

Town of Halfmoon Planning Board

October 13, 2009 Minutes

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

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
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 October 13, 2009 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the September 28, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the September 28, 2009 Planning Board Minutes. Mr. Higgins seconded. Motion carried. Mr. Berkowitz abstained due to his absence from the September 28, 2009 Planning Board Meeting.

Public Hearings:

09.081 PH Pohl Subdivision, 13 & 15 Pohl Drive – Minor Subdivision/Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:03 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. John Hartnett, of Charles E. Hartnett Land Surveying & Planning, stated the following: The Pohl's have 2 pieces of property on Pohl Drive and each piece of property has an existing dwelling. The Pohl's intend to give one parcel to their nephew and they would continue to live on the other parcel. Lot B is a 2.088-acre parcel and the applicant's wish to convey .558-acres of that parcel to Lot A. Lot A would then go from a .6-acre parcel to a 1.158-acre parcel. Lot B is a flaglot that fronts on Pohl Drive. Lot A is a non-conforming landlocked parcel. The new larger Lot A would remain landlocked. There is public water and individual private sewers. There are no plans for new houses, no new driveways and no additional changes. Mr. Nadeau asked which map was posted prior to this public hearing? Mr. Williams stated the following: Mr. Hartnett submitted another map and there were no changes to plan. The only change that Mr. Hartnett made was that he super imposed the driveway area and added that to the map. The map is exactly the same as the map was when the Board set the public hearing. Mr. Watts stated the map that was in the office that the

public was able to review is the map that we are looking at tonight. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts stated the following: I received a phone call late today from Ms. Amanda Walsh. For the record Ms. Walsh submitted a letter dated 10/13/09 that reads as follows: "Due to an emergency at work I am unable to attend the Planning Board meeting regarding Pohl. I am requesting that any subdivisions be tabled until issues are resolved. The Town did not close Pohl Drive with a resolution and the County maps prove it is a road. Also, property included in the proposal is our property in front of road – not Pohl's. Amanda Walsh". Mr. Watts asked Mr. Hartnett do you have any comment to Amanda Walsh's statements that I just read? Mr. Hartnett stated the following: I can't address the closing Pohl Drive but what we have contended all along is shown in the orange area and that is what our client's own. They also have an easement that is 20 FT wide on the other side of this and I think that must be the area that they are talking about. I don't see how we are impacted that property at all and we are not touching that property. Mr. Berkowitz asked do part of the driveways intersect? Mr. Hartnett stated the following: You can see where the concrete driveway is in the detail and you can see that our existing property line and our proposed property line are not going through that driveway. All the driveways come together in one big area but nothing in this proposal really affects that driveway. We would not be impacting that driveway at all. Mr. Watts asked is that your response to Amanda Walsh's letter?. Mr. Hartnett stated yes. Mr. Watts closed the public hearing at 7:10 pm. Mr. Higgins stated on one of the dwellings I see that there is a well house and asked if all of the dwellings have wells or are they all on public water. Mr. Hartnett stated they are on central water and if you look out in the front there is a manhole that says "water manhole" and that is where the waterlines go back in to these houses. Mr. Higgins asked how about the two houses in the back? Mr. Hartnett stated I believe they are on the public water supply as well. Mr. Higgins stated I see somebody in the audience who is shaking his head no. Mr. John Pohl Jr., the applicant's nephew, stated the following: The dwelling in the rear belongs to my Aunt Ruth and she has public water, both of the dwellings where my uncle resides at and the dwelling that I am looking to purchase also have public water. My father's dwelling is on well water that is not located on any of this; it is out in the back. Mr. Watts asked if the three properties were on Town water? Mr. Pohl stated correct. Mr. Higgins stated but the one dwelling is on a well. Mr. Watts stated which is not part of this application. Mr. Higgins stated the wells on the adjoining properties should be located on the map just to make sure that none of the septic systems are close enough to potentially affect that one well. Mr. Bianchino stated assuming the well is at least 100 FT back from the other property lines, it has proper separation and the well would not be affected. Mr. Berkowitz asked if Pohl Drive was a County Road or a Town Road? Mrs. Murphy stated that is not really relevant to this application.

Mr. Roberts made a motion to approve the Pohl minor subdivision/lot line adjustment. Mr. Nadeau seconded. Motion carried.

09.082 PH Lot #1 Halfmoon Heritage Apts., Fellows Road – Major Subdivision

Mr. Watts opened the Public Hearing at 7:13 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: I am representing Mr. Bruce Tanski in his application for the subdivision of what was Lot #1 of Halfmoon Heritage Apartments. As the Board will remember, earlier this year we made application and we were approved for a subdivision of the Halfmoon Heritage Apartment Complex for financing purposes and covenants and restrictions were offered and accepted by the Town. The purpose of this action is to set aside a 6.99-acre parcel on the northerly end of Lot #1, which is to be conveyed to the Town of Halfmoon. It would have frontage on the realigned proposed Fellow Road, which is a new connection to Route 146. The road base has all been constructed and I believe it is ready to be paved. This is just cleaning up and defining what we are calling Lot #1R for purposes of identification in the future for title reasons and that is a 5.65-acre lot and as I mentioned the parcel that is being conveyed to the Town is 6.99-acres. Mr. Watts asked if anyone from the public wished to

speaking. Mr. Jerry Baker, 88 Fellows Road, stated the following: I live in the area and I take it that this is just a vacant lot now and asked if the wetlands area was being donated to the Town? Mr. VanGuilder stated there is a mitigation area that is partially included in this lot and it would be land that will be dedicated to the Town and is contiguous to the Town Park parcel and the Town barn parcel. Mr. Baker asked is the rest of this your existing buildings that you have there now? Mr. VanGuilder stated correct. Mr. Baker asked do you have any other proposed places that you are going to build there right now? Mr. VanGuilder stated no. Mr. Watts closed the public hearing at 7:17 pm. Mr. Higgins stated I asked about the fencing last week and whether it was going to be on the drawing because I didn't see it on the drawing. Mr. VanGuilder stated the following: That fence has been installed and was installed along the rear of Dave's Towing and along the southerly side of the Mayville lot. It was a 6 FT vinyl privacy fence. Mr. Higgins stated okay, whatever it was that they agreed to. Mr. Tanski stated I would just like to verify that the fence has been done. Mr. Baker stated the following: I would like to bring up the fact of what is going on with the road at this time. Regarding the new road that is going through here, what has been decided or have you made a decision on what is going to happen with the old road? Mr. Watts asked Mr. Bianchino if they received Mr. Baker's letter that we forward to CHA. Mr. Bianchino stated yes. Mr. Watts stated and we were asking for a response from Mr. Lansing, the engineer. Mr. Bianchino stated yes. Mr. Tanski stated the following: Mr. Lansing and I have discussed this, if my neighbor would like, what I would like to do is to pull the blacktop up and leave the gravel there so they could use it. It would be deeded over to him but it wouldn't be a road because there would be a separation. Mrs. Murphy stated the following: Regardless of what you decide with the approval of the engineers and the Town Board, we need a description as soon as possible so we can go forward with the abandonment procedure. Otherwise you are going to be held up on the entire process. Mr. Tanski stated the following: We are working on the description now with Mr. Rich Anderson but I think he is more concerned about the actual definition of what we are going to do. My thought was to pull the blacktop up and leave the stone there so that he can use it. Mr. Baker asked what if I don't want the road? Mrs. Murphy stated the following: So we are clear, this Board has no authority with regards to a taking or going forward with the abandonment of a road. I would suggest that this Board not respond to that line of questioning because it is not within their purview and I don't want you to be misled or be given inaccurate information.

Mr. Nadeau made a motion to approve the major subdivision application for Lot #1 Halfmoon Heritage Apts. Mr. Ouimet seconded. Motion carried.

New Business:

09.083 NB Linda Vara, PHD, 1471 Route 9 (Crescent Commons) – Change of Tenant

Mrs. Murphy recused herself from this item. Mr. Michael Klimkewicz, owner of Crescent Commons, stated the following: I am here on behalf of Linda Vara PHD. Ms. Vara is a clinical psychologist and she is going to be moving into 1471 Route 9 now known as Crescent Commons. Ms. Vara would be occupying 510 SF of space. It would be herself and there would be no employees. Ms. Vara would require 3 parking spaces. She is a family councilor and she has been in Clifton Park for a number years in an established business. Mr. Watts asked Mr. Klimkewicz to wish Ms. Vara good luck and please ask her to advertise as being located in Halfmoon.

Mr. Berkowitz made a motion to approve the change of tenant application for Linda Vara, PHD. Mr. Ruchlicki seconded. Motion carried.

09.084 NB EEZYCREDIT.com, LLC, 1540 Route 9 – Change of Tenant

Mr. Tom Andress, of ABD Engineers and Surveyors, stated the following: I am representing the applicant and the owner, DeNooyer Realty. This is a proposal for what was originally Mackey Sales and then it went to Auto America. We are proposing to bring in EEZYCREDIT, which is a company that has

3 locations right now in Gloversville, Fort Plains and Johnstown and they would like to move to the Capital District. It would be the same use as Mackey and Auto America as used car sales. There would be service for the cars that they sell. I believe the original plan has up to 46 display cars that would be able to be out front plus customer parking. There is a fence that divides the front portion from the back so when cars come in that haven't been prepped yet they could be kept behind that fence so they would not be visible to the public. Mr. Berkowitz asked what is light mechanical work? Mr. Address stated the following: Light mechanical would be if you needed to do a brake change, oil change or to replace sparkplugs. With most cars today there is not a lot of mechanical work because it is mostly all computerized so we are not looking at anything other than just a tune-up type of situation. Mr. Berkowitz asked if they would do any bodywork or painting. Mr. Address stated there isn't any bodywork or painting proposed. Mr. Roberts stated in the past we have had problems there with car carriers stopping on Route 9 to unload the cars and can we make sure that this does not happen in this instance. Mr. Address stated I know exactly what Mr. Roberts means and I know the entrance has been set-up so that the carrier can get into the back to get through. Mr. Roberts stated make sure the car carriers do go in the back. Mr. Address stated as soon as the car carriers come in we need to make sure that they know that they are not supposed to stop out on Route 9 and that there is adequate room to get behind the fence to go to the back. Mr. Watts stated the following: I do remember at one point we had a meeting a few years ago where we were assured by the then tenant that there were no car carriers ever on Route 9 and as I was driving up Route 9 that evening I passed a car carrier that was delivering cars. Mr. Roberts made a good point and it is a safety issue so please keep those car carriers off of Route 9. Mr. Ouimet stated the way I read this is that the detailing and minor repairs are before sale of the used vehicle and asked if that was correct. Mr. Address stated the following: The detailing and the minor repairs would be before sale to prep them. After they make that sale, they may do some additional work for the inspection so they can meet the inspection requirements. They will have it available for people who purchase their cars there so those people could come back for some work. Also, if they have to honor any of the warranty work, most of the cars would get some type of a warranty that they would be able to do that. Mr. Ouimet asked so there won't be any repairs offered to the general public who don't buy their vehicles there? Mr. Address stated the following: That is correct. It is being set-up the same way as the previous ones were. Mr. Ouimet asked what about detailing to the general public? Mr. Address stated this is not set-up as detailing and they are not offering detailing to the public. Mr. Ouimet stated the other thing that I noted in the application was that there is no oil/water separator in the garage in the back. Mr. Address stated the following: That is correct. They lack bays so they don't pitch it anywhere. Mr. Ouimet asked was there a proposal to use a sump and a stored hall system of some nature? Mr. Address stated the following: That was put into the narrative and I have had more conversations with the applicant after and at this point they don't see any reason to put a sump in there as it is just something to collect. They're not going to be creating a water type situation if they have a spill from oil because they can use a speedy dry and sweep it up and I think they feel it is a better way to do it. Mr. Higgins asked how about washing the vehicles? Mr. Address stated they are not washing the vehicles in the repair area. Mr. Higgins asked where are they going to wash the vehicles? Mr. Address stated there is a separate building where they do the detailing. Mr. Higgins asked does that have a collection system in there? Mr. Address stated I believe there is not. Mr. Higgins stated with the volume of vehicles that they are going to be bringing through there, there could potentially be a problem and where is that water going that they are using to wash the vehicles? Mr. Address stated I think the same place it has been going for all the other units. Mr. Ouimet asked what about the waste oil, waste anti-freeze, brake fluid or other kinds of contaminants? Mr. Address stated all of those are regulated by the State so they are all captured and taken away by a regulated hauler. Mr. Ouimet asked do you know at what frequency the regulated hauler comes in? Mr. Address stated the following: I don't but I assume that it is based upon the amount that they have. In most instances a service station is working between 2 to 4 weeks depending on what their volume is. Mr. Berkowitz asked if there is a flat surface, how are they

catching those materials? Mr. Address stated the following: They're not going to be getting them on the ground; if you are changing the oil, you would put a pan underneath to catch the oil and the same thing for anti-freeze or with any brake fluids. We do a lot of automotive designs with a sloped garage floor to a drain but it is not intended that you let those fluids go down into that drain. Mr. Berkowitz stated like Mr. Ouimet was saying with the car washing; what happens if that stuff gets mixed up in the carwash and you have a leak somewhere? Mr. Address stated yes but you could have a leak in the parking lot at a shopping mall also. Mr. Berkowitz stated yes but that is not a car business is it? Mr. Nadeau stated most chemicals today are biodegradable that you buy and they really don't sell the old systems. Mr. Berkowitz stated I don't know how it works so there are no regulations and that is not required to have it? Mr. Nadeau stated I am not sure but most of it is biodegradable and as Mr. Address said as far as the oil; you would collect it and it would not be running down the drain. Mr. Higgins asked did you say that people who buy cars there could bring the cars back for service after the warranty period? Mr. Address stated yes, that is correct. Mr. Higgins stated so basically it is a service center and asked is it also going to have a New York inspection and New York repair placards along with the sales package? Mr. Address stated yes it would have. Mr. Higgins stated so in other words, if somebody wants to get their car inspected or somebody wants to get their car repaired, they're going to take it there? Mr. Address stated the following: They're not going to be actively soliciting through signage or any other advertising for outside service. I am not sure what the regulations are but maybe Mr. Nadeau can tell us. Mr. Nadeau stated the following: The regulations are if you are an inspection station, you are to do anyone who comes in but service stations who specify certain type vehicles don't do that. By law they are supposed to but if you are not working on trucks or something, you are not going to do a truck. Mr. Higgins stated the following: So as a dealership they have to have it. I don't recall exactly what the approval was for the previous applicant but I know when they wanted to do additional services like tire sales and opening the service facility up to the general public for more volume, that's when we had a problem. So if you buy a car there and it's out of warranty, you would have an option of taking it back to get it worked on there? Mr. Address stated the following: You can but this will be a single entity that is utilizing the facility. I think the last application had several entities and then there was a separate application for tires and this application would be a single entity with both car sales and service. Mrs. Murphy stated the following: I may also be able to help clarify this. When the last application came in this site was a pre-existing, non-conforming use so any addition to the site would have been an expansion to a pre-existing, non-conforming site. Now the Town Board has modified the local law regulating used car dealerships, makes this a site that is in conformance. The big issue before was that they were expanding on what they had previously done on the site. This is a different thing due to the change in the legislation. Mr. Higgins asked so basically the operation is as was approved previously for the previous tenant. Mrs. Murphy stated the following: That's what would have had to have happened based on the old law but now that the statute has changed, they can modify the site and still not run afoul of our regulations because now you can do the used car sales. Mr. Ouimet asked so we don't have to consider this as a possible expansion of a non-conforming use because now it is conforming? Mrs. Murphy stated yes, now it is a conforming use. Mr. Watts stated if my memory serves me correctly, on the last applicant, which didn't get approved, there was a bit of questioning as to their advertising and what they were going to do. Mr. Higgins stated right and we were also concerned about the volume of traffic also. Mr. Watts stated I think from what we've got here, it's a different situation.

Mr. Ouimet made a motion to approve the change of tenant application for EEZYCREDIT.com conditioned upon maintenance of vehicles sold from the lot only and no car carrier deliveries on Route 9. Mr. Berkowitz seconded. Motion carried.

09.086 NB Veeco, 13 Corporate Drive – Addition to Site Plan

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I am here tonight representing the applicant, Veeco Solar Processing. We are proposing an addition to the existing site plan. Veeco was last in front of the Planning Board in August 2009 for a change of tenant approval. The property is located at 13 Corporate Drive, which is located in the Capital Region Business Park. Veeco is located in the center of the business park. Anaconda Sports and Via Talk are located to the east of Veeco and to the south is Vermont Pure Water building. The building itself currently sits at 18,000 SF. There is parking for approximately 15 to 20 cars located on the two sides of the building with a service area to the rear. In your packets I have included some photographs of the proposed liquid nitrogen tank that is being proposed at the site as well as some photographs of the location where we would be putting this storage tank. The liquid nitrogen is used for venting some of the existing and proposed equipment in the facility. I have 2 mechanical engineers with me here tonight to answer any questions regarding how that all works. We have met with Mr. Greg Stevens, Director of Code Enforcement, just to go over some of the setback information. The only setback for the tank is 10 FT from the property line, which we have about 15 FT. We have a blowup that shows some of the detailing of the tank. The tank just sits on a concrete 12 FT x 17 FT pad and there would be a small chain link fence around it as well as some bollards. Mr. Nadeau asked how the tank was refilled. Mr. Vuillaume stated there is a remote sensor on the tank that alarms the air gas company to come and refill the tank.

Mr. Nadeau made a motion to approve the addition to site plan application for Veeco. Mr. Ruchlicki seconded. Motion carried.

09.087 NB All In One Wireless, 1525 Route 9 (Plant Road Plaza) – Change of Use

Mr. Emil Baker, the applicant, stated the following: On September 15, 2009 I submitted a letter to the Board explaining further service center operations and the potential of customer frequency. Right now there are 2 service centers located in Saratoga County; one in Saratoga Springs and one at our location at Exit 9 off the Northway. We also have service centers in Latham and Glens Falls. Strategically Sprint is not likely to add another service center so close to ours, which is just 8 miles away. Service center work doesn't incrementally increase it is just customers existing that have problems with their phone. If they did ask us to put one in our 1525 Route 9 location, it would merely divide the pool of customers. The likelihood of having a volume of repairs with the existing location we have on Fire Road is minimal and if that did happen, the Fire Road location (which has been there for 10 years) has approximately 5.2 customers per hour total between sales and service. At the Plant Road Plaza location we are hoping to have 2.3 customers per hour for our retail sales and the average transaction is about 10 to 15 minutes. Mr. Higgins stated the following: I think the Board previously expressed concerns regarding parking and safety at that site and that was the reason why we were concerned about exactly what was going to be happening there. Obviously, it is a not high volume type location even with the service so I for one don't see a problem with this application.

Mr. Nadeau made a motion to approve All In One Wireless change of use application for the service center use as an option along with retail sales use. Mr. Berkowitz seconded. Motion carried.

09.089 NB Plant Road Plaza, 1525 Route 9 – Sign (Monument)

Mr. Roger Bordajian, owner of Plant Road Plaza, stated the following: I am proposing a monument sign to identify the plaza site as well as existing tenants of the plaza with tenant panels. The proposed height of the sign would be 13.6 FT high for a total area of 173.18 SF (86.59 SF per side). The sign would be located at the corner of Route 9 and Plant Road. Mr. Watts stated Mr. William's pointed out to me that the sign says "Halfmoon Plaza". Mr. Williams stated yes, however we already have an existing Halfmoon Plaza located on Route 9. Mr. Bordajian stated we are not naming the plaza

"Halfmoon Plaza", I think the sign people just put it there. Mr. Watts stated good because we don't need to have two "Halfmoon Plaza's" in Halfmoon and we won't let you use Clifton Park Plaza because that doesn't work. Mr. Bordajian stated we won't do that either. Mr. Watts asked if they had picked out a name for the plaza. Mr. Bordajian stated not yet. Mr. Roberts asked if the sign would be internally lit. Mr. Bordajian stated yes with neon lights inside. Mr. Roberts asked if the neon would be exposed. Mr. Bordajian stated no.

Mr. Roberts made a motion to approve the monument sign application for the Plant Road Plaza contingent upon the sign is not place in the State right-of-way and there is no exposed neon. Mr. Nadeau seconded. Motion carried.

Old Business:

09.025 OB Falcon Trace of Halfmoon PDD, Fellows Road – Multi-Family/PDD

Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight for the Falcon Trace of Halfmoon Planned Development District (PDD). Our goal for tonight is to request the Board's consideration for a referral to the Town Board as a part of the PDD process. We have been working with the Planning Board for quite some time and I believe the Board is familiar with the project. I won't go through the project unless the Board wishes me to. Since the last meeting we had with the Board we did receive comments back from CHA outlining the environmental assessment form that was prepared for the project and the impacts. There were statements regarding the State Environmental Quality Review Act (SEQRA) background; impacts on land, water, historical and archeological resources, transportation, energy and growth and character of a community neighborhood. In conclusion of CHA's review of all of that they felt that the project was worthy of a Negative Declaration (Neg. Dec.) and they have prepared a Neg. Dec. for the Town Board who would be lead agency on the project. CHA did suggest that the Planning Board consider referring the project to the Town Board to advance the process of the PDD. Again, we are here tonight for the Board's consideration on that. Mr. Higgins stated the following: At a previous meeting we discussed the traffic in that area and our understanding is that there is presently some talks going on with the developer plus other developers. The specific area that I brought up was the area of Fellows Road that was not being improved per the drawing. Mr. Bruce Tanski, the applicant, stated the following: Yes, we have consented through Mr. Watts that whatever CHA comes up with we will do. Whatever we need to do to satisfy the Town and CHA as long as it is equitable and fair and I'm sure this Board will make sure it is. Mr. Higgins stated I just wanted to go on record regarding the traffic. Mr. Tanski stated I understand and at this point I think it is a little premature because I think that Mr. Bianchino's and his office is still working on it. I just wanted to go on record that whatever needs to be done, we will do it. Mr. Nadeau asked the area of the commercial development. Mr. Lansing stated the following: We have one lot that is approximately 3.57-acres that is in an existing C-1 Commercial zone so the zoning with stay the same for that parcel. The other parcel is approximately 5.53-acres.

Mr. Ouimet made a motion to pass a positive recommendation to the Town Board for the Falcon Trace of Halfmoon Multi-Family PDD. Mr. Ruchlicki seconded. Motion carried.

09.077 OB Will Nails, 1525 Route 9 (Plant Road Plaza) – Sign

Mr. Wei Shi, the applicant, stated the following: We are proposing a sign for Will Nails at 1525 Route 9. The size of the sign 2 FT x 12.25 FT for a total of 24.5 SF, one-sided, internally lit with LED lights, one-sided and would be located above the front door. The sign is designed with channel letter that are back-lit with an internal lighting source. Mr. Williams stated the one thing I wanted to ask for is an amendment to the sign application to allow for a tenant panel on the monument sign for the Plant Road Plaza. Mr. Roger Bordajian, owner of Plant Road Plaza, stated this application is for the Will Nails sign that would be on the building. Mr. Williams stated but you also want a Will Nails tenant panel for

the free-standing monument sign. Mr. Bordajian stated yes. Mr. Watts stated the following: This is the building sign, which you are applying for right now. Then when you put up the monument sign, you would also put a Will Nails tenant panel on it and they would not need a separate application. Mr. Roberts asked if both signs would look similar? Mr. Bordajian asked if each tenant had to do a separate application for the tenant sign? Mr. Williams stated yes but when each applicant comes in for their sign applications they can do the tenant panel at the same time. Mrs. Zepko stated we can do two signs on the sign application; one for the storefront and one for the tenant panel monument sign. Mr. Bordajian asked if Will Nails had to do another application for the tenant panel. Mrs. Zepko stated no, we will add the tenant panel to this application. Mr. Bordajian stated okay. Mr. Roberts again asked if the sign above the storefront would look the same as the tenant panel sign and asked if there was a color scheme for the plaza's signs? Mrs. Zepko stated we don't regulate that. Mr. Roberts stated this is for my own information because some of the plazas do have all the same color scheme and some plazas don't. Mr. Williams asked Mr. Bordajian if the tenant panels on the monument sign would all be uniform with the same color or would they be different? Mr. Bordajian stated I think we are going to make them do the same but with the economy you can't push too much. Mr. Roberts stated I am just curious so we can have an idea of what is going on in the future. Mr. Watts stated the following: I guess we have seen them both ways. We do want it to look attractive because the plaza is located on Route 9 so please work with Mr. Williams and Mrs. Zepko when you do that. Mr. Bordajian stated okay. Mr. Higgins asked did you say that the lights on the sign on the building are going to be LED's? Mr. Shi stated yes. Mr. Higgins stated the following: The intensity of LED lights varies dramatically and we have had some that are very very bright to the point where we're concerned about it being an attractive nuisance when people are driving. I guess all we can request is that you keep the intensity of it to a point where it benefits your store but doesn't cause a safety problem. Mr. Roberts stated Mr. Higgins made a good point and also the LED lights cannot be flashing. Mr. Bordajian stated Mr. Shi said that he can control the intensity.

Mr. Roberts made a motion to approve the sign application for Will Nails with the amended sign application to allow placement of tenant sign on freestanding sign. Mr. Nadeau seconded. Motion carried.

09.079 OB Pai's Tae Kwon Do, 1580 Route 9 – Change of Use

Mr. Ouimet recused himself from this item and Mr. Leonard sat in for him. Mr. Kwang Pai, the applicant, stated the following: I would like to add an after school care program and I'm trying to get an approval from New York State. I am required to have zoning approved from the Town of Halfmoon. Mr. Watts asked what do you mean by a "zoning approval"? Mr. Pai stated I think I am already zoned for what I'm doing but they just want me to get literature from the Town of Halfmoon saying that I'm okay to have that after school care program at my site. Mr. Watts asked what State agency are you dealing with? Mr. Pai stated it is the New York State Office of Children and Family Services. Mr. Watts stated the following: Okay then, that would be the permit required from other agencies because that wasn't on your application. Do you want to be a licensed daycare center? Mr. Pai stated the following: The daycare center is an all day operation and all I'm doing is right after school when the children are done with school. The children would be dropped off from the school to our location and they would be there for maybe 2 to 3 hours until their parents come to pick them up. Mrs. Murphy stated the following: He has a site plan application but he doesn't have an approval for the use that he is talking about. So, what he would need would be a change use and this Board would be the Board to determine whether or not that was appropriate. Mr. Roberts stated it is not a change of use it is an additional use, isn't it? Mrs. Murphy stated yes, it is okay. Mrs. Zepko stated we use the change of use application, which is for an additional use that has been added to a present use. Mr. Berkowitz asked how many students are in a typical class? Mr. Pai stated so far the State says that I can have no more 45. Mr. Berkowitz asked what about the classes you already have going on now. Mr. Pai stated

we have Tae Kwon Do classes that start at 5:00 pm and we have about 30 students. Mr. Berkowitz asked so when you have this daycare service, would there be ongoing Tae Kwon Do classes at the same time? Mr. Pai stated yes there would be. Mr. Berkowitz asked how many students would be in the building at one time? Mr. Pai stated the following: I would say about 30 to 35 including the after school care. The maximum that I could have is up to 45 and that is what the State is allowing. Mr. Berkowitz asked is there room to have the after care school program and your Tae Kwon Do classes going on at the same time? Mr. Pai stated yes, in my space I'm currently using about 7,000 SF and I believe when I got my permit through the Town of Halfmoon, I was allowed to have 250 people in the 10,000 SF. Mr. Berkowitz stated so the code allows for over 200 people there at one time. Mr. Pai stated right. Mr. Berkowitz asked is that what the fire code says for the maximum number of people allowed in that space? Mr. Williams stated I believe that is the number that Code Enforcement came up with for the maximum occupancy allowed. Mr. Watts stated the following: Code Enforcement does come up with that number and it depends on the size of the building. These numbers are changing here because you have mentioned 45 and 30, which might be 75 and asked has that been calculated in for the parking for what he is telling us now because I want to make sure that there is enough parking at that site. Mr. Williams stated this site has 89 parking spaces. Mr. Watts asked so if he has the 45 people in the daycare and 30 people in the Tae Kwon Do there would be enough parking. Mr. Berkowitz asked what if he has more in the class? Mr. Nadeau asked what is the maximum number of people in the class? Mr. Pai stated the following: No more than 40 per class and at the same time the after school care program I don't know how that is going to turn out yet. When the parents come to pick up the after school care children, it won't be all at the same time because some parents get done at 4:00 pm and some get done at 5:00 pm. Mr. Berkowitz asked how many classes do you have going on at the same time? Mr. Pai stated one class at a time. Mr. Watts asked Mr. Pai if he ever had any parking issues at the site when they hold tournaments? Mr. Pai stated the following: Once in 3 months. Four times a year we have testing and when we go through the testing there is more than 70 to 100 children. We hold the testing on Saturday's and that is the time when cars are parking along Corporate Drive but that only happens 4 times a year. Mr. Watts asked have you had any issues when you have done that? Mr. Pai stated no. Mr. Watts stated I know a couple of years ago I received a complaint about it and then we went up and took a look and there might have been something else going on too. Mrs. Murphy stated there was a complaint and I can't recall exactly what caused the traffic issues but once it was discussed with the applicant it stopped. Mr. Watts stated your application wasn't clear relative to how many school districts might be dropping kids off? Mr. Pai stated the following: I don't know exactly but according to the transportation department people that I spoke with at Shenendehowa School District; if my location is too far for the school district, they will not drop the kids off. So, I am looking at the immediate close school district that would be dropping the children off, which most likely would be the Shenendehoa School District. Mechanicville, Malta and other locations would be too far for them to drop the kids off so it would be impossible for those schools to drop the kids off. Mr. Watts stated the following: Okay because previously you mentioned Saratoga and a few other school districts. I did speak to Mr. Christopher today from the Shenendehowa Bus Program and he did indicate to me that there would be adequate space for the buses to go. However, there could be possible stacking if there became issues and they don't want to be dropping people off on Route 9 either. I would suggest that if we give you an approval to this, that part of the motion would state that we can re-visit this should we have parking issues because we are dealing with a rather nebulous area in terms of this or bus drop-off issues. I just want to make sure just in case you end up with five school districts all dropping kids off at the same time. You say that is not going to happen but we just want to be cautious. Mr. Nadeau asked how do you control the number of children being dropped off; for instance one school has 35 children and the other one has 25 children to drop off because now you would be over the maximum of 45 children? Mr. Pai stated the maximum would be 45 and it could be 20 from two different schools. Mr. Berkowitz asked how many employees do you require for 45 children? Mr. Pai stated they say I need 2 full-time, 1 part-time

employees and myself and my wife are already there. Mrs. Murphy asked do you pre-enroll the student so you know how many students are coming prior to the buses showing up? Mr. Pai stated the following: Yes once I accept the application and I know what school they are coming from. Other than the application I would have no idea whose is interested. The students would be pre-registered by a week at a time. Mr. Watts stated my understanding of this is if student are going to Shenendehowa and are going to be dropped off at your place, that would be 5 days a week because they can't be spotting kids in and out on and off a bus as I understand how that works. Mr. Pai stated right, 5 days a week. Mr. Watts stated so these kids would be there 5 days a week and they can't pick and chose, as I understand it. Mr. Pai stated the students get out of school around 2:30 pm and the school would be dropping those kids off around 2:30 pm to 3:30 pm. Mr. Nadeau stated again you were saying that the State only allows you 45 kids. Mr. Pai stated yes 45 because of the bathroom situation. Mr. Nadeau stated the following: So realistically you can only have 45 kids total and they would have to be pre-registered. How would the buses coming in intermingle with the students coming in for Tae Kwon Do classes as far as the parking and the transportation in and out? Mr. Pai stated we should have a list of the children coming in and as they get dropped off we would be checking them in and as they leave we would check them out. Mr. Nadeau stated I am saying as far as the customers coming to the other class in which you said there were 30 or 40 kids in the other class and how would that traffic intermingle with the buses? Mr. Pai stated the following: The after school care children are coming in from 2:30 pm to 3:30 pm and no one else would be coming in at that time. Our Tae Kwon Do classes start at 5:00 pm so it would be total separated. Mr. Berkowitz asked if any of the after school daycare students were also enrolled in the Tae Kwon Do classes afterwards? Mr. Pai stated the following: When I advertise, I will be advertising within my enrollment of the Tae Kwon Do students. The Tae Kwon Do students would be the first to sign up for the after school daycare. Also, I don't know how I would be marketing it but I might market in the school.

Mr. Higgins made a motion to approve the change of use application for Pai's Tae Kwon Do contingent upon the Planning Board retains the right to re-visit the use if traffic/bus stacking/parking becomes an apparent problem with the maximum of 45 "after-school" students. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the October 13, 2009 Planning Board Meeting at 8:03 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary