

## **Town of Halfmoon Planning Board**

### **December 14, 2009 Minutes**

Those present at the December 14, 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

**Town Attorney:** Lyn Murphy

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

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the December 14, 2009 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the November 23, 2009 Planning Board Minutes. Mr. Ruchlicki made a motion to approve the November 23, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Roberts abstained due to his absence from the November 23, 2009 Planning Board meeting.

**Public Hearing:**

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

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Tom Center, of Nace Engineering, stated the following: I have responses to CHA's comments and with me tonight I also have a copy of our response letter to CHA's comment letter. Mr. Watts stated I would like you to give a rundown of this application to the public for tonight's public hearing. Mr. Center stated the following: A & M Sports Complex currently runs a sports facility with 3 existing softball fields and 5 soccer fields. The softball fields are primarily used through the spring and early summer and the soccer fields are operated in the fall by the Mechanicville-Stillwater Youth Soccer League. The proposed expansion is for the construction of 3 new girl's softball fields for the Mechanicville-Stillwater Lassie League. The existing fields are currently located on a parcel owned by DeCrescente Distributing and they have some plans to expand and they would be constructing the fields to re-locate the Lassie League to the A & M Sports location. As I mentioned, the project consists of 3 new fields, a concession stand for pre-packaged goods to be sold,

a crushed stone pad for portable toilets, portable metal bleachers, parking for an additional 90 cars, Stormwater would be managed by a dry swale at the end of the parking area, and under drains would be utilized under the baseball fields to convey water through them out to swales and off the parcel. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:03 pm. Mr. Higgins stated I haven't seen the letter from CHA but apparently there was some questions regarding drainage on-site. Mr. Center stated yes sir. Mr. Higgins asked have you answered those questions. Mr. Center stated the following: Yes sir; we received a letter last week; the landscape architect and myself worked to answer all the questions. I didn't get it completed until late this afternoon and I have forwarded that information to the CHA via email and I have a hard copy for Mr. Bianchino. Mr. Higgins stated the following: I was on the committee on this project initially and I haven't walked the area in a few years but I remember that back area was quite wet at the time. So, I'm sure you and CHA have worked that out. Mr. Center stated the following: There was a question in regards to the wetlands. The surveyor flagged the wetlands, he labeled them and they were delineated for the locations that he flagged and the plan is to have the Army Corp. of Engineers (ACOE) out to confirm the locations and to agree upon the flagging. Mr. Watts asked Mr. Bianchino if he had that information and if he would do that as part of his review process? Mr. Bianchino stated yes.

Mr. Roberts made a motion to approve the special use permit for A & M Sports contingent upon CHA's sign-off. Mr. Higgins seconded. Motion carried.

**New Business:**

**09.085 NB      Bruno Subdivision, 12 & 19 Sunset Blvd. – Lot Line Adjustment**

Mr. Drew Schaufert, of Santo Associates, stated the following: I am representing Nicholas and Carol Bruno. The Bruno's own property at 12 Sunset Blvd. and adjacent lands 19 Sunset Blvd. The proposal is to transfer 20,000 SF of land from a 1.38-acre parcel at 12 Sunset Blvd. and convey it to 19 Sunset Blvd., which is a 6.06-acre parcel. The existing zoning in that area is zoned R-1 Residential and the minimum lot size is 30,000 SF. The parcel is serviced by Town Water but does not have sewer. There is an individual septic system at the rear of the existing home and the lot as proposed would now be 40,000 SF which would be more than the minimum zoning requirement. Mr. Watts asked Mr. Williams if this had been referred to the Town of Waterford? Mr. Williams stated yes. Mr. Schaufert stated the parcel is located in both the Town of Waterford and the Town of Halfmoon but a good portion of the property is located in the Town of Waterford. Mr. Watts asked would the actual subdivision be within the Town of Halfmoon? Mr. Schaufert stated yes, the subdivision would be entirely within the Town of Halfmoon. Mr. Watts stated I believe the Town of Waterford already did some preliminary work on this. Mr. Bruno, the applicant, stated yes, the Town of Waterford is okay with it.

Mr. Roberts made a motion to set a public hearing for the January 11, 2010 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

**09.102 NB      Apropos, 1475 Route 9 – Change of Tenant & Sign**  
**(Formerly Romano's Restaurant)**

The applicant was not present for this application; therefore, no action was taken on this item.

**09.103 NB      Apprenda Inc., 3 Corporate Drive – Change of Tenant**

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: 3 Corporate Drive is a 40,000 SF building and it is the last building that the Abele's built. There is only a couple thousand square foot of office space that hasn't been rented out. This is a tenant change to occupy the space previously

leased by Bovis Lend-Lease. Apprenda is a software development company that would occupy about 5,000 SF of office space. Apprenda only has about half of the employees that Bovis Lend-Lease had. There is a greater amount of parking available than what the tenant mix is. Mr. Watts asked Mr. Williams if there would be adequate parking. Mr. Williams stated yes. Mr. Watts stated please ask the applicant to advertise as Apprenda of Halfmoon. Mr. Andress stated yes. Mr. Watts asked if they would be submitting a sign application. Mr. Andress stated yes they would be submitting a sign application through a sign company.

Mr. Berkowitz made a motion to approve the change of tenant application for Apprenda Inc. Mr. Ouimet seconded. Motion carried.

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

Mr. Victor Caponera, Atty., stated the following: I am an attorney in Albany and I am representing the proposed tenant. I was not present at your November 23, 2009 Planning Board meeting and from what I understand it didn't fare too well. Since that meeting we have information for the Board, which includes actual traffic counts from an existing Papa John's store that Mr. Christian King, the applicant, owns in Troy. Pursuant to the request of the Board Mr. Roger Bardakjian, the plaza owner, is also present tonight with his engineer who handled the application when this building was first approved by this Board. Without being redundant, we all know the location, we all know the building and we know the proposal. This is a proposal for a Papa John's and Mr. King is the owner of this and what we submitted in the latest application were actual traffic counts that were done at his existing location, which is about the same size as this building. Mr. King indicated to the Board false information when he was at your November 23, 2009 Planning Board meeting. False in the sense that the traffic was nowhere near as high as he thought. That information was based upon different items that were ordered rather than the actual pick-ups and deliveries. Basically what it comes down to is 72 orders of which 19 are delivered and 53 were carryout and this is during the peak hours on a Friday, which is the busiest 3 or 4 hours during the week. We prepared this information during Friday nights of the 13<sup>th</sup>, 20<sup>th</sup> and 27<sup>th</sup> of November and the 4<sup>th</sup> and the 11<sup>th</sup> of December. It shows what the orders of carryouts and delivery orders are and what this breaks down to is 26.42 per hour during the peak hours. This is the average of all of those five different Fridays showing you that it constitutes an actual count that is being done. These aren't guesstimates; these are figures that are taken right from a store that Mr. King operates. Clearly this is far less of an intense issue than I think the Board may have thought. The Board also had some concerns about the delivery trucks and what I had presented to me by Mr. Altounian was a document that he worked on with your engineer allowing for the trucks to come in off of Plant Road and back into the rear for deliveries, which was approved by the Board back when this plaza was approved. Essentially this is the difference and it would not be nearly as intense. As I understand it right now, there are only 2 tenants in this building; a nail establishment and a Sprint establishment. Tenant suites 1, 2 and 3 are vacant and we are presently proposing to occupy tenant space 6 and 7 for 2,100 SF, which is currently vacant. Clearly there is plenty enough parking, which there are 60 parking spaces at the site to handle the existing tenants and the proposed tenant. Mr. Berkowitz asked how are the tractor-trailers supposed to access the site? Mr. Caponera stated the following: The plan was presented and proposed by Mr. Bianchino and Mr. Altounian designed this in accordance with Mr. Bianchino's suggestion. I have a letter written by Mr. Bianchino on April 8, 2003 and he had suggested the parking coming off of Plant Road and the truck backing into the site, which was drawn by Mr. Bianchino and then we incorporated this in our plan that was accepted later on. Mr. Berkowitz stated I have that same map and the way I am reading it; is somebody coming in onto Plant Road from Route 9, they are pulling into the parking lot, backing up

from the parking lot into the area behind the building and then going forward down Plant Road to Route 9 again and no one is backing up onto Plant Road. Mr. Caponera stated correct. Mr. Berkowitz stated I thought I heard that someone would back up onto Plant Road. Mr. Caponera stated no one is backing up onto Plant Road and that is not what the proposal is. Mr. Berkowitz stated the following: There are 2 concrete or monument blocks there that are 3 to 4 feet high in the back parking lot. They are not shown on the drawing but they are on the site and it seems like it would be difficult for a tractor-trailer to get through there with the monument blocks there. Mr. Caponera asked has there even been a problem there with the trucks getting in and out? Mr. Berkowitz asked has there been any trucks there yet? Mr. Roger Bardakjian, owner of the plaza, stated the following: Those monument blocks are for the lights at night. When I was renting on 1603 Route 9 every time somebody was pulling in they would go into the ditch because they couldn't see where the entry was. I put those in for the lights to show exactly where they are and they can see about 3 to 4 feet in the greenspace away from the curb of the blacktop. That blacktop is designed wider than a regular entry is and so the trucks would have enough space to come pull in and back into the parking lot. Mr. Higgins asked when are you proposing to have the tractor-trailer deliveries made? Mr. Christian King, the applicant, stated the following: I sent an email with this submission that Papa John's can work with the restricted hours for delivery. As I mentioned before, all of the trucks are corporate owned and they are not third party so we can control that. We would be able to accommodate a restriction on delivery hours. So it would be up to the Board to advise me as to when you would like to have those deliveries made. Mr. Watts asked how many trucks a week do you anticipate? Mr. King stated the following: The deliveries would be on Wednesdays and Saturdays and the reason we have two deliveries is because the dough only lasts 3.5 days. We would need to have the two deliveries to keep the dough fresh. Mr. Watts stated so there would be a maximum of two deliveries via tractor-trailer. Mr. King stated the following: Correct, we would only have two deliveries; one on Wednesdays and the other one on Saturdays and that is the route where we get the deliveries at our other stores in this area. Everything would come from the one truck. Papa John's is a quality control center (QCC) and they have their own commissary and the commissary that we get our products from is New Jersey. We make all our own dough, cheese and sauce so it is a controlled environment. As I said, everything would come in that one truck and there would only be two deliveries per week. Mr. Ouimet asked would the deliveries only be on Wednesdays and Saturdays. Mr. King stated as I put in the submission they have already agreed that they'll work with the Board's restrictions on deliveries. Mr. Berkowitz asked what happens if they were late because at the last meeting you had said if they are late, they would deliver anyway. Mr. King stated if there was a snowstorm, which is something that I can't control and that is always a possibility but typically they are on time. Mr. Ouimet asked what would they do if they don't have access to the back delivery area? Mr. King stated all the trucks have keys and alarm codes to get in if there is any problems with traffic accidents or inclement weather. Mr. Ouimet stated the following: That wasn't exactly my question and asked if they come to the site to deliver and they can't access that back area, what are they going to do? Are they going to go back to New Jersey or are they going to deliver in the front of the building? There could also be cars blocking the area or another truck delivering because we don't know what the other tenants are going to be in the vacant tenant spaces. If that delivery area is for all the tenants; in theory there could be another tenant getting a delivery. You just don't know. Mr. Caponera stated the following: That is a very good point but if you look at this site, it is a pretty unique site, as we all know, especially this Board. Clearly if there was a problem at the Plant Road access, we have the luxury of having another access over on Route 9, which is not the preferable access for a truck. However, if there is a problem, the truck could always pull in, stop in the front and then pull out. This site would be more difficult if there was one access for egress and ingress but clearly there isn't. As we know and as I mentioned to you before, there is only two other tenants at the plaza right now. I don't believe the nail place would get

deliveries by a 18-wheeler and I am sure that the Sprint place right now doesn't have deliveries by a large truck either. Mr. Nadeau asked where is the Troy location? Mr. King stated at the top of the hill at Brunswick Plaza. Mr. Higgins asked what is the square footage of that facility? Mr. King stated 1,850 SF. Mr. Higgins asked what is the square footage of this facility? Mr. King stated 2,100 SF. Mr. Higgins asked so you are anticipating slightly more volume. Mr. King stated the following: No, actually what we did was; we tried fitting into tenant space #6 but it was just too tight. So we ended up taking more space than we needed and that also gave us the ability to have an extra sign. We felt that it was money well spent for the extra signage. Mr. Ouimet asked are you going to have dedicated parking for the carryout customers? Mr. King stated the following: Yes, in our lease we have parking spaces 11, 12 and 13 as designated spots. Really what that is for, and we are one of the first Papa John's in the country to do it like Carrabbas does with car side, a customer comes in, we identify the vehicle and we can run the pizza out to them so they don't have to get out of the car. Mr. Ouimet asked do you think those 3 designated spots would be adequate to do 51.6 turnovers in one night? Mr. King stated are you referring to the 52 that we are estimating in the submission per that 3-hour period? Mr. Ouimet stated yes. Mr. King stated yes, because we would also be delivering so it should be plenty for 53 in a 3-hour period. Mr. Ouimet asked if you have 3 dedicated spots for the carryouts, where would your delivery staff park? Mr. King stated the following: Those 3 dedicated spots are for car side. We haven't figured that out yet but we are thinking the delivery cars would park in 44, 45, 46 and 47. Not that we would be using all those spots at all times but that would be on a peak Friday night. Mr. Ouimet asked is that area on the side of the building? Mr. King stated the front side of the building. Mr. Ouimet asked so you think that the 3 spots would accommodate the 51 turnovers in the average night. Mr. King stated the following: Again, those 3 designated spots are for the car side, which is where we would run the pizza out to the customer. We would have parking spaces 11, 12 and 13 for the car side and parking spaces 14, 15, 16 and 17 for other carryouts. So, yes I would think that would be more than enough. Mr. Ouimet stated the confusing thing for me is that you estimate that in a 2-hour period between 5:00 pm and 7:00 pm. Mr. King stated the following: No, it would be between 5:00 pm and 8:00 pm. Also, that is not an estimate those are actual numbers. In the packet that I provided to the Board those are the five most recent Friday nights. Mr. Berkowitz asked can we throw out the 27<sup>th</sup> because that was Thanksgiving. Mr. Kings stated yes because that is pretty much what I put in your packets because that was about a ½ trip off. Mr. Berkowitz stated so you are up about 5 on each. Mr. Ouimet asked Mr. Watts if they could take a look at what was said about the kind of intense use when we originally approved the plaza? Mr. Watts asked was that back in 2002? Mr. Ouimet stated yes. Mr. Watts read the following from the 2002 Planning Board minutes: "Mr. Watts asked what tenants were envisioned to go there, how often deliveries would be made and what kind. Mr. Pratico responded Vehan's Floor Covering is the main tenant and 2 smaller tenants. Mr. Pratico stated the deliveries would be 2 tractor-trailer deliveries a week and the rest come and go by U.P.S. and personal vehicle. Mr. Nadeau stated he would like to see the site designed for future tenants to handle tractor-trailers." Mr. Watts stated that was at the Public Informational Meeting and then at the next meeting there was more discussion about 18-wheelers. "Mr. Reilly stated 18-wheelers would not be likely going into this spot". Mr. Roberts stated the following: The applicant compares this site to the site in Brunswick. I'm familiar with the site in Brunswick and I think that the site in Halfmoon is a much more difficult site to access than the site in Brunswick. I really don't think it is right to compare those two sites. I have a concern here about the number of vehicles accessing this site. Mr. Ruchlicki stated the following: To go along with that, what I'm curious to know is that we have all called and ordered a pizza and usually the person on the phone says that the pizza would be ready in 15 to 20 minutes it will be ready. For example: If 10 people called, how many pizza's can you really get in an oven and have ready in that time frame that you told 10 different people who called that their pizza would be ready in 15 or 20 minutes. That would then have them arriving within a 5

minute window and all of the 10 people coming in at the same time. So, theoretically you could have 10 cars. If you could get 20 pizzas in the oven, you would have 20 cars coming in all within a 5-minute window of each other and that is kind of where I am going with this intensity thing. Could you please describe that for me and just exactly how many pizzas you could produce in a certain amount of time so that you'd have a dozen or more people coming all at once to pick up their pizza? Mr. King stated the following: We have 2 conveyor ovens and 32 pizzas can be on that oven at one time. What happens is that as the orders come in, the computer will tell the sales associate how long to tell the customer based on how many orders are in queue. So we try to avoid that by saying if its 15, it becomes 20 and if its 20 it becomes 25. The computer system would prompt the sales associate on the phone to whatever number that is that pops up. Mr. Ruchlicki stated so theoretically you could have as many as 30 cars coming within a half-hour window and they would all be arriving at 5 minute intervals give or take. Mr. King stated if we look at the trip counts, that's obviously not what is actual. Mr. Ruchlicki stated that is why I'm asking because I looked at that and theoretically you could have 20 people coming in there within a 5 minute span of each other. Mr. King stated if I go over the Nov. 20<sup>th</sup>, which is what I put in the submission, with the 5:00 pm to 6:00 pm we had 25 either deliveries or pickups, 26 and 21 and those are actual and that came out to 72 versus the 79 taking out that Friday after Thanksgiving that you asked about. Mr. Watts stated the following: When I go back through the minutes at the December 17, 2001 Planning Board meeting, the original proposal was for a floor covering business to be there. We were talking about a smaller building and the building envelope. Mr. Dick Lee was the Planning Board chairman and the December 17, 2001 Planning Board meeting minutes stated: "Mr. Watts asked what kind of retail tenants they envision?" Mr. Bardakjian stated they haven't marketed that yet and it would be something that would draw them attention. Mr. Bardakjian stated they have it set up for 6 tenants but someone might come in and want 3 spaces for their one business. Mr. Watts asked how many parking spaces they are proposing. Mr. Lansing said 43. Mr. Watts asked what his business was and what the volume of customers was? Mr. Bardakjian responded they're a floor covering business. Mr. Watts asked when would he get customers. Mr. Bardakjian responded maybe around 5:00 pm. Mr. Watts asked what the peak amount of people would be? Mr. Bardakjian responded 2 so the number of people in that store at that time would be a couple workers and their cars. Mr. Bardakjian responded there is one worker." Mr. Watts stated the 3 units of the building at that point was envisioned to be a floor covering business and I think that is what you are referring to with a low intensity use and that was back in 2001. Mr. Ouimet stated the following: While Mr. Watts was going through that, we took a minute to take a look again at Will Nails, which is one of the approved uses for that plaza already, and it appears that the hours of operation at Will Nails will actually conflict with the major hours in which the pizza deliveries and pizza carry outs are actually operating. Will Nails is open to 8:00 pm and there is a significant amount of traffic that we were concerned about going in and out of Will Nails. I don't see how we can entertain approving 2 intense uses for two-thirds of this building because it is just too heavy in my opinion. Mr. Caponera stated the following: With all due respect, obviously we are not in the best of economic times. Clearly when the owner of this property, who I don't represent, came before this Board and he obviously had a tenant there and that tenant is not there anymore. What we are trying to do here and let's recognize the fact that we are in a C-1 Commercial zone. In a Commercial zone, I would expect that you would have commercial uses and this is an allowable use in this zone. It is not like we're looking to come in for the last 2 spots in this facility. As I said before, there are only 2 tenants out of a possible 7 spots. There are 3 large areas that are remaining vacant. I have been doing this for a few years and I can assure you that, as I said earlier, this is a pretty unique piece of property that I think was well designed showing for various egresses and ingresses in and out of this property. I can see what Mr. Ouimet's was saying regarding having only one way in and out but this site actually has two and both accesses go right in front of a signalized intersection. I can also see Mr. Ouimet's concern if this were

the last 2 spots in here. I sit on other Boards and we toil with this all the time. The issue becomes at what point can this no longer accept the traffic. You have the parking for it, you want to make it work but at this point in time with just 2 other tenants there and this proposed tenant I can't help but ask you how do you think that is too intense with 3 tenant spaces still vacant with 60 parking spaces? I was at the site with Mr. Bardakjian the other day he told me there were 5 to 6 cars at the site at any one given time that entire day. So with all due respect to the Board, with 60 parking spaces and 3 vacant tenant spaces, not including the 2 that we are proposing, I don't know how this wouldn't be able to work at this point. Certainly any new tenant for the other 3 vacant spaces would have to come in front of this Board to seek approval. Mr. Berkowitz stated the following: This Board was thinking about the same thing that you're talking about back in 2001. Originally this site was going to be for a floor covering business and warehouse and there was going to be 2 other tenants that would be smaller and would have a low intensity use. Mr. Bardakjian is right and there were probably 5 to 6 cars at one time in that parking lot. Those 2 businesses have been open for one or two months. Now if those 2 businesses expand like their supposed to expand, they'll have more traffic. If Papa John's goes in there and they expand there would be more traffic. Now they're going to have 2 additional tenants who could possibly go in there with even more traffic. Mr. Caponera stated that is up to this Board. Mr. Berkowitz stated just like this proposal for Papa John's is up to us. Mr. Caponera stated Mr. Berkowitz is absolutely right but if you feel that it gets to a point where you max out, then the owner needs to know that there is a problem here with leasing out the rest of the site. Mr. Berkowitz stated the following: We originally had this plaza as a low intensity use. If we approve your proposal and this becomes a high intensity use how do we control that? We can't close anybody down. The only thing we can do is to prevent Mr. Bardakjian from renting out the final 2 vacant spaces. Mr. Bardakjian will probably have the other 2 vacant tenant spaces leased out before these 3 businesses are at their peak. This is a Planning Board and we have to look into future and see what is going to happen a year from now and five years from now. Mr. Caponera stated I understand. Mr. Berkowitz stated the following: This project has been going on now for eight years. It is a difficult site and the owner knew it was a difficult site going in but it also took eight years to complete. In those eight years the situation around that area has changed. There have been new businesses coming into that area that have added more traffic to Route 9 and Plant Road. Also, there are more neighborhoods going in on Plant Road, which is going to add even more traffic to that intersection. Things have changed a lot since that time. This Board denied another pizzeria from going in across the street from there because of traffic and that was even a lower intensity use with delivery only with no pick-up and no eat-in. Mr. Caponera stated the following: I don't know if anyone of you have any businesses or own any parts of flooring businesses, but I do. I can assure each and every one of you sitting on this Board it is not a low intensity use. There is a lot of traffic coming in and out and there are a lot of trailers coming in and out of our property on a daily basis. Mr. Berkowitz stated we were told that the flooring business was a low intensity use with maybe 1 tractor-trailer per week with a couple of customers every hour. Mr. Caponera stated the following: Not at our place. Having 3 floor covering businesses for 19 years, that's not the way it works. Mr. Berkowitz stated well that was what we were told. Mr. Watts stated the following: I read the statement of the owner of plaza with his estimates of how many people would be in that part of the plaza that would take 3 spaces and again that was a statement of the owner of the plaza. The reason for some of the great length in the delay was not a Planning Board issue at all. It was the fact that the plaza got started and then there were some issues and it sat there for quite a period of time too and that was significant. At this point, if it is okay with the rest of the Planning Board, we're not going to take any action at this time based on my discussion with Mrs. Murphy. I'm going to refer this project to CHA for further review based on the issues and discussions of tonight. Mr. Caponera asked how long may this go to? Mr. Watts stated the following: I would presume that this would be reviewed and addressed at our next meeting. Mr. King could advise you

that after his last disapproval he asked me if he could come back on at the next meeting and he was on at the next meeting. I have dealt with Planning Boards all over the area and I would like to say that the Town of Halfmoon Planning Board moves very quickly and the meetings move very quickly.

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

**09.105 NB                      Floor to Ceiling of Halfmoon, 1410 Route 9 (Garden Gate Plaza) – Sign**

Mr. Kirk Montayne, the applicant, stated the following: I was before this Board a few months ago for a tenant change approval at Garden Gate Plaza. We are proposing 2 signs; one on the free-standing plaza sign and one wall-mounted sign. The free-standing sign would be two-sided for a total of 34.5 SF and would be flood lit. The wall-mounted sign would be one-sided for a total of 34.66 SF located over the storefront and would not be lit.

Mr. Roberts made a motion to approve the sign application for Floor to Ceiling of Halfmoon. Mr. Nadeau seconded. Motion carried.

**09.106 NB                      Beeche Light Industrial Shop & Whse., Hudson River Road – Addition to Site Plan**

Mr. Scott Lansing, of Lansing Engineering, stated the following: I am here tonight representing Mr. Greg Beeche for Beeche Logistics. The applicant desires to put a security fence around his yard on his site plan to secure both the equipment and materials that he has within his yard. The fence is proposed to be a 6 FT high chain link fence and we are proposing several gates around the perimeter of the parcel at each roadway accessing the site. There would be a 20 FT wide double leaf locking gate in one area and a 24 FT wide double leaf locking gate in another area and a 3 FT single leaf locking gate for access of mowers and things of that nature to the stormwater management area and another 24 FT wide double leaf locking gate in another vicinity. That is essentially what the applicant is proposing and we are here tonight to ask the Board's consideration for approval of the addition to the site plan. Mr. Watts stated the proposed fence would surround the entire property and you are proposing to put up a 6 FT chain link fence. Mr. Lansing stated right. Mr. Watts stated the following: One of the other issues that I believe we had and Mr. Beeche was sent a letter by our Stormwater Management Officer and Code Enforcement Officer relative to the apparent construction of a road utilizing filter fabric with approximately 10 inches of size 2 stone on top. The road is 20 FT wide and it extends the full length of the site and this road is not on the site plan. What is the response to that? Mr. Lansing stated it is my understanding that the applicant and applicant's contractor are constructing a pathway so that they can access the area where they would like to install the fence so they can get their equipment in to drive the posts for the fence around the perimeter. Mr. Watts asked are you aware that they've put culverts under this road that appear to be directing water toward the stormwater management area and asked why would they put culverts on a temporary road? Mr. Lansing stated it is my understanding that they did that to pass the water so they could have a dry area to access the equipment to construct the fence. Mr. Watts asked Mr. Bianchino if that made engineering sense? Mr. Bianchino stated the following: Yes because typically when a contractor builds a road that he is going to use for temporary purposes, he doesn't build it at the dam so that the water backs up. Otherwise it would just wash the construction road out. So they would typically take a couple of sections of culvert pipe and put it in. Mr. Bianchino asked Mr. Lansing when the fence is up and when the construction is done, is it their plan to remove all the material and put it back to the natural condition? Mr. Lansing stated the applicant does desire to leave the road in for future maintenance of the fence if the Board does consider that. Mr. Watts stated the following: So then it is not a temporary road. You said that the road is being put in so that they can put the fence in then you



said that you want to leave the road there because you might have to maintain the fence. What nature of activities do you anticipate happening with a 6 FT chain link fence? Mr. Lansing stated I do understand your question but the thought was if a tree were to fall on the fence then they would have to go in and repair the fence and they desire to leave the pathway in to access that fence. Mr. Nadeau asked if a tree were to fall on the fence, wouldn't they be able to access that tree from the inside of the lot. Mr. Lansing stated yes but the thought process is that they would like to be able to access that with equipment and with the pathway there they would be able to access it with the equipment, remove the tree and repair the fence. Mr. Nadeau asked do you anticipate that as a normal happening? Mr. Lansing stated every once in a great while but I don't anticipate that it would happen very often. Mr. Higgins asked what business is the applicant in that he is using this property for? Mr. Lansing stated I believe it is a complex rigging for different scaffolding type measures and things of that nature. Mr. Olderich, of Custom Building, stated the following: I am also here on behalf of Mr. Beeche. With the economy the way it is, the applicant wants to protect the area with the 6 FT fence. Mr. Beeche is doing suspended scaffolding and 90% of the material is aluminum and 10% is steel and that is why the applicant wants to install the 6 FT security chain link fence. This is not a road and I have picture documentation of the 6 FT wide #3 stone, just like Mr. Bianchino mentioned, and not to disturb anything that is why he was using #3 stone instead of gravel, which is cheaper. We have to access the road with the heavy 6 FT fencing. Mr. Beeche is not building a road, it is a temporary access and we do have picture documentation of that temporary access if you would like to see that. Mr. Roberts asked so when you're done, the road is coming out? Mr. Olderich stated the following: If this is your demand, we will but when we called the Town's Building Department, I've been told that we have to have the property surveyed, which we have by Mr. Gilbert VanGuilder. The fence should be 1 FT inside of property so we can maintain the fence by both sides. Let's say if a tree is going to fall on a fence, we have to have access to remove the tree or do the maintenance of the fence. Mr. Watts asked Mrs. Murphy would that road then need to be shown on the plan? Mrs. Murphy stated yes, I think the issue is if it is going to be there forever, it has to be documented on the site plan so that it can be enforced in accordance with what the applicant is proposing. Mr. Olderich asked why are we talking road? Mrs. Murphy stated your gravel path or your stone path needs to be shown on your site plan if it is going to remain there forever. Mr. Olderich stated this is just temporary so we can install the fence. Mrs. Murphy asked when the fence is done; you'll take the road out? Mr. Olderich stated yes. Mr. Watts stated first we were told that it was a temporary road. Mr. Olderich stated no; a temporary access. Mr. Watts stated the following: Whatever; a temporary path or a temporary something. Then we were told that it was going to stay. I can't speak for the rest of the Board but I don't know that anybody has any issues with the fence. We understand completely about putting the fence up. I don't know that we have any major issues if we chose to leave this gravel path or road there for some period of time. I understand wanting to fence in valuable property and there was some confusion on the part of the applicant or whoever but a commercial site plan does require that the fence be shown and that is why we are here tonight. I am trying to ascertain or to help the applicant, just to be fair; if there is a reason for that where people and vehicles might traverse. If it is shown on the site plan and you want it there does anyone have any objection to it? Mr. Roberts stated the following: I just want to know if it is going to be permanent or temporary because as a Planning Board we are supposed to look ahead to see what might happen in the future. If that road is there and something might come in the future, we should be made aware of that. Mr. Ruchlicki stated the following: The only issue that I have with it is that if there is already culverts in place, then that means that there is water traveling through that culvert or they think that potentially there could be. So, it should be on the site plan because we need to know where that water would be going. Mr. Higgins stated and we have to make sure that the stormwater management area is properly sized to handle the volume of water that could potentially be drained from other areas that were not previously stoned

and have culverts. Mr. Lansing stated the following: Could we ask for the Board's consideration of an approval conditioned on an addition of showing an 8 FT wide pathway adjacent to the fence? As far as the stormwater management goes, I can ask for Mr. Bianchino's concurrence on my opinion but if we are going to be putting in a stone pathway with #2 stone, which is very coarse stone, and it would not be impeding drainage if there were culverts placed appropriately and it would be passing the drainage in accordance with the natural drainage features. If that pleases the Board, we could modify the site plan or ask for an approval conditioned on modifying the site plan to include that path. Mr. Higgins stated the following: Some of the stormwater management seminars that we have gone to one of the things that they've repeatedly stated is that gravel has almost as much of an impervious surface as asphalt. So, I disagree with the fact that even though it is #3 stone, which is big stone, it's still going to have a certain amount of impervious surface that has to be considered as far as your runoff. Mr. Lansing stated the following: I agree that gravel does have a similar curve number to asphalt. I would have to disagree with you on that because the curve number for a #2 or a #3 stone is basically dropping the water and sending it directly into the ground and there is very little runoff from a #2 crushed stone. Mr. Higgins stated the following: It is just a bigger stone and it still is an impervious surface. Again, I think we need to have Mr. Bianchino take a look at it because we want to make sure that the stormwater retention area is properly sized and that the drainage is properly routed. Mr. Watts stated the following: I want to let them finish constructing the fence because that make sense and it's not bothering us. The people that went to the site to look at it said it was 20 FT wide. Mr. Lansing stated it is my understanding that it is 8 FT wide. Mr. Nadeau stated if the trees are such a threat to the property, wouldn't they want to trim the trees instead of going through this whole ordeal. Mr. Lansing stated I think it is twofold as far as the trees and the initial construction accessing with the equipment. Mr. Williams stated with the fence there might be a need for a Knox Box so that the fire department could get access to the site. Mr. Olderich stated we have already contacted the fire department for a Knox Box at the main gate. Mr. Watts stated the following: We are going to approve the fence revision on the site plan. Then we will let the applicant and the engineers talk about the roadway as to whether they want to continue with it or tear it up. We will also look at the drainage. Where the roadway is I don't think it is any major issue if it is going to be used for that particular purpose. In other words it is not going to be some road access back to railroad tracks and there is no reason for it and asked if that was correct. Mr. Olderich stated correct. Mr. Higgins stated can we confirm for the record that it is a 6 FT chain link fence with no barbwire on the top and that it is a see through chain link fence. Mr. Ouimet asked can we approve the fence contingent on the access road being removed and the area is returned to its natural setting or if the access road is to remain it is would be represented on a site plan. Mr. Higgins stated and also subject to CHA's review.

Mr. Ouimet made a motion to approve the addition to site plan for Beeche Light Industrial Shop & Warehouse conditioned on the access road is removed and the area is returned to its natural setting or if the access road is to remain it is would be represented on a site plan and reviewed and signed off by CHA and also contingent upon the fence being see through with no razor wire or barbwire on the top and a maximum of 6 FT high. Mr. Nadeau seconded. Motion carried.

#### **09.107 NB                      Companion MRI, 1532 Route 9 – Change of Tenant**

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: This is the Abele building next to Dunkin Donuts on 1532 Route 9. The applicant wishes to occupy 2,100 SF of space previously leased to Advisor Mortgage. The use would be a sales office for Companion MRI who sells MRI equipment to veterinary practices. The sales are done via the phone, internet or on-site visits to the customers practice. There would be no visits to the site by customers. Mr. Watts stated I spoke with Mr. Ed Abele today and I would like him to address my questions to the Board relative to the sewer

systems at the bank building. Mr. Abele stated the following: I don't know if it was this past year because it may have been the previous year we had an approved design for sewer for the building which involved the cooperation of Dunkin Donuts. It was a pressure sewer design where we would cross Route 9 and then connect into the sewer just below that new plaza. The Planning Department had suggested looking at a gravity sewer option, which we looked at with several parties who would benefit mainly D.C.G. Development. Mr. Don Greene has a large 30-acre piece of property that is just to the north of this building. So, we put our plans on hold to do the pressure sewer option and we were actually literally ready to sign the contracts while we discussed the other option. I will say that it is a very worthy option and I think the Town really was looking ahead to do that. But at the time I think in addition to D.C.G. and with Dunkin Donuts and myself and there may have been another applicant for a restaurant just to the north. Mr. Watts stated where the Lindsey property was and then also DeNooyer. Mr. Abele stated the following: Right. So, a lot of the communication that had existed had been somewhat derailed with the economy faltering. I know the restaurant did not move forward and the DeNooyer's are still involved in that. Right now Dunkin Donuts and myself continue to pump and it is very expensive. We are very open to pursuing that again first with a design. Frankly speaking, it needs to be a collaboration of all the parties and I don't want to speak for D.C.G. but I think they would be onboard but I am not certain of that. I have spoken with Tom DeNooyer and I think that their interest would depend somewhat on the price. I think that Dunkin Donuts would also be receptive to it if the cost were somewhat commensurate with what the cost of our original proposal was. That is where we are at right now and I certainly don't mind trying to congregate because there has been a lapse for a few months trying to get people together and with different things falling apart. The option is still not a bad option because if we were to do a sewer, future development along Route 9 to the north would have an access point to connect. I think this is kind of a good long-range planning option although it hasn't materialized just yet. Mr. Watts stated the following: This is what Mr. Abele and I talked about and what has happened and he is 100% correct. I wouldn't want to cause any difficulty for the applicant for a business coming to Town there so I think we could make some kind of motion where it is contingent upon the need for public sewer at that site. If they go back to the old plan, which the County approved, and by Health Department we could do that but then we lose the momentum of going up north. Mr. Jim DiPasquale from the Saratoga County Sewer District was involved in all of these conversations also. I would recommend that we give the approval for the change of tenant with some type of contingency. Mr. Abele stated the following: We could move forward in the spring with the option that we already designed. We are actually at the point where the design was submitted to Mr. DiPasquale and they may have even staked out the underground utilities. Mr. Watts stated the following: There were issues with getting into where the fiber optics were located and with the New York State Department of Transportation (NYSDOT) not wanting to close the road. Mr. Abele and Dunkin Donuts can just go back to plan A and they can go back to the original first approval and then we're fine but it doesn't take care of all of the issues up there but then somebody is going to have to deal with that in the future. Mr. Abele stated the following: We'll be all set but I think the point is the money that we would have available to contribute to our option A would be good money to contribute to an option that might serve a greater good. For that reason, I think it might be good to maybe try to congregate a meeting to see where everyone is at, because we're continuing to pump and it is expensive. The option is still a possibility. Mr. Watts stated we will approve this project contingent upon continued meetings but we would set a date for this to be done by June 1, 2010 and maybe that would get them moving. Mr. Abele stated yes and the other thing is maybe we can congregate a meeting in the first quarter and I don't mind trying to spearhead that. Mr. Polak stated if the economics change we might get a major player that would contribute to that. Mr. Andress stated my only concern would be if for some reason there wasn't an agreement then if this tenant had to leave, I think you would be asking that it be set by May and by then that all the parties have to get

together for meeting with the Town. Mr. Roberts stated the meeting would have to be well before May. Mr. Watts agreed with Mr. Roberts and stated no, Mr. Abele has said that he would set up the meeting, we've had one already and we know all the players and we are asking for a plan of action by June 1, 2010. Mr. Abele stated yes, that would work.

Mr. Roberts made a motion to approve the change of tenant application for Companion MRI contingent upon a plan is in place for public sewer by June 1, 2010. Mr. Nadeau seconded. Motion carried.

**Old Business:**

**08.066 OB                      Halfmoon Family Dental, 1456 Vischer Ferry road – Addition to Site Plan                      (Re-approval)**

Dr. Gary Swalsky, the applicant, stated the following: I am before the Board seeking a re-approval of a site plan addition from last year. My proposal is to add 5 parking spaces to my office parking lot, which currently has 16 parking spaces.

Mr. Nadeau made a motion to re-approve the addition to site plan application for Halfmoon Family Dental for the installation of five additional parking spaces by October 14, 2010. Mr. Ruchlicki seconded. Motion carried.

**09.015 OB                      Clifton Park Auto Body, 1627 Route 9 – Change of Tenant & Sign**

Mr. Joseph Moffre, the applicant, stated the following: I am here tonight for a follow up to our last meeting in regard to receiving an approval of the site plan revisions. As discussed at our last meeting, we went a little more in detail with delineation as to parking spaces and the overall use. As originally discussed, we would like to take the existing vacant fixed office trailer and use that as new office space for the existing body shop and the expansion of the car sales portion of the business. The car sales display area would be the area immediately in front of the offices. There are 24 spaces delineated here for used car display and some customer parking. On the other side of the main entry road there are 32 spaces, which would be customer parking and vehicles that are being serviced by the body shop, which is in the main building to the rear. The unfixed office trailer that is immediately behind the existing fixed office is to be removed and behind that there is some additional parking and the fenced in secured parking area which is situated at the back corner of the property. Mr. Nadeau stated this is a very prominent site on Route 9 and asked what do you have for greenspace in the front of the property? Mr. Moffre stated the following: The current greenspace that we have is exactly like Enterprise Rent-A-Car located next door. My greenspace is roughly about 5 to 10 FT that is further back than Enterprise Rent-A-Car's front line. Also, that is the ravine and the retention area for the highway run-off and that is all greenspace. Additionally there was a strip of greenspace that is approximately 4 FT wide, this wasn't delineated on the original map, and I have a proposal to make 5 FT and clean it up so it looks more like greenspace than it is currently and we would shrub it. The existing office has shrubs and there is a greenspace down the side of the property, which is a buffer between Enterprise Rent-A-Car and myself that currently has some wild shrubs. My intention would be to clean that up and landscape it. The rest of it is a gravel parking lot, which is what it has always been. Mr. Ouimet asked how do you propose to delineate the parking spots on the gravel lot? Mr. Moffre stated the following: My hope is that I get it paved but that is another discussion that I need to have with Mr. Cummings, the owner of the property, and what the expense would be to pave it. That would be my down-the-road intention and then it could be striped and marked off. Right now the parking lot is a crushed stone lot with the exception of the main paved area, which is the main driveway entrance off of Route 9. It would be a matter of parking the cars because it is a car display area and I have been in lots that haven't been paved. It's not like people are coming in and parking

their cars because I'm going to be parking those cars. So I would determine where they were parked in relationship to how they are displayed here on the site plan and those parking spots are drawn to scale and I believe these are standard 10 FT x 20 FT parking spots. Mr. Ouimet stated my concern is that they look nice on the plan but in real life you can't see and someone could park a car sideways. Mr. Moffre stated the following: I understand your point but my intention would be to display 24 cars in that parking area and I would be parking those cars as they are shown on the site plan. I would imagine that you could change that configuration and have them parking in another direction if you really wanted to. Mr. Ouimet stated it is not a question of us wanting to change the way they would be parked; the question is will they be parked the way you have depicted on this site plan. Mr. Moffre stated the following: That is how I would like to have them parked and I am the one that laid this plan out. I showed the engineer what I would like done and he drew the plan to my specifications. So to answer your question; eventually if that area was paved, I would absolutely stripe it to conform to those lines on the plan. In the meantime my intention would be to park the cars in accordance with the plan. Mr. Watts asked are you going to run/own the used car business? Mr. Moffre stated the following: Yes I am. I am running the whole operation. I would have the main control. I will have a couple of my sons that would probably work for me and I hope that I have some control over them. From that standpoint at this point this is totally myself in control of the site and I would do my best to conform to what I have proposed here. Mr. Ouimet stated when I look at the legend on the plan, it shows that it was revised on 12/7 to revise the parking and asked what was revised recently from the last time you were here to this time? Mr. Moffre stated the last time we were here, none of these parking spots were really delineated. Also, it was redone and resubmitted for this agenda and when I met with Mr. Williams, he asked if we could revise the plan a little further and to label the areas. So, the labeling was done and the spaces were numbered and that was the real change in effect. On the original plan I believe we had in the neighborhood of 35 cars in the retail display area and I have cut that back to 24 to make it less congested and to allow for a cleaner space. Those were really the more specific changes. Mr. Berkowitz stated you have an impound lot there don't you? Mr. Moffre stated yes, there is a secured storage area that is fenced in the rear corner and it is noted on the site plan. Mr. Berkowitz asked do you have control over that or does DPS Towing have control over it? Mr. Moffre stated I have control over it. Mr. Berkowitz asked do you bring in about 4 to 5 cars a week? Mr. Moffre stated the following: Mr. Williams suggested that I go back to take a look of what I average over the last year. I have essentially been using that area for the last year and 4 to 5 cars is about the average; some weeks zero. I might get 8 cars in one week and sometimes zero. A clean average is about 4 to 5 vehicles a week. Mr. Berkowitz asked has there been any time that there has been overflow from that area in the last year? Mr. Moffre stated the following: No, there doesn't have to be overflow. As a matter of fact, I have cars parked in that area that I want in a little safer zone that isn't part of anything that has been towed in. If I needed to, I could move them but that is just where I chose to park some cars. Mr. Berkowitz asked do you intend to purchase a flatbed? Mr. Moffre stated yes I do. Mr. Berkowitz asked is that going to be for the purpose of impound? Mr. Moffre stated the following: The flatbed would be used for general towing. Right now I rely on subbing out any of my towing. Mr. Berkowitz asked so when you get your flatbed, would you still be subbing out your towing? Mr. Moffre stated the following: No, I wouldn't directly sub anything. I would do my own towing and the only time someone else would be involved, which I have no control over is if an individual has an accident with their car and who they get dispatched to tow their car. What I do have control over is the fact that you happen to be one of my customers; so that you call me and you let me know that Kinetic Towing or Gary's Auto Body has picked your car up and that they would be bringing your vehicle in but that is not a sublet. Mr. Berkowitz stated I understand that but I was wondering would this double the amount of cars coming into your site? Mr. Moffre stated the following: No because it would be kind of foolish to buy a truck and not use it. I won't need to sublet that part of it

and right now I currently have to sublet. Mr. Berkowitz stated okay, so when you get a call, you call them and DPS? Mr. Moffre stated if one of my customers called me up and said, Joe I just had an accident and my car needs to be towed, I'm calling DPS and saying "my customer needs their car picked up, can you tow it in?" Mr. Berkowitz stated so that won't happen anymore when you get your own truck. Mr. Moffre stated the following: Correct, I won't need to do that unless my tow truck is broke because I want to do my own towing. Once I receive an approval from this Board, then I will make the investment in a truck and I will probably do about 90% of my own towing at that point. Mr. Berkowitz asked so you wouldn't be doubling anything there? Mr. Moffre stated no, there is no intention to double anything. Mr. Watts stated the one concern that I have is that this is a very visible site on Route 9 and the whole area is getting a lot nicer. Mr. Moffre stated yes it is. Mr. Watts stated the following: What landscaping would go on there, when it would go on and how would it be maintained? If you look at Realty USA or Wal-Mart or even Enterprise, they keep their grounds up nicely. Mr. Moffre stated the following: Technically I don't even use that area now but I've been maintaining it somewhat for the last year. I mow the lawn out in front and my intention is to clean it up, landscape it and bring it to the level that the area has. I'm going to refurbish the exterior of the office trailer; we will reside it and clean it all up. We will cut down all the old overgrown evergreen shrubs and do some new plantings. I have to live there, so to speak, and it would be a representation of what I do. Mr. Watts stated I think our general fear is that sometimes there are some used car facilities or whatever that look very nice and then others become awful and your site is a visible area up on Route 9. Mr. Moffre stated the following: My intention is to do whatever you as a Board would like to see happen there as far as landscaping. I have no issues and if you want to make a visit to site and tell me what you are looking for and if I haven't done enough. I really think that what I have in mind will probably be more than adequate and it would be up to the scale with what is in the area. Mr. Watts asked Mr. Williams if the shrubs, etc. actual location are normally shown on the site plan? Mr. Williams stated we have in the past. Mr. Moffre stated the following: There are shrubs there now but they just need to be revamped. What's there now is indicated; there are shrubs and a tree and the whole area in front of the office is all planted with evergreens and shrubs and there is lawn in other areas on the site and that is what the greenspace consists of right now. Mr. Watts stated right now the site plan does not show the landscaping but we can do an approval contingent upon Mr. Moffre working with the Planning Department for landscaping and screening. Mr. Higgins stated I noticed that the chain link fence in the rear is off the property. Mr. Moffre stated the following: It is and it isn't. That property line is a tenant property line. All of this is one piece of property that is common owned and it is all owned by Mr. Cummings and that has been noted on this plan and it is all one large parcel. Mr. Higgins asked if the office trailer that is next to the body shop would remain? Mr. Moffre stated the following: No, I want to get rid of that. It is there and it is fixed but it really doesn't serve any purpose. My intention is to move the offices into the main building and that would alleviate the need for it. The trailer that is in the rear is an old modular trailer, which is an eyesore. Mr. Watts asked is that the one that says on the plan "to be removed"? Mr. Moffre stated yes, that is going to be removed. Mr. Higgins stated I am referring to the trailer right next to the body shop. Mr. Moffre stated I have no issue with removing that small office trailer. Mr. Higgins stated the last time you were before the Board you said you were thinking about using it for part storage. Mr. Moffre stated I could use it for storage because I am losing the big trailer. To keep the small office trailer would not be a bad thing but if it was an issue and it needed to be removed, I would not be opposed to removing it. Mr. Higgins stated if it is not going to be used as an office trailer, it should be marked as a parts storage trailer or something. Mr. Moffre stated currently that is where the office is. Mr. Higgins stated as far as the greenspace; Enterprise did a very nice job and they have several trees across the front and they maintain the grass. Mr. Moffre stated right now there is a tree on the corner by Enterprise that is noted on the site plan and the plan shows 2 shrubs but I believe there are actually 3 evergreen

shrubs that have been cut and trimmed down at the front of the site. As I said, I am not really thrilled with them and I would like to see something a little nicer there. Mr. Higgins stated I think we would like to see something a little bit nicer also. Mr. Ouimet stated looking at the plan it shows employee parking for 9 spaces but the write-up indicates there are 2 full-time employees and 2 part-time employees. Mr. Moffre stated the following: Yes, but Mr. Williams wanted everything labeled and once I have the office, I probably will end up doing the used car sales. If that happens, I definitely think I would add at least one or two more employees whether they are part-time or full-time. So, there could be some overlap where there is someone who would come in at 7:00 am and staying until 2:00 pm and then there could be someone coming in at 12 noon and staying there until 6:00 pm. I am just trying to cover myself and give myself enough parking to accommodate what I feel would be the worse case scenario. I park there everyday, my current office manager parks there everyday and my 2 full-time employees park there everyday; so there is 4 vehicles right there. If I were to hire one or two more part-time people to cover the additional volume that I would pick-up with the car sales part of things, I would obviously have to have more parking. I am just trying to allow for enough parking now so I wouldn't have to come back to the Board later on to say that I need more parking. This site would support up to 85 vehicles and I think we are someplace around 70 right now because I have actually cut it back. Mr. Watts asked Mr. Williams does this all make sense regarding the parking spaces and would Mr. Moffre have everything that he needs? Mr. Williams stated yes. Mr. Higgins stated looking at the site plan from Route 9 to the spaces to the right behind the model home, would that parking area be used for cars waiting to go into the body shop? Mr. Moffre stated yes that area would be used for customer parking, for cars waiting to be worked on or for cars that have been serviced that are waiting to be picked up. Mr. Nadeau stated your site plan is showing 19 parking spaces for the body shop and what we have done in the past with certain projects where the square footage requires it, we would land bank some of those parking spaces. What if we were to ask for some greenspace in that area instead of having all open parking spaces and make note of it that should Mr. Moffre need more parking, like we did with other places. Mr. Watts stated correct, Mr. Moffre does have more parking than he needs. Mr. Moffre stated that area is currently gravel. Mr. Nadeau stated what I am saying is to get more esthetically pleasing in that area because it doesn't seem that you would need 16 parking spaces for your people to park. Mr. Higgins stated I agree with Mr. Nadeau with putting some pine trees there to block that area and also to have some additional greenspace. Mr. Moffre stated I would have no issue with doing that. Mr. Roberts asked if the signage was already in place? Mr. Moffre stated the following: Yes, the sign is already in place and all I did was take the existing 4 FT x 8 FT sign, pulled it out of the existing structure and put a new one in the same structure so the sign didn't move. The sign itself has been changed but it is still in the same location, it is still the same size and nothing else has changed with regard to the signage except it is a lot nicer than what was there.

Mr. Roberts made a motion to approve the change of tenant application for Clifton Park Auto Body conditioned on the applicant contacting and working with the Planning Department on landscaping, screening and land banking parking upgrades. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign applicant contingent that the sign is not located in the State right-of-way. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the December 14, 2009 Planning Board Meeting at 8:39 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Department Secretary