate, protect and not developed but they do not say subdivided off. Mr. Lamb stated the following: They did not say to subdivide off. Our original intention was to delete the residency but we cannot do that. We are left with this land and the Town does not want it. Mrs.

Murphy stated correct. Mr. Lamb stated that is why we are trying to make a lot and leave it as it is. Mrs. Murphy asked who owns that parcel right now? Mr. Lamb stated Mr. Dahoda. Mrs. Murphy stated and is it part of that great Dahoda parcel? Mr. Lamb stated I didn't bring the map but I believe there are 5 parcels that are involved all owned by Dahoda and Dahoda and Lussier. Mrs. Murphy asked if you subdivide off that parcel and we all know it is not buildable and we all know that it can't be developed, why wouldn't you just abandon it to the Town? Mr. Lamb stated we have no objection of doing that. Mrs. Murphy stated but the Town doesn't want it. Mr. Lamb stated right now we do not have any plans to develop it. Mrs. Murphy stated well you can't. Mr. Lamb stated we are leaving the existing structure there. Mrs. Murphy asked but why would you subdivide it off? Mr. Lamb stated because then the ACOE does not have to deal with SHPPO and there are differences between the two of them and I believe SHPPO works beyond the ACOE. Mrs. Murphy stated but if you just segregate the property and say you are just moving the road and you are not developing it, it does not account for the same goal. Mr. Lamb stated the following: It comes down to the same thing but it might be done backwards because this is going to have to be a separate parcel. If the Town doesn't approve it, I guess then it would be abandoned and left. Mrs. Murphy stated I don't know why it has to be a separate parcel. Mr. Lamb stated it has to be owned by somebody. Mrs. Murphy stated right and asked who owns it now? Mr. Lamb stated the following: This is not a separately defined parcel. I believe it is a portion of 20-acres or so. Mrs. Zepko stated the following: What Mr. Lamb is stating is that as far as its permitting for the ACOE for wetland disturbance, if he removes that parcel, then it is not considered part of his project. If he subdivides it off then it would not be considered part of the project, then his permitting for the ACOE won't require ACOE to have any permitting done from SHPPO because they no longer have archeological sensitivity on what is considered the site. So, their view is that they would be able to deal with the ACOE in a more immediate fashion if they took it off. Mr. Lamb stated the ACOE has accepted it if this is subdivided. Mrs. Murphy stated I am understanding everything that you are saying up to the point of previously the roadway would have gone through there. Mr. Lamb stated right and that road would go right through the house and it was planned to remove that house. Mrs. Murphy stated my question is why subdivide it off of the larger piece? Mr. Lamb stated the following: Because that is what it is a part of now and that piece is also a part of the entire subdivision; that along with 3 or 4 other pieces. Mrs. Murphy asked is the piece that exists adjacent to this? Mr. Lamb stated it is all a part of the same parcel. Mrs. Murphy asked could you develop that piece. Mr. Lamb stated the following: No, not according to our plan. It says on there that this piece along with a southerly portion is to be known as one lot and no development whatsoever. The southerly portion is wetlands. Mrs. Zepko stated the following: What Mrs. Murphy is saying is that what we normally have happen is that you would designate that area as non-disturbed. You now created a new area where you want your road built and you no longer have to disturb that area. You would then designate that land on your site plan and SHPPO would sign-off on it because you no longer have a disturbance regarding the archeological sensitive area and then you would not have the conflict with the ACOE and that is traditionally how we deal with it. Mr. Lamb stated at the request of the ACOE they asked us if we could take this approach. Mrs. Murphy asked do you have that in writing? Mr. Lamb stated no I don't but I don't believe it would be a problem to get it in writing. Mrs. Murphy stated the following: I wouldn't have a problem with the Board setting a public hearing. My concern continues to be the creation of lots that have no value to anyone. Mr. Dahoda, the applicant, stated you're going around and you are missing the real point here. Mrs. Murphy stated why do you have to cut one piece off the other piece? Mr. Nadeau stated Mrs. Murphy is saying that you cannot create a non-conforming lot. Mrs. Murphy stated correct. Mr. Lamb stated the entire outlined area is the historical site. Mrs. Murphy stated I understand that. Mr. Lamb stated what we are trying to do is include the historical site, which includes the larger surrounding area. Mrs. Murphy asked who would own all of that? Mr. Lamb stated Mr. Dahoda. Mr. Dahoda stated the following: It is

two pieces that would make 1 lot so I can't abandon this because this is with it. You were worried about me abandoning it and giving it to the Town and that can't happen. There are two apartments in that building. Mrs. Murphy stated okay so this is a lot that could be occupied. Mr. Dahoda stated yes. Mrs. Murphy stated then that is perfectly fine. Mr. Dahoda stated once we do this, then SHPPO has no concern and the ACOE would sign-off and the ACOE is the lead agency. Mrs. Murphy stated so what they are doing is they are subdividing off one piece which has a house on it already but not the little piece. Mr. Higgins stated the following: With the way the road is now routed, the McDonald's and the Fedden's are going to get all kinds of headlights into their house. Mr. Lamb stated this hasn't changed. Mr. Higgins stated oh yes most certainly it has, the old one was straight and if you remember at the previous public hearing that question was raised. Mr. Lamb stated there is still screening along that road. Mr. Dahoda stated the road has been moved over some and at that time we agreed upon doing a berm and they were happy with that. Mr. Higgins stated I am sure these people would be notified for the public hearing. Mr. Watts stated well if they have an issue, they can bring it up. Mr. Lamb stated I believe there was a 150 FT of berm with plantings. Mr. Higgins stated I know there was a discussion about a separate agreement between you them. Mr. Dahoda stated nothing there has changed.

Mr. Roberts made a motion to set a public hearing for the July 27, 2009 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

09.056 NB Walgreens, 1476 Route 9 - Signs

Mr. Tom Pratico, of Bast Hatfield, stated the following: I am here representing Walgreens for signage on the new Walgreens located at 1476 Route 9. I believe we are within all the square footage as allowed by the Town. The signs are the same signs that were on the original drawing with one exception which is the Walgreens lettering that goes on the building and that has been changed from 20 FT x 3 FT down to 2 FT x 18 FT. All the signs would be interior lit with LED letters and LED lights. The signage out on the road has a pylon sign that would have a LED reader board on it but it is not a flashing board and it is not a rolling board. The reader board would be a stationary light where they can control interiorly from what is on sale or whatever they want to put on the sign. It is much like Stewart's does with their gas prices. Mr. Higgins asked so all that would be on that reader board would be prices? Mr. Pratico stated whatever, it may say "Toothpaste \$5.00" or something but it is not just numbers, there would be words also. Mr. Watts asked how often would that be changed? Mr. Pratico stated they could change it daily or they may change it weekly. Mr. Watts asked would it be scrolling? Mr. Pratico stated it's not a scrolling sign, it's not a flashing sign, it's just a stationary lit sign. Mr. Higgins asked would it be changed more than once a day. Mr. Pratico stated I can't say for sure but typically no, they have these at other stores. Mr. Roberts asked when would they change it. Mr. Pratico stated they might change it at night or program it to change in the daytime. Mr. Roberts stated if it is once every 24 hours it should be at one certain time of the day. Mrs. Murphy stated the concern is that the Town does not allow any type of animated signs; scrolling, flashing or any kind of changing sign like that and if they change it every 10 minutes, you're going to be in violation of our sign ordinance. Mr. Pratico stated no that is not the design of the sign because you would have to have a person sitting at a keyboard doing that and that is not going to happen. Mrs. Murphy asked so you wouldn't object to a condition that the sign not be modified more than once in a 24-hour period? Mr. Pratico stated I don't think that would be a problem. Mr. Roberts stated the following: Another thing is that the freestanding sign says the total height is 20 FT. What we normally do in Town is try to have all the business signs conform so that they are all consistent. The Rite Aid across the street has a monument sign and their store is further back off the road than the Walgreens and you can't miss this Walgreens because you almost run into it. I would recommend that instead of the proposed 20 FT

freestanding sign it would look better and would conform with what the Rite Aid has which is a 12 FT monument sign and then they would all be consistent. Mr. Nadeau stated I think that we did that a few years back up the Route 9 corridor to keep the signs consistent and I think that proposed 20 FT sign is a real tall sign. Mr. Pratico stated the following: I think that they would be willing to compromise on the signage height because I have had discussions with them, but 12 FT is not going to fit in their design. I don't think the LED board would be very visible because it would be lower to the ground. If you went down to 16 or 17 FT, I think they would agree to that. Mr. Higgins stated that site is elevated from Route 9. Mr. Pratico stated where the sign would be level with Route 9. Mr. Watts stated across the street where the Rite Aid is located is a little higher up off of Route 9. Mr. Higgins stated so instead of 12 FT and with the foot rise it would be 13 FT. Mrs. Murphy stated are you sure it is not a 3 FT rise? Mr. Roberts stated I agree with Mr. Higgins' thinking. Mr. Pratico stated the following: If we can't get to the 16 FT, we're going to have a problem, I'm going to have a problem and Walgreens is going to have a problem and they may not even come to the store. It is that important because Walgreens wanted 20 FT. Isn't your Town ordinance 20 FT? Mrs. Murphy stated we can allow up to 20 FT but they can propose in conformance with the other signs in the area. Mr. Watts asked what are the height of the signs at Cumberland Farms, the Hess Station, Adirondack Tire, McDonalds and Rome Plaza? Mr. Williams stated probably 16 or 17 FT. Mr. Pratico stated we could live with 16 FT.

The Planning Board Meeting topics describe the signage as follows:

1.) Sign –Freestanding

Sign Size: 199.65 SF

Sided: ☐ one-sided ☒ **Two-sided**

Sign Dimensions: 8.38ft x 7.13ft (59.75 SF) and 3.67ft x 10.92ft (40.07 SF)

Location of Sign: in front of store just south of entrance

Lighted: ☒ **Internal** ☐ Flood and LED reader board

Total Height: 20 ft

Planning Board Date(s): 7/13/09

Brief Description: The applicant wishes to place a proposed 20 ft tall freestanding sign. The top of the proposed freestanding sign will have will incorporate the Walgreen's logo (119.5 SF). The proposed lower sign is to be a LED lighted reader board (80.14 SF). The Planning Department did contact the sign company to discuss that the reader board cannot scroll or move in anyway. The applicant stated that they have had similar discussions with other communities where they have agreed that the sign language would not change for a 24-hour period.

The Planning Department also discussed the proposed 20 ft sign. The Planning Department did state that the Board has the right to limit the height of the freestanding sign. A 16 ft height was suggested at that time.

2.)East Elevation

Sign –"WalGreen's"

Sign Size: 36.7 SF

Sided: ☒ **one-sided** ☐ Two-sided

Sign Dimensions: 2ft x 18.35ft

Location of Sign: middle of front elevation

Lighted: ☒ **Internal** ☐ Flood

Sign – "Pharmacy"*Sign Size: 2.1 SF***Sided:** ☒ **one-sided** ☐ *Two-sided***Sign Dimensions:** 0.5 ft x 4.25 ft**Location of Sign:** right side of front elevation**Lighted:** ☒ **Internal** ☐ *Flood***Sign – "Photo"***Sign Size: 1.32 SF***Sided:** ☒ **one-sided** ☐ *Two-sided***Sign Dimensions:** 0.5 ft x 2.58**Location of Sign:** left side of front elevation**Lighted:** ☒ **Internal** ☐ *Flood***3.) South Elevation****Sign – "WalGreen's"***Sign Size: 36.7 SF***Sided:** ☒ **one-sided** ☐ *Two-sided***Sign Dimensions:** 2ft x 18.35ft**Location of Sign:** middle top of south elevation**Lighted:** ☒ **Internal** ☐ *Flood***Sign – "Pharmacy"***Sign Size: 2.1 SF***Sided:** ☒ **one-sided** ☐ *Two-sided***Sign Dimensions:** 0.5 ft x 4.25 ft**Location of Sign:** right side of south elevation**Lighted:** ☒ **Internal** ☐ *Flood***Sign – "Photo"***Sign Size: 1.32 SF***Sided:** ☒ **one-sided** ☐ *Two-sided***Sign Dimensions:** 0.5 ft x 2.58**Location of Sign:** left side of south elevation**Lighted:** ☒ **Internal** ☐ *Flood***4.) North Elevation****Sign – "Drive Thru Pharmacy"***Sign Size: 6 SF***Sided:** ☒ **one-sided** ☐ *Two-sided***Sign Dimensions:** 1.5 ft x 4 ft**Location of Sign:** above drive thru canopy**Lighted:** ☒ **Internal** ☐ *Flood***Sign – "Exit"***Sign Size: 6 SF***Sided:** ☒ **one-sided** ☐ *Two-sided*

Sign Dimensions: 1.5 ft x 4 ft

Location of Sign: *after drive thru canopy*

Lighted: ☒ **Internal** ☐ *Flood*

*****The total area of all proposed signage is 291.9 SF. The proposed signage meets the total signage that is allowed for the site.***

Mr. Watts stated "Walgreens of Halfmoon". Mr. Pratico stated yes sir.

Mr. Roberts made a motion to approve the sign application for Walgreens contingent upon the freestanding sign has a maximum height of 16 FT and that the LED Reader Board will not have moving, flashing, scrolling or animated messages and that the message will not be changed within a 24-hour period. Mr. Ouimet seconded. Motion carried.

Old Business:

08.059 OB Werner & Searles Subdivision, Werner Road – Major Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am here representing Pipino Builders in their request for a 8-lot subdivision. This has previously been before the Board for the conceptual plan. This proposal is comprised of the Werner parcel and also Lands of Ray. The existing house is located on the Ray parcel. They are proposing a lot line adjustment with the Ray's parcel. If this project is approved the Ray parcel would be lot #9. The proposal would have a cul-de-sac with a temporary turn-around on it with 8-lots. It is set up so that there would be no wetland disturbances of any sort. The way it is set up not is that the Pipino Builder's wants this to be a certified green subdivision and this site lends itself to it. The building areas are smaller and that is part of making it a green subdivision. A green subdivision is from the building to the site plan and things of that nature and we believe that this meets this requirement by having smaller building areas and things of that nature with the southerly portion of it, which is the 100 FT adjacent area to the DEC wetlands, as a Light Industrial/Commercial (LI/C) zone with no disturbance. Mr. Higgins asked if it would be a Town road. Mr. Rabideau stated yes. Mr. Higgins stated on a couple of these it looks like the building area is going to be severely limited by wetlands like on Lot #4 and I assume that is going to have some no-build or a no-cut buffer area. Mr. Rabideau stated on Lot #4 the wetland area is an isolated wetland so it is non-jurisdictional so they pretty much go up to the property line. Mr. Higgins asked are you saying that even though it is a wetland that it could be filled? Mr. Rabideau stated the following: It is non-jurisdictional and it is isolated so the ACOE has no jurisdiction on it. The building envelope especially on Lot #4 does seem relatively small but the house that the Pipino Builders wants to build there will fit in there. He is trying to meet the high \$200,000 range to make it affordable housing. Mr. Nadeau asked what was at the end of the cul-de-sac. Mr. Rabideau stated at the end of the cul-de-sac it is kind of like a ridge between the DEC wetlands on the east and the isolated one is kind of open so you could put the road right through there. Mr. Higgins asked did you say you did a traffic study with sight distances and everything. Mr. Rabideau states yes and CHA did sign-off on that.

Mr. Roberts made a motion to set a public hearing for the July 27, 2009 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the July 13, 2009 Planning Board Meeting at 8:15 pm. Mr. Ouimet seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary