

Town of Halfmoon Planning Board

September 10, 2007 Minutes

Those present at the September 10, 2007 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 Members: Bob Beck
Jerry Leonard

Senior Planner: Jeff Williams

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the September 10, 2007 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the August 27, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the August 27, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Watts abstained due to his absence from the August 27, 2007 Planning Board Meeting.

07.086 NB Northside Drive Access Point, 5 Northside Drive – Commercial Site Plan

Mr. Joe Dannibal, of Environmental Design Partnership, stated the following: I am here representing Abele Builders in their application for a curb cut limited access and a multi-tenant identification sign on Route 9. Mr. Ed Abele, of Abele Builders, and Mr. Mark Nadolny, of Creighton-Manning Engineering, are also present for tonight's meeting. Chili's Restaurant exists on this 5.1-acre site that is adjacent to the Comfort Suites Hotel and the Fire Road Plaza. The Town of Clifton Park has approved a total of 6,800 SF of retail use including the front building, which will have a Starbuck's and a small commercial retail space in the rear of the 1st building. There is also a separate bank building included with this site plan. An approval for this project was granted by The Town of Clifton Park Planning Board and their meeting minutes of August 14, 2007 have been forwarded to the Town of Halfmoon Planning Board. Pertaining the curb cut on Route 9 – the NYSDOT has looked at this and they have prepared comments. The proposal is for a right-in/right-out access from Route 9. This entrance is located in the same location where the emergency access road currently exists. This curb cut would be located

directly opposite the future entrance that has been approved with the Shoppes of Halfmoon development across the street at the old Star Plaza site. This proposal is also for a free-standing sign located at the Route 9 access point. The free-standing sign would have 3 tenant panels placed on the sign. We are before this Board for comments and if appropriate, we would like to move this proposal along so the applicant can start building the project. Mr. Nadeau asked if this was strictly an emergency access. Mr. Higgins stated the following: In the late 90's, the Town of Clifton Park came to the Town of Halfmoon for an informational meeting regarding the motel, as it was part of the approval process in Clifton Park. At that time it was portrayed to this Board that this was going to be an emergency access only with a locked gate and the main access to that entire area was going to be off of the intersection of Fire Road. Mr. Dannibal stated that is true, but with the continuing development of this land it has now become appropriate to provide direct access from Route 9 from a traffic standpoint. Mr. Roberts stated I have concerns about the impact on the traffic that this proposed access would have on Route 9 because this is a busy area right now. Mr. Abele stated the following: Originally it was always contemplated to go out into Route 9. However, the developments that came through were wholly within the Town of Clifton Park and knowing that the NYSDOT would have some involvement at the time these developments were approved there wasn't a lot of interest in pursuing the connection onto Route 9. But this was envisioned as a straight through road. Mr. Berkowitz asked if they were saying it was always their intention to have a road through that area. Mr. Abele stated yes. Mr. Berkowitz asked why this wasn't mentioned during the meeting discussing this proposed hotel in 1999. Mr. Abele stated I don't know if I was at that meeting. Mr. Berkowitz asked who was the representative at that meeting. Mr. Abele stated I am not sure what meeting you are referring to. Mr. Berkowitz stated the original meeting for the emergency access road. Mr. Abele stated I don't recall. Mr. Nadolny stated the following: We did the original traffic study for the hotel and that study was done as a 2-phase project. The first phase was the hotel and the other 2 parcel's uses were unknown. At that time a study was performed for a restaurant and office building in that area. I believe that the study had indicated that there would be an emergency access only drive to Route 9 for the hotel and that with the approval of the other 2 parcels this emergency access would have the potential of providing limited access. I believe the report stated a right-in/right-out and left-in as well. That left-in has been removed from this proposal and they are now requesting just the right-in/right-out. I believe the original study did go into the access onto Route 9 for the subsequent development of these 2 parcels. Mr. Higgins asked if that study was submitted to this Board. Mr. Nadolny stated I don't know if that study was submitted to this Board. Mr. Abele stated the following: My recollection is that this study was submitted to Clifton Park and I'm not certain of Halfmoon's involvement. I know that from an emergency point of view the circulation as well as a lot of other benefits is happening with this. At the time when this was originally phased with the hotel and then with Chili's it was our intent to go out onto Route 9. We have been trying for 3 to 4 years to get a tenant on this site, which would be somewhat of a doorstep site to the communities of Halfmoon and Clifton Park. So we were very pleased to secure Starbucks and we wanted to do our part in building what we think is a first class building. We think the site works better with the right turn in and the right-turn out and this took time to run this by the NYSDOT. When we did get our final approval from the Town of Clifton Park, they were clear that it would be limited to a right turn in and a right turn out but the door would not be closed for anything further in the future but it would be incumbent on us as applicants if we were to want anything beyond a right-turn in and a right-turn out. We were contemplating the sign application at this meeting but we missed the application deadline and I would like to make a correction that it would be 5 tenant panels on the sign and not 3 panels.

Mr. Ouimet stated the following: I would like to go on record as joining with Mr. Roberts in his concerns about the traffic. It seems to me that a lot of the hotel guests coming into the hotel would end up using that Route 9 entrance and exit. Either entering from the north coming south on Route 9 and certainly going out south on Route 9 leaving from the hotel. I don't know how the traffic study took it into consideration any of that because we are talking about some fairly high volume retail businesses that they are proposing for this site and I think the traffic is going to be very difficult. If the traffic were to go out onto Fire Road, at least there would be 2 controlled intersections; one onto Route 9 and the other onto Route 146. I feel it would be a lot safer to exit onto Fire Road. Mr. Nadeau asked if the traffic study took into consideration the Shoppes of Halfmoon. Mr. Nadolny stated the following: Yes, the traffic study took into account 12 other developments that are currently known in the Town of Halfmoon and the Shoppes of Halfmoon was one of them. We also contacted the Town of Clifton Park and they had some fairly minor office developments that were in that area that we included in the study for background growth percentage. Mr. Nadeau asked what did the report state about the amount of traffic that would be added from this. Mr. Nadolny stated the following: As you know, a development of this size or of this type land use with a bank and a coffee shop would have a higher percentage of pass by trips. The number of new trips generated by this would be 47 in the morning and 102 in the afternoon. This would be split proportionately onto each side of Northside Drive. Mr. Watts asked how many people would use Northside Drive to avoid the traffic light at Routes 9 and 146. Mr. Nadolny stated as you know, currently a lot of people are already using Fire Road to avoid that signal at Routes 9 and 146. I think the people that are doing that are already avoiding that signal because they have got that alternate route around the rear past the firehouse directly across from the entrance of Exit 9 and the southbound ramps. Mr. Berkowitz stated that is a quicker route where you don't have to go around the curve. Mr. Nadolny stated the following: Yes, that is correct however you may have to go through an additional signal up at the top because you can go down Old Route 9 to Fire Road and avoid all the signals here and go right to that signal. There could be some diversion but I don't think it is going to be on the level of all the traffic that is currently going around. In addition a right-in/right-out has very few conflict points. The only conflict for a right-in is slowing to come in so you don't have anyone making that left crossing traffic. The amount of conflicting traffic is fairly low at a right-in/right-out access. Mr. Berkowitz asked if people coming out of the Shoppes of Halfmoon could drive directly across Route 9 to access Northside Drive. Mr. Nadolny stated I believe a center island would be designed in order to try to deter people from doing that. I'm guessing it could be designed by placing a flare on the island. Mr. Berkowitz stated there are a couple of right-ins/right-outs in the area right now where they do not work. Mr. Watts stated the following: One of the issues that I see with this right-in/right-out, although they conceptually sound good, is the public ignores them. I saw an accident in front of Realty USA where somebody tried to make a left hand turn and got hit. At the Cumberland Farms on Grooms Road and Route 9 we regularly have to remind the landlord at this site to put the sign back up that states "no left turn". The Route 9 and Route 146 intersection has heavier traffic. To merely say that a right-in/right-out is going to stop that behavior, when you will get people who tend to take a shortcut that is an issue that needs further exploration. Mr. Nadolny stated the following: I would never say that no one would ever do that because I have done that myself. But what you have to also take into consideration is that this site has multiple access points. If this was a hotel that had only one access to Route 9 and there was no way to go north other than making the illegal left, then a large proportion may do that. However, the location of this development does have access to Fire Road and then eventually up to the signal at Route 9. Therefore, there is an option for

them to make a safer left turn using the signal so they are not totally restricted to rights-in or rights-out at this location. Sometimes a right-in/right-out doesn't work when you only give someone one option. If they want to go north, then they are going to go north no matter what. If they want to go north from this site there are options to go north. This is why we feel that the right-in/right-out will not attract a heavy amount of people making that illegal left turn. Mr. Berkowitz stated the trouble with that is that most people who are staying at that hotel are not familiar with any of those other entrances and exits. Mr. Dannibal stated it is my understanding that there is going to be some internal directional signage along the access road for safety purposes. Mr. Nadeau asked what percentage of vehicles would use the main entrance from Fire Road verses this rear access. Mr. Nadoldy stated per hour there would be a total of 70 vehicles in the morning using Fire Road verses 20 vehicles using Route 9 and this would be similar for the PM hour. Mr. Watts asked what hour of the morning. Mr. Nadolny stated I believe it was 7:45 AM to 8:45 AM. Mr. Nadolny stated the following: when we take this into account, we will count for 2 hours and within the 2 hours we will find out the peak hour. I can look to see when that exact 1 hour was but this would be for 1 hour of the peak time. Mr. Watts stated a major part of Starbucks business is in the morning with people coming in to get a cup of coffee on their way to work. Mr. Nadolny stated the following: Yes, the trip generation that we did for this site we used the Institute of Transportation Engineers (ITE) standard but for the Starbucks, understanding that they are pretty specific in the way that they generate traffic, the ITE standards don't have a Starbucks or coffee shop exclusively. So we actually counted a specific Starbucks located in Queensbury and got a rate of square footage per number of vehicles for a specific Starbucks and that is what we applied to this development. Mr. Roberts stated the hotel checkout times are about 11:00 AM and we should do a study on that. Mr. Nadolny stated there was a study done for the hotel originally. Mr. Roberts asked if they did the study using the Route 9 access. Mr. Nadolny stated what we did for our peak was we redistributed traffic that is currently going to the hotel, understanding that there is going to be this through connection that they could use, so we did redistribute some traffic that is already on Northside Drive and did put it on Route 9 from the hotel. We did that during our peak as obviously the hotel is not specifically during the peak of a bank or a coffee shop. What was out there during our peak was redistributed to that access. Mr. Berkowitz asked if they thought about what the other site is going to be and if it would be food related, as it probably would be because it would be right next door to Starbucks. Mr. Abele stated the following: No, in the same building it is planned to be retail, although it could be food, but I think it is unlikely. There are some limitations as to putting a competing food vendor behind Starbucks but it could be in theory a sub shop, it could be a small retailer, a jeweler or something like that. The other site, which we don't have leased, is proposed to be a bank. Mr. Ouimet asked did the Starbucks that CME looked at in Queensbury have a drive-thru. Mr. Nadolny stated yes it did. Mr. Ouimet asked in what hours did you look at it. Mr. Nadolny stated I don't know but I can check. I believe it was done during the peak hours during the morning and afternoon from 7:00-9:00 AM and 4:00-6:00 PM. That is the time when we would have counted it and I don't think we did it for the entire day. Mr. Berkowitz asked what the population is in Queensbury. Mr. Nadolny stated I don't know. Mr. Berkowitz asked if Mr. Nadolny knew the ratio of population here where it is close to 80,000 to 100,000 verses Queensbury. Mr. Nadolny stated it would depend on the size of the building. Mr. Berkowitz stated a Starbucks in New York City is going to generate more than a Starbucks here, a Starbucks here is going to generate more than a Starbucks in Queensbury and a Starbucks in Queensbury is going to generate more than a Starbucks in Plattsburgh. Mr. Nadoldy stated the following: That's true. All we can really do is take the rate of the one that we did count. Mr. Higgins stated the following: The 3,200 SF

Starbucks in Queensbury use to be an old tire store and that is one of the reasons why it is bigger. Whether it generates twice as much business which I tend to doubt it at that location, I think by de-rating it and figuring that this Starbucks is 1,800 SF I think you totally underestimated the amount of traffic that a Starbucks can generate. Has the Town of Clifton Park already approved this project? Mr. Dannibal stated the Town of Clifton Park has approved the site plan within their town rights and they have agreed to a right-in/right-out at this location. Mr. Berkowitz asked if the project was contingent on that right-in/right-out. Mr. Dannibal stated I do not believe so. Mr. Abele stated the following: I am not aware of that. I know obviously it is not their town so they recognized and were supportive of a right-in/right-out early in the process. We had to do the proper legwork to get the proper signoff on that. Very early on we didn't want to make any assumptions and we started the process with the NYSDOT. Of course, when you apply to the NYSDOT you just don't ask, you ask with a traffic report and we would like to think that we dotted our "I's" and crossed our "T's" when we submitted it. We were pleased and relieved that the NYSDOT thought it made sense as well. I am not a traffic engineer, but there is a traffic light at Fire Road where it crosses Route 9 and I would think that with stopping at that traffic light, it would probably be safe to pull out at times as opposed to not having any controlled intersection. Mr. Nadolny stated the following: Yes, Mr. Abele is right. Obviously the signal will meter vehicles as they come up and pass Northside Drive on Route 9. But with the fact that it is a right-in/right-out only, the gaps are only needed for the southbound traffic. Like I said, there are very few conflicting points with the right-in/right-out. Mr. Berkowitz asked if this would have any impacts on the businesses south of that area. Mr. Abele stated the following: There was some dialogue about making this not only a right-in/right-out but perhaps a full controlled access. This would involve perhaps cooperating with Valvoline in shutting off their access. Right now Valvoline has a full access and if you think about it they are closer to the intersection then we are and their access is unlimited. That really has not developed into more than just an initial dialogue. At some point there was some contemplation that if we blocked off their access that perhaps they would come in and utilize our road but that is something that we never really got any formal permission for. To a certain degree it might make sense to leave that door open if there was some benefit. But I can't speak for Valvoline's interest in that matter. Mr. Watts stated that from the aerial photo there seems to be a fairly significant piece of land north of that access road which is not developed. Mr. Abele stated right. Mr. Watts asked if they knew what the development plans are for that land and who owns that land. Mr. Abele stated the following: This is land that we own and it was acquired many years ago. My father had always thought it would make sense to have Route 9 access and Fire Road access. There is land there and you may be able to do something very small but it would certainly be very modest. Mr. Watts stated the following: I see there is a fairly significant amount of acreage there. There is an office building near Route 9 then behind that is where Captain's is and there is land above there. I am curious because this hasn't been mentioned in the application. When I see vacant tracks of land, one wonders what the possible impact would be if this were a through road where these land areas could be developed and that could increase traffic as well. I think that has to be put into the mix. We can't just look at a particular piece of property and say okay. Because if we put in an "X", there also looks like there is room for a "Y" and a "Z", which might have some significant impacts on the traffic or perhaps other methods of egress. I don't know but there is a fairly significant piece of land there. Mr. Abele stated the following: The land that we own is very small but the adjacent parcel is relatively large and I am not certain of their plans. We knew the Town would be interested in knowing what was going on across the street and how that dovetailed into our development. I know CME was aware of the alignment of what Mr. Bruce Tanski is doing

across the street and that was also looked at in terms of engineering and we knew that would be a concern. Mr. Watts asked if this was going to be a Town road or a privately owned road. Mr. Abele stated a private road. Mr. Watts asked if the road was built to Town standards. Mr. Abele stated the following: Not that I am aware of. I don't think it is in terms of right-of-way width but I am not positive on that. The review engineer for the Town of Clifton Park is Clough-Harbour (CHA) and we told them to try and keep the dialogue open early on in the process and I hope that was done. Any concerns that you have we will analyze them. Mr. Watts stated at this point I don't really feel comfortable referring this to CHA at this time for the engineering review because we have raised a significant number of reasonable questions relative to possible issues. I would prefer that the applicant revisit this. Mr. Polak asked if they heard back from the County on this project. Mr. Watts stated no. Mr. Abele stated the County Planning Board approved this project for the Town of Clifton Park component of it. Mr. Ruchlicki asked if it were possible to get some more information on the traffic study with the 11:00 AM checkout hour relative to the hotel. Mr. Abele stated I think that is reasonable. Mr. Watts stated the following: We would also like more information on the possible development of these other properties. Our concerns are that this is a busy intersection now and it will make it a busier intersection and we want to make sure that we don't have any health and safety issues with this proposed right-in/right-out. Mr. Abele stated as applicants we know that this request is more complicated. Mr. Nadeau asked where is the stacking going to go with all these businesses if we have issues at different intersections because at different times when there are problems on the Northway everybody ends up on Route 9. Mr. Nadolny stated every intersection will have stacking if there is a problem on Route 9 and I guess it would just work itself out the way every other intersection in the area would. Mr. Ruchlicki stated the following: I think what Mr. Nadeau is referring to is at peak hours between Route 9 and Route 146 when there is a condition that develops because of the way the sequence is at the traffic lights in the intersection at Fire Road and that traffic signal. When people are coming west on Route 146 they end up getting stuck at Fire Road, they then extend across Route 9 to the east side of Route 9 and Route 146 and if you want to make a left hand turn on Route 9 you can't because the cars get held up, they get in the intersection and the light changes and now everybody is sitting there. Now when you have another influx of traffic with that shortcut going across, it is going to dump more people off on the intersection at Fire Road and how is that going to affect the sequence in the traffic lights with the stacking at Route 9 and Route 146 and traffic coming off the Northway because this is a pretty big problem. Mr. Nadolny stated I do have an improvement recommendation at Route 146 and Fire Road. There currently is a separate left and right hand turn lane coming to Route 146 and the left turn hand lane is fairly low volume where it only has about 25 vehicles while the right hand turn lane is extremely high because people are using Fire Road as a bypass. The improvement there is going to be the reconstruction of the left hand turn lane to allow 2 rights to go out onto Route 146. Allowing those 2 rights to come off of Route 146 will increase the capacity at this intersection and help with the capacity constraints. So there is an improvement recommended at that intersection and the NYSDOT has looked at that and they have agreed that that will improve that intersection. Mr. Watts asked who is paying for that. Mr. Abele stated I believe essentially that is just re-striping. Mr. Nadolny stated the following: I believe they have to change a sign on the overhead that says that is a left only and then re-stripe and allow dual rights off of Fire Road. Mr. Watts stated the following: The reason why I asked this question was because I am involved in the CDTC and there is not a lot of money out there. They are delayed out years now on road projects. Mr. Nadolny stated the following: The NYSDOT did review and look at all of the intersections on these state roads and their comments were that they did agree with

the proposed right-in/right-out here. We can certainly look at your concerns but the NYSDOT has looked at this. Mr. Ouimet stated the following: One of the points that Mr. Nadeau referred to on Route 9 is the stacking that occurs on the southbound side of Route 9 at that intersection and the left hand turn only lane. I have been at Warren Tire and I can never make a turn out of that place without taking my life into my hands because somebody is zipping down the inside lane on Route 9 trying to get to that cut-off onto Route 146 to go west and I am trying to make a right hand turn and these cars are all stacked up at the light waiting for it to change and it is a multi-timed light so you have turn only signals in both directions. The stacking here is significant and now you want to put more cars out on the right hand only turn into that stacking situation and I think you really need to look at that. Mr. Nadolny stated in the independent study we did a queuing analysis of the southbound approach. I think the queues only came out to about halfway based on the average queues that we observed. The amount of right turns is not going to be overly significant. Based on the analysis, it was not going to stack past the intersection to where it was going to impact the intersection. The existing condition is what it is because of the location to the signal but the location of this access is far enough away to where they do not queue past it. I believe that is another one of the reasons why they wanted to consider, for the time being, allowing left. We are only going for right-in and right-out to make sure that any stacking did not impact any left turn. That is another reason why the left turn-in was removed from this point and that is what was observed is in the study. Mr. Ruchlicki asked if there is going to be a sign at the end of that road. Mr. Abele stated we are planning a sign but we have not submitted it to the Town. Mr. Ruchlicki asked if this road looks like an entrance to either the hotel or to other shops on the avenue, there better be a pretty big island so people can see the entrances and exits. Mr. Higgins asked Mr. Abele if he had mentioned that he owns the property just north of that. Mr. Abele stated that is correct. Mr. Higgins stated the following: A number of the Board members have mentioned concerns about the right-in/right-out getting abused. If you were to extend that north coming down on Route 9 and the same thing to head south on Route 9 where it would be a very obvious right only situation, where cars can't make a turn in there, it may take up some of the land you own but I think you would make it a lot safer and lot more restrictive as far as people making illegal left hand turns. Mr. Abele stated the following: I think we are on the same page with you. There is an island there and one of the questions that I recently had was could we have a more aggressive taper on this island that would swing out more at an angle and dissuade people from taking a left turn in. This is something that we could look at and this is a fair point. Mr. Watts stated the following: I think we have gone over the issues where we have safety, health and traffic concerns. I recognize a report has been prepared but the Planning Board still has questions. At this point we are not going to take any action on this proposed project. I would like you to consider what we have stated and prepare some responses and submit them to us and then we will schedule another meeting.

This item was tabled for the applicant to respond to concerns raised by the Planning Board.

07.087 NB Bethel Subdivision, 46 Plank Road – Minor Subdivision

Mr. Frank Fazio, of L. Sipperly and Associates, stated the following: I am representing Janet Bethel. The property is a 2.5-acre parcel located at the intersection of Plank Road and Stone Quarry Road. The proposal is to subdivide the parcel into 3 lots. Lot #1 would have frontage on Stone Quarry Road, Lot #2 has the existing residential dwelling and Lot #3 would have frontage on Plank Road. The proposed house on Stone Quarry Road would have public water and public sewer. There is an existing water main on Stone Quarry Road that they would connect to. The sewer would be connected to the manhole on Brigantine Drive where a grinder

pump would be placed on the property and would be pumped out to that manhole on Brigantine Drive. We have already contacted the Saratoga County Sewer District on that and they agreed to the connection to the existing sewer system. We have also contacted the Town's Highway Department to allow the sewer construction along Stone Quarry Road and we have received a conceptual okay on this also. The residence on Lot #2 would remain as is. The home would probably be refurbished and resold. The existing home currently has a septic system and has existing public water. Lot #3 would have a proposed septic system and the water would be obtained from that same main on Stone Quarry Road through an easement through Lots #1 and #2. Mr. Nadeau asked if the driveway for Lots #2 and 3 would be combined. Mr. Fazio stated the driveway for Lot #2 is going to be relocated and Lot #3 would get its own driveway. Mr. Nadeau asked where they show the driveway on Lot #3. Mr. Fazio stated the following: At this time it is not shown. We are showing the existing driveway for Lot #2 and the proposed driveway for Lot #2. We did not show driveways for Lots #1 and #3, as this would be based on where the homes would be built. Mr. Higgins asked if they received approval from the Town of Halfmoon Water Department for an out-of-district user for Lot #3. Mr. Fazio stated yes, we have talked with the Water Department and they have given us an okay on supplying water to the Lots #1 and #3. Mr. Williams stated that Mr. Frank Tironi has confirmed that. Mr. Nadeau asked if all the lots would be hooked to the sewer system. Mr. Fazio stated Lot #1 would be on sewer; Lot #2 is currently on septic and would remain on septic and Lot #3 would be on septic. Mr. Nadeau asked where the septic systems were shown on the plans. Mr. Fazio stated we are not showing this on the plans as a percolation test would need to be done to locate where the septic would be placed. Mr. Nadeau stated we need to know if all the homes in that area are public water because the septic has to be shown on the plans and it has to be placed at least 100 FT from the adjacent properties. Mr. Fazio stated yes, all the homes are on public water. Mr. Higgins asked if any of the homes in the area had wells. Mr. Fazio stated they all have public water.

Mr. Nadeau made a motion to schedule a Public Hearing for the September 24, 2007 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

07.088 NB New Country Buick/Pontiac/GMC, 202 Route 146 - Sign

Mr. Dan Tompkins, of Environmental Design Partnership, stated the following: In August of this year we were before the Zoning Board of Appeals (ZBA) for a second time and we came to an agreement that New Country would no longer propose to relocate the existing sign that is presently in front of the Buick/Pontiac/GMC business. New Country is now proposing to replace that sign. The replacement sign is significantly smaller in square footage and as it turned out the only thing that required a variance was we had requested an extra 3 FT beyond the maximum 20 FT regulation. The argument being that the new location sits approximately 3 FT lower than the pavement grade that is located in front of the proposed. As before, we are looking to locate the business sign on the north side of the existing driveway. The propose sign area would be 159 SF and 23 FT in height. The square footage of the pylon sign coupled with the square footage of the proposed wall signs falls within the computed area that would be allocated for this parcel, which is 290 SF. The total signage that we are proposing is 214 SF. Mr. Higgins stated I know the overall height is 23 FT but I am concerned about people coming up your driveway looking to the north and if these people would have to look through the openings of the sign to look at traffic coming. Mr. Tompkins stated the following: They won't have to but they could. The sign is going to be placed behind the right-of-way line and there is a fair distance between the right-of-way line and the edge of the shoulder of the road, which I believe is easily 30 FT. Mr. Higgins stated I wanted to make sure the sign wasn't obstructing

the view. Mr. Tompkins stated the following: Mr. Higgins made a good point and that is the reason why we tossed around the idea of a monument. I felt the same thing because there could be a second car behind the first car waiting to exit. You would be more comfortable if you can look up to the northbound traffic or the southbound traffic to see what is going on. You would be able to look through the posts because these posts are not that wide. But in just about every case, you won't have to.

Mr. Roberts made a motion to approve the New Country Buick/Pontiac/GMAC sign application as presented. Mr. Nadeau seconded. Motion carried.

07.089 NB Custom Graphics, 1426 Vischer Ferry Road – Change of Tenant & Sign

Mr. Chris Valcik, the applicant, stated the following: I own Custom Graphics and I am before the Board for a change of tenant application for use of office space in 1426 Vischer Ferry Road. I am also proposing to place a tenant panel on the existing free-standing sign. Mr. Watts asked how many employees would there be. Mr. Valcik stated myself full-time and I have 1 part-time employee who is my brother-in-law. Mr. Watts stated the following: We have had issues at this site in the past where there were people working out of the basement along with parking issues. I understand that the basement is not going to be used for any of your people. Mr. Valcik stated no, all the carpet has been removed from the basement and the basement would be used for storage only right now. Mr. Watts stated the basement would not be used for anything other than storage. Mr. Valcik stated correct. Mr. Roberts stated the sign application would need to be denied on the basis that the proposed sign would exceed the total allowed signage in the Town's Professional Office/Residential (PO/R) district. Mr. Jeff Williams explained that the location of this site is in the Professional Office/Residential (PO/R) district, which only allows a total of 10 SF of signage for the site. Mr. Steven Williams, who is also located at this site, already has 10 SF of signage. I did mention this to Mr. Steven Williams and I thought he would have talked to you about this. Mr. Valcik stated yes, I did talk with Mr. Steven Williams but I was also told that I could apply for a variance. Mr. Williams stated yes, you can come in to the Building/Planning Department to obtain a variance application for the ZBA.

Mr. Roberts made a motion to approve Custom Graphics change of tenant application. Mr. Berkowitz seconded. Motion carried.

Mr. Roberts made a motion to deny the sign application due to exceeding maximum signage allowed in a Professional Office/Residential (PO/R) district. Motion carried.

07.090 NB Campbell School of Irish Dance, 1410 Route 9 (Garden Gate Plaza) - Change of Tenant & Sign

Ms. Rosemary Campbell Miller, the applicant, stated the following: I am looking to lease space at 1410 Route 9 in the Garden Gate Plaza. I have been teaching Irish dance in the area for the past 12 years. I would now like to have one central location for the school. Mr. Watts stated an issue that we perceive is with parking and asked what hours the school would be in session and how many people would be attending at one time. Ms. Campbell Miller stated the following: Our hours of operation are from 4:00 pm to 9:00 pm and it is basically drop off and pick up because there is no room for people waiting. The class size is limited to 15 students but would most likely have only 5 to 10 people in each class. There are 23 parking spaces available and there is plenty of room off to the side that the owners of the plaza said they could make into additional parking if needed. Mr. Watts asked the ages of the students attending the dance class. Ms. Campbell Miller stated the ages range from 4 to 17 years of age. Mr. Watts asked what days the school would be open. Ms. Campbell Miller stated Monday and Thursday

and there may be private lessons on Friday with only one student. Mr. Higgins asked if any recitals would be held at this site. Ms. Campbell Miller stated the following: No, I would not do recitals at this site. For the last couple of years we have held the recitals at the Saratoga Music Hall. Mr. Higgins stated that Ms. Campbell Miller had stated that the landowner would consider land banking some spaces to the north. Ms. Campbell Miller stated yes. Mr. Higgins stated to Mr. Watts that this may be something we might want to look at for this site. Mr. Williams stated the site itself is 12-acres and there is room to place additional parking. I did talk to the owner; Mrs. Sicko and I mentioned the Board would be looking at the parking and Mrs. Sicko stated they could have the additional parking made available to the tenants. Mrs. Murphy stated the Board could make their approval conditioned upon a new map being filed which shows future parking at the Board's request. Mr. Williams stated the site currently has 3 land-banked parking spaces on the site. Mr. Watts asked if the owner could submit a letter stating that additional parking could be added if necessary rather than a site plan revision. Mrs. Murphy asked if the site is currently short on parking. Mr. Williams stated the following: They are short on parking. The site needs 30 parking spaces for conformance and they have 27 parking spaces but they show the 3 land banked parking spaces. Mrs. Murphy stated with the 3 land banked parking spaces they are not short. Mr. Watts asked what should be done if the site becomes intense. Mrs. Murphy stated I am fine with a letter from the owner stating that additional parking spaces would be added if necessary. Mr. Roberts stated the 11.25 SF tenant panel sign is acceptable. Mr. Watts asked the applicant to advertise as being located in Halfmoon. Ms. Campbell Miller stated I will.

Mr. Roberts made a motion to approve the Campbell School of Irish Dance change of tenant and sign application contingent upon the owner of site submitting a letter stating that the owner is amendable to placing additional parking on site if the need arises. Mr. Higgins seconded. Motion carried.

07.091 NB Halfmoon House of Pizza, 1410 Route 9 (Garden Gate Plaza) - Change of Tenant & Sign

Mr. Michael Menge, the applicant, stated the following: My family has been in the pizza business for some time and my father had a pizza shop called the Pizza Baron in the Shamrock Plaza on Route 9. I have several years of experience in the industry. I would like to bring a very good pizza to Halfmoon. I would be occupying 1,200 SF in the Garden Gate Plaza located at 1410 Route 9. Initially I will have one full-time employee, my partner will be working limited hours on the weekend and myself. In the future I would employ up to 6 part-time employees and a few delivery drivers. I would like to focus mainly on a carryout business as opposed to a delivery business to keep traffic down to a minimum. At the present time I have no idea of the amount of traffic coming in and out of the plaza. During the lunch hour I would like to focus on delivering to the Route 9 area. I will have a very limited delivery area. I still have to contact the Health Department, as I believe the site uses a well to supply the water. During the day there would be 2 cars at the site; myself and 1 daytime delivery driver plus any customers coming in for pickup. Mr. Berkowitz asked about the ice cream and Italian ice. Mr. Menge stated that is a future plan as the landlord suggested she would like to have ice cream & Italian ice. Mr. Berkowitz asked if this would be inside or walkup. Mr. Menge stated it would be inside and this would not be the bulk of my business. Mr. Higgins asked if there was public water on the site. Mr. Menge stated no, currently the site is on a well. Mr. Watts stated our Building Inspectors would take up the water and sewer issues when you do the set-up. Mr. Watts asked when Mr. Menge planned on opening the business. Mr. Menge stated as soon as humanly possible and I would like to be open by Halloween. Mr. Roberts asked the applicant if he would

just be replacing the tenant panel on the pylon sign. Mr. Menge stated that is correct. Mr. Roberts stated the sign would be 2.5 FT high by 4.5 FT wide and would be flood lit. Mr. Higgins stated for the record that a copy of the letter from the plaza owner should also be placed in this file stating that additional parking spaces would be added if required.

Mr. Roberts made a motion to approve the Halfmoon House of Pizza change of tenant and sign application contingent upon the owner of site submitting a letter stating that the owner is amendable to placing additional parking on site if the need arises. Mr. Higgins seconded. Motion carried.

**07.092 NB Lawrence Hopeck Mixed Use Industrial Plan, 84 Tabor Road –
Concept-Commercial Site Plan/GEIS**

Mr. Joe Dannibal, of Environmental Design Partnership, stated the following: I am representing Mr. Lawrence Hopeck in his application for a 90,000 SF light industrial use. We are before the Board for questions and comments and hope to be referred to CHA for further review. The total parcel area is around 25.6-acres which is made up of 3 separate tax map parcels all owned by Mr. Hopeck. The site is located on the south side of Tabor Road across from the Northern Sites Development and roughly 1-mile from Route 9. Abandoned farm fields with gently sloping topography leading to some steeper sloping ravines are the characteristics of the site. Within those ravines there are also what we call side hill scenes and wetland figures that go up into the site and ultimately feed down into a tributary to the Dwass Kill. On site there is currently an existing single-family home with a driveway out to Tabor Road. The home is not visible from Tabor Road as you drive by. The site is zoned into two separate zoning districts. The larger piece of land consisting of 15.4-acres is zoned Light Industrial/Commercial (LI/C) with the remainder of the land that is approximately 10-acres zoned Agricultural/Residential (A/R). What the applicant is proposing is to be located on the LI/C parcel. The applicant is looking to do a 90,000 SF mixed light industrial building or a flex building. The proposed building would be set up so they would have one or up to nine tenants within the building. There would be tractor-trailers accessing the site, loading docks and parallel loading docks in one area. We are proposing 58 parking spaces and an additional 50 land banked parking spaces. The parking ratio is set up by maximum employees per shift. Not knowing whom the future tenant(s) will be we are proposing roughly 1 paved space for every 2,000 SF and up to 1 space per 1,000 SF if the need for the parking is required. The site proposes to connect to public sewer and public water through the rear of the site down into the Rolling Hills Planned Development District that is currently being constructed. Stormwater would be managed on site in two retention ponds. For access to the site we are proposing to create a four-way intersection with Northern Sites Drive. We will look at this for sight and stopping distance. There is quite a bit of sight distance on that road with not too many vertical curves or horizontal bends in the road that would create a problem at this location. The remaining lands with the existing single-family house is to remain with its driveway relocated onto the proposed access road so there would not be 2 separate curb cuts on Tabor Road. The remaining 8-acres of land would be developed in a future residential use consistent with A/R zoning. Mr. Roberts asked if there would be truck and tractor-trailer access right across from the Northern Sites residential development. Mr. Dannibal stated, yes that is what we are proposing at this time. Mr. Roberts stated I hope you are ready for opposition from the public on that. Mr. Dannibal stated we do understand that but we feel that this is the best vicinity for a curb cut so we don't get into problems with separation between intersections. Mr. Williams stated the following: There are 3 parcels there all owned by same owner and the access point would be on the A/R zoned parcel. I think there is a note on the plan that states that the A/R parcel would be developed in the future in

accordance to permitted uses listed in the Town Ordinance. Mr. Dannibal stated the following: Yes, the remaining parcel is to be developed with a residential use in the future. The applicant does not have any plans at this time and ultimately would look to sell the entire parcel. Mr. Watts asked which parcel. Mr. Dannibal stated the LI/C 15.4-acre parcel, the single-family home parcel and the vacant A/R land, which is all 25-acres. Mr. Ruchlicki asked if the adjoining parcel next to the existing residence was slated to be zoned L/I also. Mr. Dannibal stated I believe that is part of the R.J. Valente site, which is currently being mined. Mr. Ruchlicki asked if they had any discussion with making the connection in that area. Mr. Dannibal stated we have not discussed this with that landowner and there is nothing on the books for that right now. Mr. Ruchlicki stated this could be a possibility instead of coming up Tabor Road across from that residential development. Mr. Dannibal stated it is my understanding that the way their road comes in it is roughly a mile of dead end road to get up to this site. Mr. Watts asked if they had any more information on the proposed tenant use or tenant mix. Mr. Dannibal stated I do not at this time. Mr. Watts stated the following: The reason I asked is I know there will be issues raised because of the residential development in that area. There would be issues relative to the intensity of the use with a lot of truck traffic. Mr. Dannibal stated the following: In speaking with Mr. Hopeck it is my understanding that before he went into a more detailed engineering plan, which would involve the public hearing, there would be a tenant defined for this parcel. Mr. Hopeck is trying to get the ball moving so he can market this to some industrial users to purchase the land. Mr. Higgins asked how they would get tractor-trailers to the site and how would they make it over the railroad tracks near Ushers Road. Mr. Dannibal stated this is something that we might have to look at in the traffic study to make sure that is possible. Mr. Nadeau stated the following: This project was previously proposed to the Board some time ago and one of our concerns was the parking. Knowing this is a sensitive area relative to residents, we had proposed that all the parking be on the backside of the building so you wouldn't see the parking and this may be something you may want to look into. Also, regarding the railroad crossing, school buses have difficulty at this crossing and many times trains stop there and you may get some flack on this once we hold a public hearing. Mr. Bianchino stated the following: Obviously we would have to go through the GEIS findings to be sure that what is being proposed is consistent with the findings statement. If you are looking at the sight distance, I would check and make sure that the sight distance isn't acceptable in that location. Mr. Dannibal stated the following: The problem with the curb cut is that you are dropping 20 to 30 FT off the edge of the site. What we are proposing to do is drop this site 10 to 15 FT and bring out a curb cut level with the existing roads. Mr. Ruchlicki asked if they would be cutting into the slope. Mr. Dannibal stated the following: There is sort of a knoll and we would be dropping that knoll down. There is not much vegetation in this area but we would preserve what we can along the road and then we would do an extensive landscaping buffer with more trees than what exists today. Mr. Nadeau asked what the visibility of the building would be height wise when it is built. Mr. Dannibal stated the building would sit 10 to 20 FT above the road. Mr. Ruchlicki asked the total height of the proposed building. Mr. Dannibal stated 20 FT for industrial buildings. Mr. Nadeau stated so in other words; you are going to see the entire building. Mr. Dannibal stated yes. Mr. Nadeau asked what the plan was for the runoff into the Dwass Kill. Mr. Dannibal stated we are planning on doing on-site retention ponds managing stormwater on site. Mr. Nadeau asked how far away the retention ponds would be from the stream. Mr. Dannibal stated about 1,000 to 1,800 FT. Mr. Roberts asked if the retention ponds were shown on the current plans. Mr. Dannibal stated yes. Mr. Roberts stated to the Board I would highly recommend that we not consider a public hearing until we know what is going to go in there. Mrs. Murphy stated I know there are some legal issues that

the Board wants me to look into. Mr. Watts stated the following: I don't know if this would require a public hearing but it may require a public informational meeting. Also there was a request here that we refer this to CHA for review but I don't know what we have. Mr. Bianchino stated I would suggest that we take a look at it anyway so I could look at what is being proposed for consistency with the GEIS findings. Because there is a requirement for a 100 FT buffer to any adjacent residential properties and I don't know if that applies to within that northeasterly corner of the building. I could at least run through this from a GEIS standpoint. Mr. Watts stated I understand what you are trying to do but it is a somewhat sensitive area there with Tabor Road and you have heard some of our concerns. If this is okay with you, we will refer this to CHA for their review. Mr. Dannibal stated I will talk with Mr. Hopeck and tell him that the Board wants to know what type of tenants are proposed for this building. Mr. Watts stated that would be helpful but I do understand that the applicant may not know at this time. Mr. Ruchlicki asked if Mr. Dannibal mentioned that it was Mr. Hopeck's intention to sell all of the parcels. Mr. Dannibal stated yes, that is my understanding. Mr. Ruchlicki stated I would like to see some type of access made off of that lower corner of that drive near the creek. Mr. Dannibal stated that would be something we would have to work out with the adjacent landowner. Mr. Polak stated you may have to look at the highway commission to see what those conditions are for the considerable tractor-trailer traffic. Mr. Watts stated this would depend on how it is marketed with a high or a low intensity use. Mr. Nadeau asked where the Rolling Hills development was located on the plan. Mr. Dannibal stated it is located in the northwestern corner.

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

Old Business:

04.142 OB Cardin Acres PDD, Plant Road - Major Subdivision/PDD

Mr. Berkowitz and Mr. Nadeau recused themselves from this item. Mr. Beck sat in for Mr. Berkowitz and Mr. Leonard sat in for Mr. Nadeau. Mr. Watts stated the following: The Planning Board granted this project Preliminary Approval on December 12, 2005 in order for the applicant to seek reviews and approvals from NYSDEC, NYSDOH and SCSD#1. I believe the applicant has received these approvals, the legislation has been written for the PDD and the applicant is before the Board tonight for a final approval. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: We are before the Board requesting final approval for this project and we would like to update the Board on what has happened with this subdivision. The applicant is proposing to expand the existing Cardin Acres. We previously proposed 37 new lots and we are now down to 36 new lots. We have combined the drive on 2 lots to lower the impact on wetlands. We have 911 numbers; road names and the street addresses have been added. All CHA comments have been addressed. We have NYSDOH signoff, we have the NYSDEC wetlands disturbance permit and the Army Corp. has signed off. We are just waiting for SCSD#1 signoff and for the Town of Halfmoon Water Department signoff. Mr. Watts asked Mr. Bianchino if CHA has reviewed this. Mr. Bianchino stated the following: Yes, as Mr. Rabideau stated, they have addressed all of our comments. We only had one outstanding comment regarding obtaining the easement and descriptions for the water line extension that goes at the end of one of the cul-de-sacs out and into the apartments. Mr. Watts stated the following: I know the applicant has done a lot of work in the development of a difficult area and we appreciate all that has been done.

Mr. Higgins made a motion to grant final approval for the Cardin Acres PDD – Major Subdivision/PDD contingent upon the applicant obtaining NYSDOT, NYSDEC, SCSD#1 and the Town Water Department final stamp prior to the Planning Board Chairman stamp/signing plans

and all aspects of the Cardin Acres PDD legislation is followed. Mr. Roberts seconded. Motion carried.

05.127 OB Stone Crest Preserve, Vosburgh Road/Werner Road – Major Subdivision/GEIS

Mr. Watts asked Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, if any major changes have been made since our last meeting other than that you met with our Town Highway Superintendent. Mr. Zdrahal stated the following: I would like to focus on the issue about the impacts to the existing natural resources. As you know the project is proposing lots that are outside the Northern GEIS, and we are proposing to pay the same amount of fees to adjust for the amount of impacts. We are proposing intersection improvements at the intersection of Werner Road and Route 146. We have submitted plans proposing the termination of the eastern leg of Werner Road/Route 146 intersection and to place a right hand turn lane on the western Werner Road/Route 146 intersection. It is my understanding that the Town has expressed that this intersection be closed and the road would become a dead-end street. If the Board approves the closure of the road then we would perform the work. Mr. Bianchino stated the following: We have talked to the Town's Highway Department and after the last meeting I also talked with Mr. Polak, the Town Board Liaison, who advised me to get the highway department involved and they have proposed a sketch for the closure of the road. I did work with Mr. John Pingelski at the Highway Department to modify that sketch to a plan that is acceptable to an engineering standpoint and that is acceptable to the Highway Department. What this does is it implements some desires that we had from an engineering standpoint in terms of closing some of these roadways and providing better intersections with Route 146. We have recommended a couple of times that the project's engineering be consistent with the Northern Halfmoon GEIS before the Board took action on this project. Mr. Nadeau asked if the Town grants an approval for this project in what phase of the development would the work get done. Mr. Bianchino stated we have had some instances in the past where we got fees and we were compiling fees but we don't really have enough to implement a construction project. This is an opportunity, and the developer has agreed, that we can get an improvement implemented right away. Once we get the final approval and the construction begins we can look at what the potential phasing is for this project or it can be done as soon as possible. Mr. Polak stated the following: In speaking with the Highway Department, we are going to take the "eyebrow" out of the road and then it will be consistent where they can plow in and plow out without making an extra trip or turnaround to clean up the "eyebrow". What this will do is give Mr. Dudick a little more buffering. As far as any land transfer, there is really nothing left to transfer because it will be minimal. Mr. Bianchino stated the following: The original plan that Mr. Zdrahal had here was more of a hammerhead. This plan was actually revised to be more like a cul-de-sac or a partial cul-de-sac. There still is access to the Town's water tanks and to the residence up on the hill. Mr. Nadeau asked if this could be done independent to the public road closure. Mr. Bianchino stated correct. Mrs. Murphy stated just so the Planning Board is aware, this is preliminary but the Town Board would have to take action prior to the closing of that road but I suspect that will be happening sooner rather than later.

Mr. Nadeau made a motion to grant a negative declaration to the SEQR requirements. Mr. Ouimet seconded. Motion carried.

Mr. Nadeau made a motion to grant preliminary approval to allow the applicant to approach NYSDOT, NYSDEC and SCSD#1 for their review. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the September 10, 2007 Planning Board Meeting at 8:39 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary