

Town of Halfmoon Planning Board

March 24, 2008 Minutes

Those present at the March 24, 2008 Planning Board meeting were:

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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling

CHA Representative: Mike Bianchino

Mr. Watts opened the March 24, 2008 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the March 10, 2008 Planning Board Minutes. Mr. Roberts made a motion to approve the March 10, 2008 Planning Board Minutes. Mr. Higgins seconded. Motion carried by a 5:0 vote. Mr. Watts and Mr. Nadeau abstained due to their absence from the March 10, 2008 Planning Board Meeting.

Public Hearings:

07.122 PH Architectural Glass & Mirror, 11 Solar Drive/Crew Road – Amendment to PDD/Minor Subdivision

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. Ms. Stefani Bitter, Attorney for Architectural Glass & Mirror (AGM), stated the following: I am here with Mr. Bill McFreche, of Hershberg & Hershberg Consulting Engineers and Land Surveyors, Mr. Jay Hopack, General Contractor, and Mike, Mark and Neil Haverly of AGM. We are seeking an amendment to the PDD as well as subdivision approval. AGM is currently located on 11 Solar Drive. AGM acts as a fabrication facility for aluminum framed doors and associated glass glazing. AGM also acts as a commercial glazing contractor. When the product is completed the product is shipped to the site for installation. Because of AGM's success over the last 21 years they are in the position where it is necessary that they expand their facility. As a result they have gone to an adjacent landowner, Mr. James Johnson, and have gone under contract to purchase 3-acres of land from Mr. Johnson. Mr. Johnson's 14.35-acre parcel is zoned C-1 Commercial and it is necessary for the use that they are proposing that the 3-acres of land gets placed in the Parkford Planned Development District (PDD), which is our reason for the request for the amendment. The

proposed subdivision would create 2-lots. Lot #1 would be 11.35-acres that would be retained by Mr. Johnson and Lot #2 would be 3.18-acres. The reason that this lot isn't 3-acres is because we are creating a flaglot and utilizing acreage of the parcel that is known as 11 Solar Drive. The flaglot would have 39.93 FT on Solar Drive and the building that we are proposing for Lot #2 would face Solar Drive and would utilize Solar Drive for access. The proposed building on Lot #2 would be 30,000 SF; 20,000 SF would be utilized by AGM and 10,000 SF would be used for a future tenant that has not yet been determined. Lot #2 would have public water and private septic. The traffic would be the same as the existing traffic. We have already contacted the Saratoga County IDA because they are the record owner of 11 Solar Drive and they have provided their permission for the proposal that we are presenting to the Board. The number of employees at the site would be approximately 10. A majority of the employees for AGM are field workers associated with site work. No noise or odor is associated with this use. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:04 pm. Mr. Higgins asked who owns the 39.93 FT of property presently on Solar Drive? Ms. Bitter stated the following: This property is on record ownership of the County of Saratoga IDA but that is for financing purposes. The Haverly's are the owners underlying the financing. Saratoga County IDA has signed off on us making this amendment so they would be willing to release that land as part of the financing. Mr. Higgins asked if the 39.93 FT would be with the piece in the back? Ms. Bitter stated that is correct. Mr. Higgins asked if the piece in the rear of the parcel was going to be part of the PDD? Ms. Bitter stated yes, that is what we are proposing the amendment for. Mr. Higgins asked if the piece in the back is still going to be considered a totally separate piece. Ms. Bitter stated yes. Mr. Higgins asked if the only access would be the 39.93 FT? Ms. Bitter stated correct because Crew Road is considered to be a private road. Mr. Watts asked Mrs. Murphy if this had been reviewed. Mrs. Murphy stated the following: Yes, this has been reviewed. I believe Mr. Higgins' concern has to do with having a use in the back that is commercial in nature but it is going to lose its commercial status and become part of the PDD. So, the commercial zoning will no longer apply to that flaglot that you are seeing. It will become part of the PDD and the uses will be limited by the existing uses of the current PDD.

Mr. Roberts made a motion to approve the minor subdivision for Architectural Glass & Mirror. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to grant a Positive Recommendation to the Town Board for the proposed Parkford PDD amendment. Mr. Ouimet seconded. Motion carried.

08.006 PH Bast Hatfield Commercial Park, 1399 Vischer Ferry Road – Major Subdivision

Mr. Watts opened the Public Hearing at 7:07 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Jim Reeks, of Bast Hatfield, stated the following: We are proposing to create a .092-acre plot with 40,000 SF. This is being done solely because of financial reasons of our lender so we can have a separate tax parcel. Mr. Watts asked if anyone from the public wished to speak. Mrs. Henrietta O'Grady, a resident of Church Hill Road, stated the following: I am here this evening because I am an officer of the Mohawk Towpath Scenic Byway and also because I am a resident of Church Hill Road. There are a couple of concerns that I would like to mention that have developed over the years. Before there are any more changes to this site, I thought this was a good time to speak on them. The site as it stands now is beginning to look more like a Light Industrial site rather than

the Commercial site that I believe it was designed to be. There is large equipment going in and out of this site. Presently there is another new storage area, which is adjacent to the front of the building. There is a fenced in area that looks like it contains a number of articles that are used for construction. I think it takes away from the Commercial look and adds to what might be considered Light Industrial. Also, I would like to mention the fact that at night there is a lighting issue for residents of Church Hill Road. The Bast Hatfield site presently is lit up at night and it is quite bright and there is the concern of residential areas that may have to overlook some of these Commercial sites. The lighting at night is quite bright so we begin to wonder if there can be some added changes and some consideration for the residents and for the area as it is designated both Historic and as a Scenic Byway. Perhaps it could be rectified by adding some amenities such as some shrubbery, trees or something that would detract from the present look of the site and to keep the site as Commercial as possible with the consideration of the neighbors and hopefully remain as good neighbors as they have been in the past. Mr. Reeks stated the following: I would be more than willing to sit down with the people that are concerned about that issue and listen to them to see if we can solve the problems so that our neighbors are still happy with us. At the same time, part of what Mrs. O'Grady is talking about is that we store some forms and we would want to put a new building up which would solve that problem of those forms being there. Mr. Watts closed the public hearing at 7:11 pm. Mr. Higgins stated the following: When this project was first brought before the Board I questioned the storage area in the back for the Con-Ex boxes. This is the first time that I had seen it on one of their site plans and I think Mr. Williams checked and it was not on previously site plans for the storage of 25 or so Con-Ex boxes in that back area. If this is in fact not just a subdivision but also a new site plan, then the Board needs to look at that. Mr. Reeks stated I don't know about 25 boxes but I think we have 6 boxes there that come and go during the job flow. Mr. Higgins stated on the site plan it has 4 different boxes with 6 Con-Ex boxes each so that is 24. Mr. Reeks stated I couldn't tell you exactly what the number is at this point in time because I haven't physically gone back there. Mr. Higgins stated as I have said, if this is a change to the site plan, then the Board needs to look at that and confirm exactly what is being stored back there and in what areas. Mr. Ouimet asked in this new area that you have delineated off for financing purposes did you say that you currently store things there now? Mr. Reeks stated there is a chain-linked fence and there are some concrete forms that come and go during the workflow. Mr. Ouimet asked if all of that storage was visible from Vischer Ferry Road? Mr. Reeks stated I don't know because some of it has trees on the hill bank. Mr. Ouimet stated I am more concerned about going toward the river down Vischer Ferry Road where you would actually see that before you made the turn. Mr. Reeks stated there are some trees there and I don't think it is visible. Mr. Ouimet asked if there was any plan to screen that area at all if you are going to continue to use that lot for storage? Mr. Reeks stated our intent is that we would like to put an office building in here and when we would do that, we would certainly look at the landscaping at that point in time to address that concern. Mr. Ouimet stated but not before then as you are using the area as open outdoor storage. Mr. Reeks stated again our intent is to get the building built as soon as we possibly can. Mr. Watts asked if this was for this subdivision or for the next one. Mr. Reeks asked Mr. Watts if he was referring to the .092-acre plot with the 40,000 SF that we are trying to subdivide right now. Mr. Watts stated yes. Mrs. Murphy asked Mr. Reeks if he understood that he was before the Board just for a subdivision not for approval of any building. Mr. Reeks stated yes. Mr. Berkowitz asked what part of the front parcel is attached to the back parcel? Mr. Reeks stated the back parcel is attached to parcel A. Mr. Bianchino stated the following: We looked at the United Rental site plan and that site plan showed the lot lines are extended to the stream in the rear

and that some improvements for the United Rental site are located on those rear lands. There are notes on the site plan that there was intent to subdivide that piece and convey it to the United Rental parcel. Operationally that is the way it exists right now and the area in the back of United Rental is part of the United Rental site plan. I think the surveyor should research to see if this was ever filed for the accuracy of this map. Mr. Williams stated the following: I believe there was a previous approval from the Board on the Tanski/Harding Subdivision that conveyed property from Tanski/Harding to Bast Hatfield. That is the property that is in question and then as we went through with Bast Hatfield's Commercial Park it did create each individual lot on the park and both lines were extended at that time to the stream. Mrs. Murphy stated I would ask the Board that they not stamp a plan that is not current and accurate reflecting the boundaries that have been approved and filed with the County Clerk's Office. Mr. Watts stated I went to the site and I talked to Mr. Pratico relative to some issues at the site. I recognize it as construction company site where things are stored but there probably are some things that could clean the site up a bit. Mr. Reeks stated we will address the concerns that were brought up by the Board tonight.

This item was tabled for review of outside storage practices & past subdivisions with regards to existing lot lines of existing parcels.

08.026 PH Fairways of Halfmoon LLC & Lands of Parker, 39 Timothy's Way & 2 Camber Court – Lot Line Adjustment

Mr. Roberts recused himself from this item. Mr. Watts opened the Public Hearing at 7:21 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am here tonight representing Fairways of Halfmoon LLC and Eric and Deann Parker in their request for a lot line adjustment between their 2 lots. The parcel is located at 37 and 39 Timothy's Way in the Fairway Meadows Phase II Subdivision. The request is to adjust the lot line to make a better configured rear lot for Lot #37 and a better set up for Lot #39. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:23 pm. Mr. Ruchlicki asked what "37/2" within a circle represented on the map. Mr. Rabideau stated it is #2 Camber Court because Lot #37 is a corner lot.

Mr. Nadeau made a motion to approve Fairways of Halfmoon LLC & Lands of Parker lot line adjustment. Mr. Berkowitz seconded. Motion carried.

08.027 PH Delaney Subdivision, 40 & 42 High Street – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:24 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am representing Gerald and Jean Delaney in their request to subdivide a 2-acre parcel of land into 2 lots. The parcel is located on High Street on the north side. The proposal is to create a lot that would encompass all the improvements, which is a duplex and to create a second lot for a single-family residence that would be approximately 1-acre with a combined driveway onto High Street. The parcel would be connected to public sewer and public water. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:25 pm. Mr. Higgins asked if the sewer line easement that is shown going off to the right was an existing easement. Mr. Rabideau stated yes. Mr. Higgins asked if this easement presently serves the existing residence. Mr. Rabideau stated yes, the duplex lot. Mr. Higgins asked if both sewer and water come through that

easement. Mr. Rabideau stated no, just sewer. Mr. Higgins asked if water came in from High Street. Mr. Rabideau stated I believe it is High Street.

Mr. Nadeau made a motion to approve the Delaney minor subdivision application. Mr. Roberts seconded. Motion carried.

08.028 PH Arlington Heights PDD, 1 & 3 Chantrey Blvd. – Lot Line Adjustment

Mr. Ruchlicki recused himself from this item. Mr. Watts opened the Public Hearing at 7:26 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Mike McNamara, of Environmental Design Partnership, stated the following: I am here tonight representing Belmonte Builders for the Arlington Heights PDD lot line adjustment. This Board approved the Arlington Heights PDD in November 2007. The plans have been filed in the County Clerk's Office and construction is underway. The application before the Board tonight proposes to extend the rear lot line of Lots #1 and Lot #2 of the subdivision. The lot line would be adjusted 10 FT to the south and the side lot line of Lot #2 would be adjusted 10 FT further away. About 1/10th of an acre of land would be taken from the Homeowners Association lot and would be divided between Lot #1 and Lot #2. This proposal would allow the developer to use a larger building footprint. This application has been heard by the County at their February meeting and they found no impact from this proposal. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:28 pm.

Mr. Roberts made a motion to approve the lot line adjustment for Arlington Heights PDD. Mr. Higgins seconded. Motion carried.

New Business:

08.019 NB Ballard Subdivision, Vosburgh Road & Smith Road – Concept-Major Subdivision/GEIS

Mr. Harold Berger stated the following: I am here representing Mr. Tom Ballard. This parcel is about 24-acres that is located on Smith and Vosburgh Roads and has frontage on both roadways. Our proposal is to subdivide this parcel into 18 lots. I have talked to Mr. Williams extensively about this project. We are fully aware that it is in the Northern Halfmoon GEIS even though some of the literature says it is not and we have found out that there are some conflicts in the literature. We have designed this project so that we have lots along the frontage on Smith Road. I would like to point out a couple of features that I think are important. As you can see there are wetlands shown in the shaded areas. These are Federal wetlands and there are no State wetlands on the parcel. Federal wetlands have a tremendous influence on why we came up with the design layout that we did. The entrance on Vosburgh Road is more straight forward and we have designed a cul-de-sac with 7 to 8 lots off of the cul-de-sac. One of the reasons why I wanted to bring this project to the Board is to get some input from the Board as to how we should proceed with this proposal. It is my understanding that it is preferred to have a 100 FT no-cut zone along the road and we can do that with good efficiency. We are showing a 100 FT no-cut along Smith Road for those lots that front on Smith Road. I think we are at a point where we need to ask the Board for input. Mr. Watts stated if there are conflicts in the literature as you referred to, I don't know if that is in statute and asked Mr. Berger to provide the Board with some documentation as to what those conflicts are so the Board could address them with our Town Attorney. Mr. Berger stated in the one document that I have says that it is in the middle zone and Mr. Williams showed me documentation that it was in the northern zone. Mr. Watts stated it is in the Northern

Halfmoon GEIS. Mr. Watts stated we will look at that. Mr. Roberts stated this looks like a very difficult site to develop with all of the wetlands. Mr. Nadeau asked if the Army Corp. recently delineated the wetlands. Mr. Berger stated the delineation was done last year by my delineator, Mr. Kurt Weiscon with K.W. Environmental Services, so it is a current delineation. Mr. Nadeau asked if the Army Corp. was acknowledging this delineation as current. Mr. Berger stated we haven't gotten that far yet. Mr. Nadeau stated we have seen other sites where people think this is what it is and then the Army Corp. comes back and find out it is not that at all. Mr. Berger stated we will do that and we will confirm that. Mr. Higgins stated the following: I believe the GEIS specifically states that the way you have this set up along Smith Road is not acceptable. It is not just a 100 FT no-cut buffer; it also is the way all the driveways are going out to Smith Road. Also the GEIS is looking for quality greenspace along the road frontage. This is specifically against the requirements of the GEIS as far as Smith Road. Is the area where the pond is all wetlands? Mr. Berger stated the following: No, the pond is there but the wetlands are limited to that line right around the pond. We are not proposing to do anything with those lands but I would point out to you that the limit of the wetlands is what is shown on the subdivision map and there are a little bit of wetlands that were delineated around the pond itself. The remaining areas are not wetlands. Mr. Higgins stated I realize that the parcel does have restrictions with the wetlands and everything else but it is specifically against the GEIS recommendations as far as quality greenspace along the road frontage and not having driveways every couple of hundred feet. Mr. Berger stated the following: I am not disagreeing with the fact that that's what it says because I saw that too but when you consider the restraints that we are up against in the design for this parcel I just didn't see any other way to do it. I would point out to you that we are providing driveway cuts as narrow as possible, one driveway for each 2 lots to minimize the impact and essentially we can leave the rest of it untouched. There is very little vegetation here in this area and I would also bring to the Board's attention that there might be the need to do some grading within that 100 FT no-cut area to make the lots work. This is another complication that we have to deal with. I do agree that this is a tough one but I don't know what our options are. Mr. Ruchlicki asked how severe are these lots on the inboard side of that piece of property and if you proposed a boulevard entrance in one spot, could all of these lots come out onto the road? Mr. Berger stated it would be extremely difficult to do that and avoid the wetlands. Mr. Ruchlicki asked if the topography was that bad or are the wetlands that close. Mr. Berger stated the following: It is a wetlands issue. The topography is relatively flat. From that standpoint, yes that could be done but we looked at that and because of the proximity of the wetlands and the little fingers that stick in it would be extremely difficult to do. Mr. Ruchlicki stated the reason why I brought this up is because of the intrusion that you have shown on the cul-de-sac and it didn't look like it would be any more severe in that area. Mr. Berger stated I don't have confirmation as far as whether or not placing the cul-de-sac in that position would be an acceptable concept with the Army Corp. Mr. Roberts stated before you go too far, I don't see how this parcel can support the number of lots that you are proposing. Mr. Berger asked are you saying that from the standpoint of the wetlands? Mr. Roberts stated you have the wetland issue and you have Smith Road. Mr. Berger stated the following: In my mind the real issue here is Smith Road because I think the wetland issue can be dealt with. The way I read the regulation was that the Planning Board has the flexibility to do things other than those specified in that regulation that would be in the project's best interest. Mr. Roberts stated you have been here long enough to know that the Planning Board doesn't like to set precedents either and I for one would not bend the rules. Mr. Nadeau asked if Mr. Berger had thought of making 2 or 3 good size lots in the front instead of going with those lots because you know yourself this is a tough parcel to design. Mr. Berger

stated the following: That is why I am here. I would like to know how the Board feels about it and I think I'm getting a sense but on the other hand I would like to know what direction to go in. Mr. Watts stated the following: I think we have pretty clearly delineated the concerns that we have. I know Mr. Williams has delineated the concerns about the wetlands and an archeological survey. I am not prepared at this point to refer this to CHA for their review and I think that we have pretty well told you what the concerns are. I think it is time for you to go back and take a look at what the concerns are as the Smith Road issues and wetland issues are obvious and I understand that it is a very difficult piece of property.

This item was tabled to have the applicant to review the concerns raised by the Board (GEIS requirements, density, sight distance, curb cuts, etc.)

08.022 NB Tire Warehouse, 1430 Route 9 – Change of Tenant/Use & Sign

Mr. Brian McCall, the applicant, stated the following: We are applying for an additional use to our site plan. The proposed use would be a Budget truck rental service and we are also applying for an additional sign 2 FT x 3 FT on the north side of the building. Mr. Watts asked what the change in use would entail. Mr. McCall stated the only thing that would change is the Budget truck rental service, which would use the existing location with the same staff, and the trucks would use some of the existing parking spaces. Mr. Higgins asked if they were proposing to just have 6 rental trucks on site. Mr. McCall stated yes. Mr. Higgins asked how are you going to maintain only 6 because I am sure your franchise agreement says that you are going to have to take whatever rental trucks come back in the area that people are returning. Mr. McCall stated we have not agreed to that and we are capping at 6 trucks and we did ask the Board for future possible growth for 2 additional spots for a maximum of 8 trucks if needed. Mr. Higgins asked are you saying that Budget is going to give you a separate franchise agreement just for this site where you don't have to take any more than 6 trucks on the site. Mr. McCall stated correct. Mr. Kevin Reilly, Budget Truck Rental, stated the following: To answer your question first of all it isn't a franchise in terms of fees or whatever. It is a dealership agreement where an independent business and Budget Truck Rental partner up. Whatever the Board determines in terms of what we can do with parking we anticipate 6 trucks. From that standpoint if more trucks came in, it would be up to the Tire Warehouse to refer the customer to one of our neighboring locations either in Cohoes, Latham or someplace that could take them. Depending on whatever the Board says, that is how we will have to manage. Mr. Berkowitz asked how that would be managed. Mr. Reilly stated we have an inbound report of potential customers that are coming in from another city into the Clifton Park/Halfmoon area. Conversely the same thing happens when Tire Warehouse has a reservation from somebody that is moving out of the area, once that customer comes to pick up the truck obviously that truck leaves not to return. Mr. Berkowitz asked if they would know how many trucks were on that site at one time. Mr. Reilly stated the following: Yes we do. We have a fleet management program because we have to know what each dealership has and their potential rental needs going forward. Mrs. Murphy stated the following: So the Board is aware, it wouldn't be Budget that we would cite and fine if there were more trucks and trucks were parked out of the designated area, it would be the applicant. I am sure the applicant is aware based on their history with the Town that they would infact be cited. Mr. Watts stated the following: You are closed on Sunday, you close at 6:00 pm five days a week and are closed Saturday's at 5:00 pm. If somebody rents a truck from Buffalo and it is 8:00 pm on a Friday, where would these people return the truck because you wouldn't tell the people to come back tomorrow and pay an additional \$150.00? Mr. Reilly stated the following: You are absolutely right. From that

standpoint the truck is typically dropped off at the facility and then at the opening of business hours that is when we would have to make the move of the fleet. We typically would know that the truck is in route from Buffalo and the customer typically has "X" number of days depending on how far they are traveling. For example: From Buffalo the customer would typically have 2 days uses of the vehicle. So if the truck left Buffalo on a Monday, we would know that the truck would be due in on a Wednesday and we could adjust accordingly at that time. We would refer to Tire Warehouse and let them know that a truck would be arriving. If two trucks were arriving, they would know that they would have to remove 2 trucks from the site prior to their arrival. We would know what location the customer would drop the truck off at. Mr. Nadeau asked if the customers tell you when they are coming in? Mr. Reilly stated no, we anticipate the time the truck would be dropped off unless the customer specifically tells the dealership in the Buffalo area that they would only need the truck for 1 day. Mr. Nadeau stated if there are 4 to 5 customers that didn't happen to tell you they were coming, we could possibly have 5 or more trucks there the next day. Mr. Reilly stated the following: Yes that is possible. Again, it's not a blind thing for us if we know that there are 3 trucks coming and we are already at a 6-truck level, we would then know that 3 trucks would need to be removed or we would need to route the customer when they arrive at the Tire Warehouse to the next closest dealer for drop off. Mr. Nadeau asked what happens if Cohoes has an issue and they decide to route it to the Tire Warehouse? Mr. Reilly stated there is communication between the two dealerships where they could reroute to another dealer. Mr. Nadeau asked where are the closest dealerships to the Tire Warehouse. Mr. Reilly stated Cohoes, Latham and Ballston Spa. Mr. Watts asked if this type of arrangement that is proposed for Halfmoon is common with Budget? Mr. Reilly stated we have 2,800 dealers nationwide. I'm not sure what "common" would be but for 2,800 dealers it is common for an independent businessperson to bring on a truck rental entity as a supplemental income into their business. Mr. Watts stated there is limited parking at this site and asked if it is common for that kind of thing to happen in other places that you do this arrangement in. Mr. Reilly stated the following: The population base drives a lot of it. You will see more trucks in Halfmoon than if you were in Massena. In Latham we get a fair amount of traffic in that location more so than we would see in Cohoes. It all has to do with development and new housing in terms of where a growth area would be. Mr. Berkowitz asked Mr. Reilly what region he represents. Mr. Reilly stated the eastern half of New York State. Mr. Berkowitz asked if everything in this area goes through their office. Mr. Reilly stated yes, we have a regional operations department that is located in Ashford, Virginia that handles the east coast, which would be everything east of the Mississippi and north of North Carolina. Mr. Berkowitz asked where the vehicles are serviced. Mr. Reilly stated there would be no maintenance done at this facility as our maintenance provider is in Latham. Mr. Berkowitz asked if a truck needed to be cleaned out of boxes or garbage what happens to that material. Mr. Reilly stated the following: The customer is responsible to return the truck in the same manner that they pick it up at, which is a clean truck. If a customer leaves garbage in the back of the truck, then the dealer would have to clean the truck and put the remains in their dumpster and then the customer will be billed for the labor. Mr. Berkowitz asked what about oil changes or tire changes. Mr. Reilly stated that would be handled at our maintenance designated facility only and the closest one to this site would be in Latham. Mr. Berkowitz asked if any Budget trucks would be inside Tire Warehouses maintenance facility. Mr. Reilly stated Tire Warehouse would not be doing any maintenance on our trucks at their facility. Mr. Watts asked how many trucks they had at their Latham and Cohoes locations. Mr. Reilly stated I have 5 trucks in Cohoes and we average about 20 trucks in Latham. Mr. Higgins asked who was responsible for moving the trucks your personnel or your dealership. Mr. Reilly stated the following: Typically it is

between our dealerships. We have a 25-mile radius that the dealers are responsible to be moving them and if it is outside of that, then Budget is responsible and we contract out with an outside drive service. Mr. Higgins asked if the rental would be done out of Tire Warehouse's front office. Mr. McCall stated correct, it will be out of the same retail office in the front building. Mr. Higgins stated so there will be nothing out of the new building in the back. Mr. McCall stated no. Mr. Nadeau asked if they would be renting car dollies. Mr. McCall stated no. Mr. Nadeau asked if a customer comes in with a car dolly, where would that go? Mr. Reilly stated that would have to be turned in to another facility. Mr. Ouimet stated the following: Can you help us understand your business arrangement a little better? Is there compensation between Budget and Tire Warehouse based on the number of trucks it rents out and the number of trucks it takes in or how does that arrangement work? Mr. Reilly stated the following: Everything is based on the revenue that the dealer generates out of dispatch rentals. Anything coming in is labor to the dealer but often times that is how we replenish the fleet because in the summertime our business is transient in terms of people moving out of the area and obviously other people would be coming back in. Mr. Ouimet asked if there would be any fiscal incentive for a dealer to accept more trucks in then it has parking spaces to accommodate. Mr. Reilly stated there is no incentive other than good customer service being provided to a potential customer. Mr. Ouimet asked other than good will, there is fiscal incentive. Mr. Reilly stated that is correct. Mr. Roberts asked Mr. McCall if he was aware that if this Board approves you for 6 trucks and we find that there are more than 6 trucks, then you would be cited and fined. Mr. McCall stated I do understand but could the Board take into consideration that we are applying for 2 additional spaces for additional growth. Mr. Roberts stated this application before the Board is for 6 trucks right now. Mr. McCall stated correct. Mr. Higgins stated the following: Tonight's approval would be for 6 trucks not 8 trucks. You would have to come back to the Board with a separate application for the future 2 spaces. Mr. Williams stated Mr. McCall has said he would like to start out with 6 trucks but in the future would like to work up to a maximum of 8 trucks. Mr. Watts stated we don't want to approve you for 6 trucks and then have you come back for 2 trucks so the proposal should be for 8 trucks on this application. Mr. Roberts stated if this Board approves you for 8 trucks and we find that there are more than 8 trucks, then you would be cited and fined. Mr. Higgins stated also you cannot have any trailers or car dollies, nothing other than trucks. Mr. McCall stated the following: We would refuse to accept trailers and car dollies at that location. I feel the Budget trucks are a need for the Town of Halfmoon as any resident that needs to rent a truck right now they have to travel to Latham or Clifton Park. Mr. Watts asked the applicant if they are proposing a 5 SF sign to be located on the north side of the building and the sign would not be illuminated. Mr. McCall stated the sign would be 6 SF. It is going to be the exact size on the north side of the building facing Route 9.

Mr. Berkowitz made a motion to approve the change of tenant applicant for Tire Warehouse contingent upon a maximum of 8 rental trucks will be stored at any one time and are located in the designated parking area according to the site plan and there may not be any trailers or car dollies stored on the site. Mr. Roberts seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for the Budget Rentals. Mr. Berkowitz seconded. Motion carried.

08.029 NB Wal-Mart, 1549 Route 9 – Change of Tenant/Use (Outdoor Sales)

Mr. Greg Piszczek stated the following: I am representing Wal-Mart stores and this is for outdoor sales for our lawn and garden center. This is an identical proposal as we did last year and there would be nothing different for the usage. Mr. Watts stated the following: We ask Wal-Mart as part of their original site plan approval to come in every year before they open their outside display. They have applied for their outdoor sales in plenty of time. This application would be valid from this date through Labor Day 2008. Mr. Piszczek stated we would probably get out of it before Labor Day weekend. Mr. Watts stated we did this as part of our approval process because in the past we did have some difficulties with that site with general maintenance, etc. I received a report from the Code Enforcement/Building Department that there are no violations at the site. Everything is fine and we have had no issues at all with Wal-Mart over the past year.

Mr. Nadeau made a motion to approve the change of tenant (outdoor sales) application for Wal-Mart contingent upon the outdoor sales area will end on Labor Day, September 1, 2008. Mr. Berkowitz seconded. Motion carried.

08.030 NB Bella Moda Hair & Nail Salon, 1570B Route 9 (Soccer Unlimited Plaza) – Change of Tenant & Sign

Mr. Bruno Cunsolo, the applicant, stated the following: I am here tonight to ask the Planning Board if I can receive a change of tenancy and change of a sign. There is an existing salon that I am purchasing and I plan on keeping the operation as it is and would not be making any changes other than the name. Mr. Robert stated the sign application says they would just be replacing what was already there. Mr. Watts asked if they would have 3 full-time and 4 part-time employees and they would be opened 7 days a week from 9:00 am to 9:00 pm? Mr. Cunsolo stated if I can, that is what I would like to do. Mr. Watts asked what businesses were in the plaza now. Mr. Cunsolo stated there are Soccer Unlimited and a bike shop. Mr. Watts asked Mr. Williams if there had ever been any parking issues at that plaza? Mr. Williams stated no. Mr. Watts asked if there would be adequate parking for the salon? Mrs. Zepko stated yes. Mr. Watts asked the applicant to please use Halfmoon in any of their advertising. Mr. Cunsolo stated not a problem.

Mr. Roberts made a motion to approve the change of tenant and sign application for Bella Moda Hair & Nail Salon. Mr. Nadeau seconded. Motion carried.

08.031 NB Enterprise Car Sales, 1637 Route 9 – Addition to Site Plan

Mr. Mark McMahon stated the following: I work for Enterprise and we have the car rental agency on Route 9 in Halfmoon. We are proposing to build an additional 19 FT x 29 FT to the rear of the existing Enterprise Car Rental building. The proposed 551 SF addition would house 2 offices for current employees and would also make for a waiting area for our retail customers who come in to look at a vehicle. We would have some displays on the inside and we would also have a room for the customer's kids to be entertained while they look at a vehicle. The proposed addition would not take up any greenspace and there is an existing concrete curb. In the inside where the addition would be is currently covered in no. 2 round stone which is basically used for landscape but no greenspace would be disappearing. Mr. Higgins asked regarding the displays inside and asked if there would be a car displayed in the inside of the new addition. Mr. McMahon stated the following: No, there would be three offices, two of the offices would be 8 FT X 10 FT and the other would be 8 FT X 9 FT. In the middle room we

were going to put some interior automotive displays for people. I was told that one would be for additional radios they could purchase, car starters and alarms. When they purchase one of the former rental vehicles from us, they would come with factory options such as items to customize the vehicle to make it their own. No car parts or vehicles would be allowed inside the building. It would strictly be used for accessories. Mr. Higgins asked if those accessories would be installed on this site. Mr. McMahon stated no, there is a vendor down the road from us which I believe is called Precision Audio and we do a lot of business with them and they are going to provide us with a display to advertise their radios and car starters. There is another vendor from Albany that would put an auto product display together that would advertise sunroofs if the customer would like one installed. The customer would pick out the accessory on the site and then the vehicle would be moved off-site for that work. Mr. Berkowitz asked if Enterprise was a used car lot now or a car rental business. Mr. McMahon stated the following: The facility would be about 50/50. The rental operation parks on one side and the car sales business park on the other side of the parking lot and we try to keep the parking as even as possible. Mr. Berkowitz asked what percentage of the business are sales. Mr. McMahon stated the following: I am the operations supervisor for Enterprise and I am not sure dollar wise what it would be as far as revenue. At this point I would say the majority of the business is on the rental side. Mr. Berkowitz asked what percent of the entire business is sales verses rental. Mr. McMahon stated if you were to look at the site, we divided it right down the middle. Mr. Berkowitz stated the following: That doesn't answer my question. Originally Enterprise was a rental agency and now you have morphed into more of a used car sales lot. Mr. McMahon stated we have added the sales and within Enterprise as a company there are certain areas where we buy a lot of vehicles because we only rent current model year or a year old vehicles and some of the best cars we do chose to sell because we dispose of all our vehicles ourselves. Mr. Berkowitz asked if they were the only Enterprise used car sales in this area. Mr. McMahon stated the following: This is the only one we have in upstate New York with the closest one being proposed in Poughkeepsie. As far as revenue for Enterprise Rent-A-Car, this is minor compared to the rental business. Also, the addition that we are proposing we are not looking to add any employees. When the original car sale addition was put on back in 2001, the employees were put in 8 FT x 9 FT cubes. We have 2 offices on the site for a manager and finance person. What we are looking to do is to give these people more room inside the building and to add 2 more private offices for when they are dealing with customers and financing. Mr. Berkowitz stated the following: In 2001 it seemed like the sales were going to be incidental to the rentals and now it looks like the sales are overtaking the rentals. I have been at this site before and they did not have any rentals and I had to drive down to Albany Airport to get a rental. Mr. McMahon stated we work on a very efficient occupancy. If there are a lot of cars on the ground our people in the rental side are not doing their job. We want to have as many of the cars on the road as possible. On this site you will find on a Monday morning or a Friday afternoon there are a ton of rental vehicles here compared to that side but we have a lot of corporate and body shop customers who come in on a Monday or Tuesday and they are generally gone for the week. So if you do go in mid-week, there are a few rental cars here because all the rental cars are out for the week. Mr. Watts asked Mr. Berkowitz if there were any cars on the site when he went to rent a vehicle. Mr. Berkowitz stated there were no parking spots anywhere and there were no cars to rent. Mr. McMahon stated a lot of times what will happen is Enterprise will have a contract for the State of New York and the local people come in and leave their vehicle and take the rental vehicle. Mr. Berkowitz stated so you are saying that you don't have enough customer parking at the site. Mr. McMahon stated what we have is sufficient and you may have come in on a day where the parking lot was full but

there were no vehicles available for rental. Mr. Berkowitz stated the following: When I came to your site, there was no place to park and there were no vehicles for rent and I had to park on the grass. This is why I am saying your sales are overtaking your rentals right now where before the rentals were over the sales. Mr. McMahon stated with any car dealership there are going to be times of the year where the inventory does fluctuate. We try to have it where the rental is the major operator at that site. Mr. Watts stated the following: I seem to remember back when one of your original approvals was given and you were not here, it was represented to us that the cars that would be sold at that site were only coming from that site. It was a method of disposing of cars that were rented at that site. Now this doesn't seem to be the case and asked Mr. McMahon if this was correct. Mr. McMahon stated the following: I don't know when that was presented or how that would be possible. I have been with Enterprise Rent-A-Car for 10 years and one family owns Enterprise Rent-A-Car and it is not a franchise. We're broken up into separate operating groups based on tax laws and liability. We are part of the upstate New York region and we support offices from Poughkeepsie to Plattsburgh and the state of Vermont. When an office doesn't have vehicles and a neighboring one does, we just move the inventory from one place to another. I don't know why it would have been represented that it would be specifically to dispose of vehicles that originate from that site. Mr. Watts stated during the discussion for the proposed car sales it was discussed as "sales of rental vehicles so long as they are vehicles originally purchased by the on-site business. Sales of rental vehicles which were rented and maintained in another location shall be prohibited as stated as a permitted uses in this C-1 Commercial zoning according to our zoning laws". Mr. Higgins stated I seem to remember that the Route 146 location was specifically questioned and we were told that there wouldn't be any vehicles coming from that location to the Route 9 location to be sold. Mr. McMahon stated the following: There would be nothing from Route 146. Enterprise has a very large fleet of cars on the road and the vehicles that are sold on this lot are a fraction of what the company has in inventory. The best of the best vehicles are selected to be sold here and everything else is sold wholesale. We use to keep some wholesale vehicles on Route 146 in Clifton Park and that has been moved to our facility at the Albany Airport. At one time our headquarters was located on Plank Road and has been moved up to Twenty-first Century Park, which is a wholesale operation that only sell to wholesale and franchise dealers. That might have been the question at the time that this would not be taking vehicles from overflow from the Route 146 lot, which is no longer in existence. Mr. Watts stated sometimes people answer questions to get approvals. Mr. Higgins asked if they were only specifically using the designated parking spots and asked if the vehicle on display that is elevated was located in one of the parking spots or is that off on the side as part of the driveway rather than a parking spot. Mr. McMahon stated the following: I believe it may be right now and I don't know if it was moved from one of the spots because we are going to have some work done on our sign and we also had some lighting done. I don't know if the display was moved for that purpose and then not able to be put back because of the snow. If it is not where it is supposed to be, than it can easily be moved back. If the Board has any concern, we are not looking to increase our size of existing operation. We are looking to take people that are currently in cramped cubes and give them more privacy. We are not looking to add any more employees to the site; we are not looking to take away from any existing parking. Mrs. Murphy stated the following: For clarity purposes, you are not asking for an amendment to the site plan with regards to the parking. Do you understand that you are restricted to utilize the parking as is designated on your site plan? Mr. McMahon stated that is correct. Mrs. Murphy stated and you are not asking for an amendment to the approval that you already received which says that you won't take cars from other sites, correct? Mr. McMahon stated correct.

Mrs. Murphy stated all you are asking for is permission for that building addition? Mr. McMahon stated we are asking for permission to construct a 19 x 29 SF addition. Mrs. Murphy stated do you understand that if you are doing anything in violation of the previously approved site plan you could be cited for that? Mr. McMahon stated correct. Mr. Watts asked have you ever stored cars on your lot from any other dealers on Route 9 for their overflow. Mr. McMahon stated no. Mr. Watts asked and you won't do that at any time. Mr. McMahon stated no. Mr. Watts stated I heard that on the street. Mr. McMahon stated the following: I also heard that myself because I am responsible for when the lawns get mowed and the snow is plowed. I was asked this questions by one of the contractors that do work for us but DMV rules are that the only cars that we want on this site have to be in our book of registry. Mr. Watts stated I wasn't aware that it did happened, but I did hear it. Mr. Nadeau asked Mr. Williams if there had been issues or complaints for this site. Mr. Williams stated none that I can recall. Mr. Watts stated we did have some neighbor issues with the fence and this was taken care of.

Mr. Roberts made a motion to approve the addition to site plan application for Enterprise Car Sales. Mr. Nadeau seconded. Motion carried.

08.032 NB Sandy Treadwell for Congress, 1707 Route 9 (Shoppes of Halfmoon – Change of Tenant & Sign

Mr. Bruce Tanski, owner of the Shoppes of Halfmoon, stated the following: The sign would be the same as all the signs currently at the Shoppes of Halfmoon, which are 2 FT x 8 FT. This would be the corporate office for Mr. Sandy Treadwell and hopefully if he is re-elected he will stay there for the next 4 to 5 years. If not, it would be for about a year and a half tenancy to the plaza. Mr. Treadwell plans on having a couple of employees during the day and after 6:00 pm there would be quite a few more employees. At 6:00 pm, the Barber Shop and bookstore would be closed so they will have more than adequate parking. Mr. Watts asked if there would be a large amount of phone banks there and 30 people where we would have parking issues? Mr. Tanski stated it is my understanding that they plan on having maybe 6 or 7 people. But there would be people coming in to pick up material and then leave. Mr. Watts stated part of our approval is to have no parking issues. Mr. Tanski stated correct. Mr. Higgins asked if there would be signs up and down Route 9? Mr. Tanski stated the following: The only sign that I am aware of is the one that we are proposing for the building. Anything else I would assume that they would have to come back to the Town. I know I am being pretty specific with the tenants at the plaza and I don't want a lot of signs in the windows and I don't want any signs around the plaza or any like that. Mr. Watts stated to Mr. Higgins: If you are talking about political campaign signs, this is a totally separate issue. Mr. Higgins stated I was thinking more of the sandwich board signs. Mr. Watts stated the following: If they are out there, our Code Enforcement people take them down and they do this all over Town. Mr. Tanski has been more than compliant with that. Mr. Tanski stated I would not allow that to happen.

Mr. Nadeau made a motion to approve the change of tenant and sign application for Sandy Treadwell for Congress. Mr. Ruchlicki seconded. Motion carried.

08.033 NB Crosswords Book Store, 1707 Route 9 (Shoppes of Halfmoon) – Change of Tenant

Mr. Bruce Tanski, owner of the Shoppes of Halfmoon, stated the following: I don't have a sign proposed for this tenant but it will be before the Board for the next meeting. This proposal is for a Christian bookstore. They would have 1 full-time employee and 1 part-time employee. The bookstore would be closed every night about 6:00 pm. The only night that they would be opened later is Thursday night, closed on Sunday and open a half a day on Saturday.

Mr. Roberts made a motion to approve the change of tenant application for Crosswords Book Store. Mr. Berkowitz seconded. Motion carried.

08.035 NB Capitaland Home Improvement, 1712 Route 9 – Change of Tenant & Sign

Mr. Ed Zumbach stated the following: We would like to open up a home improvement showroom. We would not change anything structurally in the building. We did some painting, installed some carpeting, hardwood flooring and put some tiles down. We are proposing the exact same size sign as the former Abella Tile sign. Mr. Watts asked Mr. Williams if there would be adequate parking. Mr. Williams stated yes. Mr. Higgins stated due to the proximity to Route 9 this site has always been a little bit of a problem. Sometimes this site gets busy and in the past they have had some outside displays of their material. We should be cautious because some cars were backing out onto Route 9 rather than turning around and going out at the curb cut and asked if they were going to have any outside displays. Mr. Zumbach stated no, there would be no outside displays. Mr. Roberts asked how the sign would be lit. Mr. Zumbach stated currently the sign is not lit. Mr. Watts asked the applicant to please use Halfmoon in all their advertising. Mr. Zumbach stated no problem.

Mr. Robert made a motion to approve the change of tenant and sign application for Capitaland Home Improvements contingent upon no outside displays and the light for the sign does not shine into Route 9. Mr. Higgins seconded. Motion carried.

08.036 NB World Wide Gas Turbine Products, Inc., 1595 Route 9 - Sign

Mr. Watt stated the applicant wishes to replace the existing panel on the pylon sign with a new panel to display the company logo and name. Mr. Stephen Campana, the owner, stated yes, I have submitted an application for this sign change. Mr. Roberts asked if the sign would have external lighting. Mr. Campana stated yes.

Mr. Roberts made a motion to approve the sign application for World Wide Gas Turbine Products, Inc. contingent upon the light for the sign does not shine into Route 9. Mr. Berkowitz seconded. Motion carried.

Old Business:**06.201 OB Lussier's Auto Body & Repair, 1385 Vischer Ferry Road – Commercial Site Plan**

Mr. Watts stated at the December 10, 2007 meeting the applicant was asked to supply the Board with architectural renderings of the building and asked if they had this information. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated yes, that is correct. Mr. Rabideau provided the Board with the architectural renderings. Mr. Watts stated could you tell us the use of this 2-story building. Mr. Rabideau stated the following: It is my understanding that the

initial site plan had the building as a 1-story building and now they are changing it to a 2-story building. The second story would be used strictly for storage. Mr. VanGuilder's letter states that the storage would be limited to non-volatile compounds and the storage on the second story would be for the use of the 2 tenants on the first story. Because the second story would only be for storage, only 1 more parking space would be needed and set-up to have that extra space land banked. An advantage to the 2-story would be to act as screening for the automotive portion of the site. Mr. Lussier is in the process of acquiring the lands from the County and the County has agreed to sell it to him. They are now in the process of getting the sign-offs from the State that the County has requested so that the transfer could take place. Mr. Watts stated if and when that land is acquired, would the use of that building change? Mr. Rabideau stated that is correct because with the acquiring of this land then Mr. Lussier would have enough area to increase the parking that would be required for the building. Mr. Watts stated we asked for the rendering and it looks good. It would make that site look much better and it would get rid of the parking dilemmas along Crescent-Vischer Ferry Road, which has been some concern to the applicant and to the Town. When I saw the 2-story building, I wasn't sure what was going to be stored up there if there are used car sales and a transmission business and asked if there would be an elevator to the second story. Mr. Rabideau stated the following: I don't know but my understanding is that it would not be storage of big items such as that. It would be more in line of items that could be carried to the second story. Whatever the tenant is going to be I would assume it is going to have something to do with the automotive end of it. Mr. Roberts stated I want to make sure that the applicant knows that the upstairs has to be commercial and there cannot be any apartments on the second story. Mr. Rabideau stated that is correct, that is the intended use. Mrs. Murphy stated the applicant should be aware that they have to come back to the Planning Board should they acquire the land to do a subdivision including the new parcel into the old parcel and get approval for parking, etc. Mr. Rabideau stated yes, a land annexation and a new site plan. Mrs. Murphy stated right. Mr. Nadeau asked when the applicant anticipated this to be done. Mr. Rabideau stated I would assume as soon as they can get going with it because I know this has been a sore subject with the Town for a long time. Mr. Watts asked if they had any time frame for this and we would hope that it would be this construction season. Mr. Rabideau stated I honestly don't know the answer. Mr. Watts stated at this point the Board asked the applicant to come forward for site plan approval and asked Mr. Williams if this is what the Board would be approving tonight? Mr. Williams stated yes.

Mr. Roberts made a motion to approve the commercial site plan application for Lussier's Auto Body & Repair contingent upon the second story of the proposed building will be used for storage of the two first story tenants and that the site plan is in compliance with CHA's review letter dated October 17, 2007. Mr. Higgins seconded. Motion carried.

07.085 OB Specialized Audio-Visual Inc., 14 Solar Drive – Addition to Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I have been informed that this application has been through review a couple of times and that the latest questions that were received from CHA's comment letter dated January 22, 2008. Mr. Scott Lansing, of Lansing Engineering, has answered all the questions and CHA feels that the applicant has answered all the questions of that January 22, 2008 letter. Mr. Watts stated this is an 11,000 SF addition to the 10,000 SF building and asked if there would be adequate parking. Mr. Rabideau stated yes. Mr. Watts stated we had questions before about trucks

pulling onto the site to stage and to reverse into the loading docks and asked Mr. Bianchino if this had been resolved. Mr. Bianchino stated yes. Mr. Higgins stated I had a question previously about trucks parking on the site and extended parking and we have been told that the trucks are just going to be on-site strictly for loading and unloading and no trucks would be parking on-site. Mr. Rabideau stated yes, this is what I was told. Mr. Higgins stated since the applicant told us that his operation would not allow for truck parking on-site, I think this should be a condition of the approval.

Mr. Higgins made a motion to approve the addition to site plan application for Specialized Audio-Visual Inc. contingent upon no trucks will be parked on the site. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the March 24, 2008 Planning Board Meeting at 8:33 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary