

Town of Halfmoon Planning Board

September 14, 2009 Minutes

Those present at the September 14, 2009 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
John Higgins
John Ouimet

Alternate
Planning Board Member: Jerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the September 14, 2009 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the August 24, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the August 24, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Mr. Leonard sat in for Mr. Nadeau in his absence.

Public Hearing:

09.070 PH Pettes/Smith Lot Line Adjustment, 9, 11 & 13 Northern Sites Drive – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:00 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Tom Andress, of ABD Engineering, stated the following: This application is a lot line adjustment between Pettes and Smith. There is approximately four-tenths of an acre on the Pettes parcel, which is a little more than 5-acres. A piece of the 5-acres would be transferred to Smith and the adjoining property to the east there is approximately two-tenths of an acre from that lot that is also being transferred to Smith. After the lot line adjustment, the 5-acre Pettes parcel would become 4.7-acres, the Smith parcel would be approximately 4.7-acres and the other lot would be reduced to 1.4-acres from the current 1.5-acres. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:02 pm. Mr. Higgins stated the plan shows the septic locations and asked where the wells were located. Mr. Andress stated I don't know the location of the Pettes well but we will show the well locations on a revised plan. Mr. Higgins asked will lot #11 now have 2 wells? Mr. Andress stated yes #11 would now

have 2 wells. Mr. Higgins asked if there was a structure located on lot #13? Mr. Address stated there is no structure on lot #13 and it is an undeveloped lot. Mr. Higgins stated lot #9 will have to have the well location on the revised plans. Mr. Address stated yes, I will show all the well locations.

Mr. Ouimet made a motion to approve the Lot Line Adjustment for Pettes/Smith contingent upon the neighboring wells are represented on the final map. Mr. Higgins seconded. Motion carried.

New Business:

09.059 NB Crescent Commons (Formerly Rome Plaza), 1471 Route 9 – Sign

Mrs. Murphy recused herself from this item. Mr. Mike Klimkewicz, the applicant, stated the following: I am the owner of Crescent Commons formerly known as Rome Plaza. We would like to replace the monument sign. The existing sign is in bad condition and we would like to be able to have a backlit unit that will give us better visibility along Route 9. The proposed sign would be 16 FT high which would be shorter than the existing 18.5 FT sign. The proposed sign would be a little wider but it also would give the tenant's in the plaza better visibility. Mr. Roberts asked how would this sign be lit? Mr. Klimkewicz stated the sign would be backlit with no neon and it is going to be inside the box. Mr. Roberts asked if the sign would be in the same location as the existing sign? Mr. Klimkewicz stated yes.

Mr. Roberts made a motion to approve the sign application for Crescent Commons contingent upon the sign is not placed in the State's right-of-way. Mr. Berkowitz seconded. Motion carried.

09.063 NB First Niagara Bank, 1532 Route 9 – Sign

Mr. Pat Bonnie, of Saxton Signs, stated the following: I am representing First Niagara Bank in their request to replace 5 existing signs. Sign #1 - We would replace a 4 FT x 8 FT existing pan face. The total square footage for the entire structure is 68 SF. Sign #2 - We would just reface the electric sign face with a sign that would be the same size. Sign #3 - We are going to replace the existing 5 SF existing directional sign with a 7 SF directional sign and Sign #4 will be the same thing. Sign #5 - We would replace the ATM sign face with the new logo. Mr. Roberts asked if the signs that would be lit had any neon. Mr. Bonnie stated there would be no neon. Mr. Higgins asked what is the total square footage allowed for this site? Mr. Williams stated 250 SF. Mr. Higgins stated I just wanted to make sure that they were under the square footage allowed. Mr. Roberts stated they are way under the square footage allowed.

Mr. Roberts made a motion to approve the sign application for First Niagara Bank. Mr. Ouimet seconded. Motion carried.

09.068 NB Verizon Wireless, 860 Hudson River Road – Cell Tower Co-Location

Mr. Mike Cusack, Atty., Young-Summer LLC, stated the following: I am here tonight representing Verizon Wireless. The purpose of this application is to add 12 panel antennas to the 130 FT level of an existing 140 FT monopole that was approved in 2002 by the Town. The existing compound is large enough to fit all of our equipment. There are no significant upgrade issues and the tower is designed for multiple users as per the approval conditions. I don't know if you have any specific questions on what the site is intended to do. I did include some coverage plots with the application with other information. Mr. Berkowitz asked how would this affect the new tower that is going to happen over by Salty's Plaza? Mr. Cusack stated the following: They are designed to work together. We think that they will handoff to each other but one will not replace the other. Mr. Higgins asked did you do a visual simulation so we can see what it looks like. Mr. Cusack stated yes we did and in your application

package behind the visual EAF, which is at the 8th tab there are some before and after photos of what the 12 antennas would look like. Mr. Higgins stated the following: I was on the original committee for this site at the time because of the location and it is in the back of the site and there really wasn't a demand for any kind of plantings or anything around it. Do you have any plans to do any kind of plantings around the base of the unit? Mr. Cusack stated the following: We do not because we are staying within in the fence compound that is there as of right now. I tried to go by there tonight and look and it seems to be pretty much in the state that it was back then. I don't know if there is any increased demand from your standpoint as the local Planning Board. Mr. Higgins stated being the fact that you are going to be putting some more support structures at the base, the Board may want to look at doing something because obviously there is going to be more of an impact at the base. Mr. Cusack stated the following: We are willing to do whatever is reasonable. If you go there, it's still a loading dock in back of the building. When you approach the office building that is there, the driveway forks left or you go straight and it says "loading" so you go back to the loading dock area and then the fence is behind the building there. I don't know if there would be any need to screen that. Mr. Watts asked are there any homes that are that low that can see it? Mr. Cusack stated no I didn't see any homes right next to it and the Sprint equipment is between our equipment and the road. Mr. Watts stated so there is no visual for people looking out of their homes? Mr. Cusack stated the following: No, the tree cover is very good there. There is an opening where the driveway goes up and you can see the front of the building and the loading area but it is more or less tucked behind there. Mr. Higgins stated yes it is tucked behind and as I said I was on the original committee and at that time that is the main reason why we didn't require any kind of screening. As I said, as the site becomes more populated, the Board may decide to do something as future co-locators come on Board. Mr. Watts stated that's fair. Mr. Cusack stated I understand. Mr. Ouimet stated the following: I was not on the committee when the original tower was approved. During the process of approval for the original tower was there a public hearing held? Mr. Watts stated yes. Mr. Ouimet asked at that public hearing was it made clear to the public that there could be co-located facilities on the tower? Mr. Watts stated yes. Mr. Ouimet asked Mrs. Murphy if the Board is required to have a public hearing again to consider this new request? Mrs. Murphy stated the following: No, the statute allows for the Board to exercise its discretion with regards to the public hearings. Frankly, a lot of the requirements for cell towers are at the Board's discretion if they are co-locating and the Board encourages co-location instead of them going and building a tower 100 FT away from the existing tower. So the Board has the authority to waive the public hearing.

Mr. Berkowitz made a motion to approve the cell tower co-location for Verizon Wireless and made a motion to grant a Negative Declaration for SEQR. Mr. Higgins seconded. Motion carried.

09.073 NB Veeco, 13 Corporate Drive – Sign

Mr. Mike Arel, of Delmar Signs, stated the following: I am here to propose a name change for Veeco located at 13 Corporate Drive. Mr. Roberts stated this proposal is for a simple change from Day Star to Veeco and it would be the same exact sign.

Mr. Roberts made a motion to approve the sign application for Veeco. Mr. Higgins seconded. Motion carried.

09.074 NB All In One Wireless, 1525 Route 9 (Plant Road Plaza) – Change of Tenant & Sign

Mr. Emil Baker, the applicant, stated the following: I am proposing to open up a Sprint store located at the new plaza at 1525 Route 9. I would occupy the most southern unit with the canopies out front.

The space I would occupy is approximately 600 SF and it would be a retail Sprint store. Mr. Watts asked if there would be one employee? Mr. Baker stated the following: At this point it looks like one employee. It won't be a service center merely retail sales. Sales not service. Mr. Watts asked what is the maximum number of employees you might anticipate. Mr. Baker stated the following: Two. We have a store at exit 9 in the Fire Road Plaza that is a service center and we just have two employees for that store.

For the record: The sign would be 2.6 FT x 7.8 FT for a total of 20.28 SF, one-sided, located above the storefront and internally lit.

Mrs. Murphy stated the approval should be conditioned upon it being retail sales only and not service. Mr. Baker stated the following: At this point it is just retail sales with no service. Most likely there would never be two service centers in the Clifton Park area. Mr. Watts stated our approval right now would be for retail sales only and then you would have to come back to this Board if you were going to switch it to a service center because of the increased traffic and increased parking that might be at that site. Mr. Baker stated that will be fine. Mr. Watts stated the following: This site has to get a final approval and at this point there are some issues with the drainage in the back. So, the approval is conditioned upon a Certificate of Occupancy being issued for that site. When did you anticipate moving in? Mr. Baker stated mid to late October. Mr. Watts stated hopefully everything would be set by that time. Mr. Watts stated when you advertise please say that you are located in Halfmoon. Mr. Baker stated absolutely.

Mr. Roberts made a motion to approve the change of tenant and sign application for All In One Wireless conditioned on there would be retail sales only and the applicant would need to approach the Planning Board for Service Center use. Mr. Higgins seconded. Motion carried.

09.075 NB Coppola/Milter/Slade Subdivision, 179 Upper Newtown Road – Minor Subdivision

Mr. Drew Schaffert, of Santo Associates, stated the following: I am representing the applicant's for this project. This piece of property is roughly 56-acres with frontage on Upper Newtown Road. The proposal is to subdivide 2 lots. Lot #1 is a 2-acre vacant parcel to be conveyed to Lester Slade, Jr. on which he will build a single-family residence with an in-ground septic system. There is public water on Upper Newtown Road so there is no need for a well. Lot #2 is a 1-acre vacant lot that is to be conveyed to the Coppola's who have a house on another lot and they are going to combine that with their existing parcel to make it a 2-acre lot. Mr. Higgins stated I know you mentioned that there is Town water and asked if there are any wells on any adjoining lots? Mr. Schaffert stated there is a well on the Coppola property that is not used now and there is another well that also has Town hook-up. Mr. Higgins asked how about on the other side? Mr. Schaffert stated there is a dug well that is part of the property on the south side of Upper Newtown Road and I don't believe anybody is taking any water from it. Mr. Higgins asked is there any residences on that side? Mr. Schaffert stated I believe there is a residence there and I don't know where the well location is but we will find out. Ms. Debbie Coppola, the applicant, we all have Town water on Upper Newtown Road. Mr. Higgins stated right but if there is a well, it should be shown on the drawings. Mr. Schaffert stated we will look into that and we will find out where the wells are located. Mr. Bianchino stated I do remember the proposal of a new septic system and the installation required that we be a certain distance away from any existing wells.

Mr. Ouimet made a motion to set a public hearing for the September 28, 2009 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

09.076 NB Flooring Warehouse LLC, d/b/a Floor to Ceiling of Halfmoon, 1410A&B Route 9 (Garden Gate Plaza) – Change of Tenant

Mr. Kirk Montanye, the applicant, stated the following: My wife and I own Floor to Ceiling of Halfmoon. Currently we are located in the Salty's Plaza. We have decided to downsize and we want to move to a new location. Mr. Watts stated the following: I have seen your ads on TV and I would like to complement you for advertising as being located in Halfmoon. So, you are just moving to a smaller spot? Mr. Montanye stated correct. Mr. Watts asked if there would be adequate parking. Mr. Williams stated yes. Mr. Roberts asked if they would be coming back for a sign application at a future date? Mr. Montanye stated I have been talking to Mr. Sicko, who owns the plaza, to find out what the square footage allotment is for the entire plaza and we are trying to figure out what kind of sign I can actually put onto the building. Mrs. Zepko stated if you call the Planning Office, we could also help you with that.

Mr. Berkowitz made a motion to approve the change of tenant and sign application for Floor to Ceiling of Halfmoon. Mr. Leonard seconded. Motion carried.

09.077 NB Will Nails, 1525 Route 9 (Plant Road Plaza) – Change of Tenant & Sign

Mr. Greg Gisoti, of Gisoti Electric, stated the following: I am here tonight with the applicant, Mr. Wei Shi. Mr. Shi is proposing to open a new service retail space. Normal hours of operation would be 10:00 am to 8:00 pm. They would have a maximum of 3 employees. The employees do not have cars so it wouldn't be an issue for parking. They would all ride in the same vehicle to work. Mr. Watts stated the following: That would be for the current employees and our Town ordinance doesn't delineate that but you still have to be in compliance with our Town ordinance for the parking. Your application states that your hours of operation are 10:00 am to 8:00 pm, Monday through Saturday and Sunday 11:00 am to 5:00 pm and asked if that was correct. Mr. Shi stated yes. Mr. Watts asked you say you would have 3 full-time employees. Mr. Gisoti stated correct. Mr. Berkowitz asked how many stations there would be. Mr. Gisoti stated there are 8 chair stations and 5 tables. Mr. Berkowitz stated you are showing 2 waxing rooms, 2 drying tables and 8 manicure stations. Mr. Gisoti stated I believe there are 4 manicure stations. Mr. Berkowitz stated you are showing 10 stations for manicures, 8 stations for pedicures, you have 2 drying tables and 2 waxing rooms. Mr. Gisoti stated I think the manicure tables are only supposed to have 2 chairs and it is actually 5 stations and not 10 stations. Mr. Berkowitz asked would you have 4 chairs at each manicure table? Mr. Gisoti stated that is just a rough drawing because it is supposed to only be 2 chairs. Mr. Watts stated you stated it was a rough drawing. Mr. Gisoti stated it is just one table it is not meant for four people to sit at. Mr. Berkowitz stated the following: So you would have 5 manicure stations and 8 pedicure stations, which would equal 13 and then you show 2 drying tables and 2 waxing tables which would now total 17. Mr. Watts asked and you say that you are never going to have more than 3 employees in the building at a moment in time? Mr. Gisoti stated yes, correct. Mr. Shi stated right. Mr. Watts again asked so you are never going to have more than 3 employees inside that building at a given time. Mr. Shi stated yes I think so. Mr. Watts stated no, you don't think so; is it yes or no? Mr. Shi stated yes. Mr. Watts stated the following: The reason why we are being very precise about this is because of the parking. If there were 10 or 12 or 13 employees there and 10 or 12 or 13 customers there; then we would have an issue with parking. As you know, that plaza does not have a parking lot the size of Wal-mart's. The owner has done a good job with the plaza and it has frontage on Route 9 and people are going to want to go in there. But there are other tenants who want to go in there too. We are going to have to

maintain, as a Planning Board, proper control over that particular site. You saw that I did that earlier with All in One Wireless as to your being approved as a retail sales place with one person and not a service center where 5 or more people would be coming in there. Mr. Gisoti stated the following: There is always a possibility that each employee would do 2 to 3 customers at a time. If an employee is going to do a manicure and this person is drying; they could be doing a second manicure where they could be using 2 to 3 chairs at a time on the pedicure stations. Mr. Roberts stated the following: When we first looked at this plaza, we emphasized low-intensity uses because of the configuration of the site. I am concerned about this proposal because potentially this is not a low-intensity use if they are going to have 13 people there at once plus the employees. Mr. Higgins stated the following: I agree with Mr. Roberts; when the applicant originally came in, we had numerous discussions about traffic on that site. In fact, the site was actually reconfigured in the back with parking and the loading area and everything else was all reconfigured a number of times trying to get the traffic to flow safely in that area. The applicant was always told that it was going to be a low-intensity use; in fact, the original was a flooring retail outlet with a major warehouse area where they were talking about 2 or 3 customers at any one time. Now we are talking about a totally different type of application and in that area they have had traffic problems in the past. Mr. Watts asked Mr. Williams if he had the meeting minutes from the plaza approval. Mr. Williams stated I will check. Mr. Higgins stated the following: We were always concerned and the applicant was always told from day one that this was going to have to be a low-intense use. The access was limited on both Plant Road and Route 9 in and out of this plaza. Mr. Ouimet stated the following: There is potential for this one tenant to take up all of the parking leaving the other spaces unable to be rented. The required parking is based on the type of use that is moving into the building. Mr. Watts stated that there are 60 spaces on the site. Mr. Higgins stated that the use on the site determines how many parking spaces are delegated to that suite. Mr. Berkowitz stated the following: There are really 15 stations with the 5 manicure stations, 8 pedicure chairs, and 2 waxing rooms, plus the employees. That number of stations plus three to four employees could be as many as 18 to 20 cars plus anyone that could be waiting for a service. This could take up to 30 spaces or half of what is on the site. I just can't see how three employees would work that number of stations. Mr. Gisoti stated that the internal layout of the proposed store is the same as other locations. Mr. Berkowitz stated that the difference is that those other locations are not located in a plaza like this with limited parking. Mr. Watts asked if the owner was here. Mr. Gisoti stated no. Mr. Watts stated the following: There had been previous concerns with possible truck deliveries. The Board would like to see the plaza do well, but we also don't want to see the parking eaten up by one use. The owner needs to decide if he is willing to compromise potential future tenants. If another high volume tenant came in, that could be a potential issue. Mr. Williams stated the following: The Town Code states that 3 spaces are required per employee on the maximum shift, which would be nine. The concern for this case, however, is that there are 15 different stations in this salon, which could create more customer traffic. I have explained to the plaza owner that as tenants are added the Board would need to take a closer look at the remaining parking. Mr. Watts asked how many tenants would be in this plaza? Mr. Williams stated 7 tenant spaces. Ms. Murphy asked if the owner was aware that this use might use a majority of the parking. Mr. Watts stated that the previous understanding was that there would be a warehouse type use in the building that would have been a lesser intensity. If we give approval for this use, the total number of employees would be limited to 3. Mr. Ouimet stated the following: If they are going to insist on having 15, 13 or 12 stations I don't see how the Board could be sure that the salon would limit the number of employees to 3 with that number of stations. This would be very difficult to police. Mr. Higgins stated the following: I agree with Mr. Ouimet because with that number of stations potentially you could have 15 customers plus customers waiting plus the employees. So you could easily be up to 20 or more people just for this location. Mr. Ouimet stated and if you have that number of stations, it is going to be very difficult to

police the number of customers that they could have there at any given point in time. Mr. Shi stated one employee can service 2 or 3 different people at one time and all the employees would use just one car. Mr. Berkowitz stated the following: Would you like to reconfigure this? Theoretically you can't go into that plaza until the end of October so you have time to reconfigure the use of the space. Mr. Higgins stated the following: With the number of stations, employees, customers and customers waiting this Board would have to look at something in excess of 20 parking spaces just for this location. Once it is allotted, then that could limit the future rental of the other locations. I think you should discuss this with the plaza owner and maybe possibly reconfigure this. Mr. Polak stated I suggest discussing this with the plaza owner because if he wants to use up this many parking spaces for only one tenant it would only leave 40 parking spaces for the other tenants. Mr. Williams stated the owner of the plaza has been told that as the tenants come in and he starts filling the plaza up we would be looking very closely at the parking spaces that would be available for each tenant. Mrs. Murphy stated from a legal standpoint my concern is if you're telling us that the ordinance requires 9 for this use and this Board is going to say we're allocating 20 for this use, somebody needs to agree that we're allocating 20 for use because he won't know that because you haven't told him that. Mr. Gisoti asked even if there is that many chairs and tables and if that is the allocation, whether we use that many or not, does that matter? Mr. Higgins stated the following: You just gave us a description of how it works and the way the applicant just explained how it works, there could be 1 person in everyone of those stations. So, if there are 15 stations, that is 15 people and that is 15 parking spots. Plus parking spots for the employees whether or not they use it, we have to allow parking spaces for the employees because possibly in the future the employees may have their own cars. Then you also have potential customers waiting to be taken care of. Mr. Berkowitz stated or in the future he can sell the business to somebody else who would change it. Mr. Watts stated you have 3 employees in there now that the applicant is going to pick up and drop them off; who is going to answer the phone and who going to check the people in? Mr. Shi stated the 3 employees would do that. Mr. Watts stated so the 3 employees would be doing what they do plus they will be answering the phone, checking people in and taking appointments and all of that. Mr. Shi stated yes. Mrs. Murphy stated the following: I just want to caution the Board that from a legal standpoint it would be difficult to bind the owner to either 15 or 20 parking spaces. Based on what I am aware of right now, the owner has no knowledge of that, so he has not consented to that. So then to turn around and limit the next applicant for the next space based on this 15 or 20 parking spaces, which this Board has created, would be difficult for me to defend legally. Mr. Watts stated the following: I believe we can get this all worked out but we just don't want any confusion, which confusion would lead to cars not being able to get in and out of the plaza. This is not going to do you any good for your customers. We are going to defer action on this and we are going to speak to the owner and hopefully we will have it on the next agenda, which would give you time because they still have to finish the drainage work that we had discussed.

This item was tabled for the applicant to provide additional information regarding parking with 3 employees and 13 workstations.

Old Business:

08.020 OB Brookfield Place PDD, Guideboard Road & Harris Road – Major Subdivision/PDD

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: This project is a proposed residential subdivision for 81 single-family homes. The zoning has been identified as Brookfield Place Planned Development District (PDD). I am here to present this project to the Board for consideration of a final approval. With my latest correspondence to the Planning Board I have submitted a set of plans for this project. The plans as they are presently developed include all comments received on this

project on a local level from the Town Board and from the Planning Board and incorporate all comments received from the Town Engineer and from other involved governmental agencies. The status for the approval for this project includes the following from the New York State Department of Conservation (NYSDEC). The project has an Article 24 permit for the wetlands and water quality certification, Article 15 for stream disturbance. The NYSDEC issued the permit for the Town of Halfmoon for the extension of the water district to include those lots, which are outside of the existing Town Water District. The U.S. Army Corp of Engineers (ACOE) has issued the permit for the proposed mitigation to the impact of the wetlands. The Saratoga County Sewer District #1 (SCSD#1) has signed off on the proposed wastewater collection system for this project. The Saratoga County Department of Public Works has approved both of the curb cuts on the County roads. One curb cut would be on Guideboard Road and one curb cut would be on Harris Road. The New York State Department of Health (NYSDOH) has indicated to us that they are ready to stamp the plans when we submit them to their office for approval. The same information was indicated by the NYSDEC with respect to the proposed sanitary sewer system extension. Mr. Watts asked Mr. Bianchino if all of CHA comments have been addressed. Mr. Bianchino stated yes. Mr. Higgins asked if the PDD language was all acceptable to Mrs. Murphy. Mrs. Murphy stated the following: Yes. The PDD has been approved, the public benefit has been determined and agreed upon, all of the necessary safeguards are in place and as Mr. Zdrahal and Mr. Bianchino have said, all the related agencies including CHA have signed-off.

Mr. Higgins made a motion to grant final approval for the Brookfield Place PDD-Major Subdivision/PDD. Mr. Roberts seconded. Motion carried.

Mr. Higgins made a motion to adjourn the September 14, 2009 Planning Board Meeting at 7:47 pm. Mr. Leonard seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary