

Town of Halfmoon Planning Board**Meeting Minutes – April 28, 2014**

Those present at the April 28, 2014 Planning Board meeting were:

Planning Board Members: Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
Lois Smith-Law

Planning Board Alternate: Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Matt Chauvin

Town Board Liaison: Walt Polak

CHA Representative: Mike Bianchino

Mr. Roberts opened the April 28, 2014 Planning Board Meeting at 7:05pm. Mr. Roberts asked the Planning Board Members if they had reviewed the April 14, 2014 Planning Board Minutes. Mr. Ruchlicki made a motion to approve the April 14, 2014 Planning Board Minutes. Mr. Higgins seconded. Mr. Berkowitz and Mr. Partlow abstained due to their absence from the April 14, 2014 Planning Board meeting. Vote: 5-Aye, 0-Nay, 2-Abstained. Motion carried.

Public Hearings:**14.025 PH Thumm/West Subdivision, 59 Plank Road – Minor Subdivision & Special Use Permit**

Mr. Roberts opened the Public Hearing at 7:05pm. Mr. Roberts asked if anyone would like to have the notice read. No one responded. Mr. David Flanders from David A. Flanders Surveying & Site Consultant, PLLC stated the following: I'm here tonight representing Mr. David West and Ms. Barbara Thumm who own a parcel of land that is slightly unique. It has a 2.6-acre parcel on the westerly side of Route 9 and that portion of the property contained in the deed we have absolutely no plans on doing anything with it, but it possibly may be sold in future. The other parcel that is contained in the deed consists of approximately 2.0-acres that lies between Route 9 and Plant Road that is shown on the plan and this parcel lies just northerly of the National Grid high powered transmission line. The 2.0-acre parcel is proposed to be divided into three lots basically of equal size from 0.6 to 0.7-acres. The property is currently zoned C-1 Commercial. The middle lot that is shown on the plan contains an existing residence as just about all of the parcels along Plant Road are residential in nature and my client would like to build two houses on the two vacant lots that we're proposing. Therefore, we have applied for a Special Use Permit for residential use in a C-1

district. All three lots will be supplied by public water and sewer. The driveways will access Plant Road and there will be no driveway access onto Route 9. All of the lots do conform with the existing zoning in a residential use. Mr. Roberts asked if anyone from the public wished to speak. No one responded. Mr. Roberts closed the Public Hearing at 7:07pm. Mr. Higgins asked where is the curb cut for Lot "A"? Mr. Flanders stated the following: Regarding Lot "A"; back on March 25, 2014, we submitted a revised plan to the Planning Board and we also sent one to Saratoga County in a PDF file. Apparently the County letter didn't have recognition of the fact that the plan had the proposed driveways shown and the proposed houses shown and I guess your plan must not have it either. Mr. Higgins stated I don't see it; does your plan show where it comes out? Mr. Flanders showed the Board the March 25, 2014 plan. Mr. Roberts stated regarding the 2.6-acres, is that going to remain untouched? Mr. Flanders stated right. Mr. Roberts asked is that lot going to remain C-1 Commercial? Mr. Flanders stated the following: Yes and we're not asking to change the zoning on that and they are probably just going to sell the lot to whoever may want it. So, they have no plans themselves to do anything with it. Mr. Roberts stated okay, then that lot will stay as C-1 Commercial. Mr. Flanders stated yes. Mr. Nadeau asked is that Lot "D"? Mr. Flanders stated yes. Mr. Higgins asked are the three lots going to be single-family homes? Mr. Flanders stated yes. Mr. Harris asked Mr. Flanders if he clarified the water connection that was proposed because I think Mr. Frank Tironi, Director of Water, spoke to Mr. Tom Andress about changing that to connect to the proposed Canfield project, is that correct? Mr. Flanders stated the following: I'm not aware of the Canfield project. This plan was proposed almost three years ago and Mr. Tom Andress spoke with Mr. Tironi regarding the water and there's a second sheet to this proposed subdivision that is for water and sewer connections, which were submitted along with the plan of metric subdivision. Also, at the time that plan was proposed Mr. Tironi was in full agreement with that, but because the property Lands of West was in the estate, we couldn't submit it two years ago. So, it didn't get submitted until now and now I understand that there is a waterline either in or pending going in. Mr. Harris stated yes, coming soon. Mr. Flanders stated so; we would be connecting with that instead of doing the water portion that is shown on our plan and I'm not sure if that's even built yet. Mr. Harris stated no, it is not.

Mr. Higgins made a motion to declare a Negative Declaration pursuant to SEQRA for Lots "A", "B" and "C" to be changed from C-1 Commercial to R-1 Residential. Mr. Roberts stated Lot "D" is to be excluded. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Higgins made a motion to approve the Minor Subdivision application and Special Use Permit application with the following conditions: (1) The Special Use Permit authorizing a residential use in a C-1 Zoning District shall only apply to Lots "A", "B" and "C" and for Lot "D", C-1 Commercial Zoning shall remain applicable; (2) Lots "A", "B" and "C" may be developed with one single-family home/lot; and (3) The applicant will conform to the requirements of the Town's Director of Water to establish an acceptable public water connection for Lots "A", "B" and "C". Mr. Nadeau seconded. All-Aye. Motion carried.

**14.029 PH Crowther & Voland/Stalker Subdivision, 756 Hudson River Road
 – Minor Subdivision/Lot Line Adjustment**

Mr. Roberts opened the Public Hearing at 7:13pm. Mr. Roberts asked if anyone would like to have the notice read. No one responded. Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight to represent Mr. Dave and Mrs. Loretta Crowther for a 2-lot Subdivision and a Lot Line Adjustment. The parcel is located at 756 Hudson River Road approximately three-quarters of a mile north of Lower Newtown Road. The proposal is to subdivide a 3.82-acre parcel into two single-family residential lots. Lot "A" would be approximately 3-acres in size, Lot "B" would be approximately three-quarters of an acre. Lot "A" will include all of the

improvements and Lot "B" will be for a proposed single-family residence. The existing drive that goes back to the garage will be relocated up onto Lot "A". The two lots will be serviced by public water and public sewer. Also, both lots will have the driveway come out to one curb cut onto Route 32. We have established a floodplain out here so that this house can be built above the floodplain. Also, in this proposal is to do a Lot Line Adjustment with the adjacent Lands of Voland & Stalker to resolve a pre-existing inadequate side yard setback. Mr. Crowther is seeking to transfer 1,213 SF of land to Voland/Stalker to resolve the setback issue and bring the Voland/Stalker lot into conformance. Mr. Roberts asked if anyone from the public wished to speak. No one responded. Mr. Roberts closed the Public Hearing at 7:15pm. Mr. Higgins asked did you say that it's not in the floodplain? Mr. Rabideau stated we've established the floodplain and the building will be built above the floodplain and the lowest finished floor will be above the floodplain. Mr. Higgins asked is there an elevation somewhere in the drawing that says that? Mr. Rabideau stated yes, that is correct; the flood elevation is at 41.0 FT so; it will be built a half foot above.

Mr. Berkowitz made a motion to declare a Negative Declaration pursuant to SEQRA. Mr. Partlow seconded. All-Aye. Motion carried.

Mr. Berkowitz made a motion to approve the Minor Subdivision and Lot Line Adjustment for the Crowther & Voland/Stalker Subdivision. Mr. Partlow seconded. All-Aye. Motion carried.

New Business:

14.033 NB Rock's Precision Automotive, 190 Route 146 – Change of Use

Mr. Greg Rockefeller, the applicant, stated the following: I am proposing to use three of my parking spaces to sell vehicles. I have my dealer's license and I was just wondering if I could do that. I also submitted a drawing to you that shows the three spots that I would like to use. Mr. Roberts asked would it be limited to just three spots? Mr. Rockefeller stated yes, just three. Mr. Higgins asked doesn't your dealer's license require you to have five spaces? Mr. Rockefeller stated I do have 5 spaces, but I'm only going to use three. Mr. Higgins stated I understand that, but the requirement of the dealer's license requires five spaces. Mr. Rockefeller stated okay, that's true; so, should I ask for five and is that what you are looking for? Mr. Roberts asked if the applicant only wants to use three, can't he use three? Mr. Higgins stated the following: For him to meet the New York State Retail Dealer's License, he has to have five spaces whether he's using three or not. When this applicant first appeared before this Board, he said he wasn't going to sell cars. Mr. Rockefeller stated that's true. Mr. Higgins stated so, now you have come back and now you want to change your site plan. Mr. Rockefeller stated yes. Mr. Higgins stated and you already went ahead and got your dealer's license before you came to the Board. Mr. Rockefeller stated yes and I've never used it. Mr. Higgins stated all I'm saying is if you want to meet the New York State Department of Transportation (NYSDOT) requirements; it specifically says that you have to have five spaces designated for your business. Mr. Rockefeller stated okay I could use five and maybe eight. Mrs. Murphy stated the following: From our perspective, the applicant is asking for the use of three spots. If the Department of Motor Vehicle (DMV) or New York State does not want to license him based on limiting it to three spots, our purview is what he is using those three spots for and not what the DMV says. Mr. Higgins stated that's fine so; we'll just approve it based on three spots. Mr. Roberts asked Mr. Rockefeller if he is requesting three spots. Mr. Rockefeller stated yes and that's it. Mr. Berkowitz asked are you going to come back here next year and ask for more spots? Mr. Rockefeller stated if you're asking if I'm going to come back and ask for anything else; no, I'm not. Mr. Berkowitz asked no, never? Mr. Rockefeller stated well, you'll never know; business may grow and I may have to put an addition on. Mr. Berkowitz stated no, I mean as far as used car sales. Mr. Rockefeller stated no, I won't.

Mr. Nadeau made a motion to approve the Change of Use application for Rock's Precision Automotive to allow on-site retail automotive sales for a maximum of three vehicles at one time. Mr. Partlow seconded. All-Aye. Motion carried.

14.039 NB Bisceglia (2-Lot) Subdivision, 683 Hudson River Road – Minor Subdivision

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14.040 NB Bisceglia (4-Lot) Subdivision, Hudson River Road – Minor Subdivision

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight representing Mr. Tom Bisceglia for two Minor Subdivisions that are adjacent to each other. They are located just north of Lower Newtown Road. The first Minor Subdivision is a subdivision of Lot 683 Hudson River Road, which would encompass all of this area. In this Minor Subdivision Lot "A" would be approximately 1.2-acres that would have the existing house and improvements on it. Lot "B" would be approximately three-quarters of an acre for a proposed single-family residence with road frontage to meet the zoning requirements there. Each of these lots would tie into public water and public sewer. As far as the driveway access; we're going to use the existing curb cut that is existing for this house now, improve it and use that as a common drive for the drive and the utilities. Mr. Rabideau showed the Board the location of the two separate subdivisions. Mr. Rabideau stated the following: We're also proposing a four-lot subdivision on other Lands of Tom Bisceglia, which is adjacent to this parcel. On this 6.0-acre parcel we're proposing to subdivide it into four single-family residential lots and each of these lots are going to be approximately 1.5-acre. Each of these lots will also tie into the public sewer and public water. On these four lots we have it setup so that we're trying to use the existing curb cut where the existing house is located now. The reason why we are doing this is to minimize the curb cuts onto Routes 4 & 32 and also to minimize the impacts to the Army Corp of Engineers (ACOE) wetlands for crossings of the utilities and the driveways. The reason why the houses are in the back is because that is where the prime land is and basically abuts the Hudson River at this point in time. So, the good buildable land is from these wetlands over to the river. It has come to our attention that the fire department has looked at our proposed layout and it does need some improvements to meet their criteria. So, we would like to sit down with the fire department and work out the driveway configurations to meet their standards. Mr. Roberts stated personally, I think you're trying to cram too much on these sites. Mr. Higgins stated the following: I agree with Mr. Roberts. I see the elevation for the houses; approximately how much are each of these building sites for the houses going to have to be brought up to get to the 40.5 FT? Mr. Rabideau stated basically where we are proposing the houses there's a ridge, the river, the bank coming up from the river, a plateau and then you have the wetland corridor. It just so happens that all the land is right there. We were in last spring for this subdivision and the gentleman did build a house there and it isn't build up or anything and it's right where it needs to be. Mr. Higgins stated okay, so; there is ridge there that is high enough to be above floodplain. Mr. Rabideau stated that's correct and these houses are designed also to be above the floodplain. Mr. Higgins asked how about the driveway because the driveway drops down off this ridge and the driveway is below the floodplain? Mr. Rabideau stated the floodplain is based on the river and the ridge holds the river back. Mr. Higgins asked how about all the wetlands; where do those wetlands come from? Mr. Rabideau stated basically it's just water trying to get to the river and you have that existing house right there and that doesn't flood so, it's just wetlands and it's not based on the floodplain. Mr. Higgins stated one house is different than five houses if they have to go in and rescue the people out of there. So, that's what I'm asking and when we have a flood condition, the houses may not flood, but is the driveway flooded? Mr. Rabideau stated no. Mr. Higgins stated so; the whole elevation of the driveway is above 40.5 FT? Mr. Rabideau stated yes and based on that, the land actually dips a little bit, but it comes back up. Mr. Higgins

stated so; in other words, where you're crossing the wetlands, you're going to build the driveway up? Mr. Raibdeau stated the following: No. The wetlands; based on our topography that we have for the United States Geological Survey (USGS) topography, actually the wetlands are higher than the floodplain. It's like tabletop wetlands and it's not like it is below the floodplain and basically the wetlands and the river are two separate entities and it doesn't flood the wetlands when the river floods. Mr. Higgins stated I think we've all seen instances where that whole area down there has been flooded over the past 20 years and I know that the fire department has to go in and rescue people occasionally and all I'm asking is that I want to make sure that that's not the situation here that the people can, if there is a problem, get out. Mr. Rabideau stated right and as far as the safety considerations, the driveway needs to be above the floodplain or look at the situation. Mr. Higgins stated I'm asking that question and I don't know how the rest of Board members feel, but that's my concern. Mr. Roberts stated I agree. Mr. Nadeau stated the following: Looking at the site map; I know the parcel that's directly across from Lower Newtown and when the river floods, that water comes right up to Lower Newtown. I don't know if this lot is higher or not, but I know the water comes up that close. Mr. Rabideau stated I believe it is, but obviously we need to verify that. Mr. Berkowitz stated regarding the driveway, did you mention that you're trying to create less curb cuts on Hudson River Road? Mr. Rabideau stated that is correct. Mr. Berkowitz asked could you even get a driveway up to each of those lots if you had to? Mr. Rabideau stated no, because we have two issues with the ACOE who wouldn't allow that many disturbance crossings and there would be sight distance issue once we move away from that existing driveway. Mr. Berkowitz stated so; it has nothing to do with curb cuts on Hudson River Road does it? Mr. Rabideau stated oh yes, it does. Mr. Berkowitz stated well you can't reach Hudson River Road from there because on each of these lots you would have too much of a wetland disturbance to put in a driveway. Mr. Rabideau stated that's correct so; we're combining all of them into one. Mr. Berkowitz stated right, but your reasoning for not doing that is to have less driveways on Hudson River Road. Mr. Rabideau stated that is one of the reasons. Mr. Berkowitz stated well, you can't do it so the only reason is so you don't disturb the wetlands. Mr. Rabideau stated yes, that would be one reason. Mr. Berkowitz stated it seems to me that's the only reason. Mr. Rabideau stated no, there are also sight distance issues. Mr. Berkowitz stated okay, then there is two negatives. Mr. Rabideau stated the following: Right and that's why we're doing what we're doing. We're trying to minimize the environmental impacts and the streetscape impacts. The fire department looked at this and they want to make sure it withstands the weight limits and also to upgrade the frontage onto Routes 4 & 32. There are also some issues with driveway turnarounds. Mr. Nadeau asked did you say that there was sight distance issue on Routes 4 & 32? Mr. Rabideau stated if we move farther south. Mr. Nadeau stated that is relatively flat in that area and where is the sight distance problem? Mr. Rabideau stated the following: Basically it's a situation where if you're looking north, the road goes to the right then goes up and drops. So, if you start putting driveways down here, you don't have the sight distance looking north and here you have the sight distance both ways. Mrs. Murphy stated the following: Make sure you check with Mr. Harris because I remember there was an issue with the fire department where you spoke to one member and he was dealing with another member. So, if you could just make sure that we're all talking to the same person. Mr. Harris stated yes and that would be Mr. Brian Boudreau or Mr. Rick Petuske as they both handle and review the projects and get back to us with comments on behalf of the chief. Mr. Rabideau stated okay. Mr. Higgins stated what is being proposed with the four separate sites, being that there are ACOE wetlands that prevent each of the sites individually from accessing the road frontage, is that okay per our Town requirements? Mrs. Murphy stated the following: The requirement with regards to frontage is just that the frontage exists. So, there can be a ravine as long as you have actual frontage as far as that section of the local law is concerned. They also have to show that they have access that is workable from a health and safety standpoint, which it sounds like you guys are questioning based on some of the information that you've received. Mr. Higgins stated

thank you, I just wanted clarification on that. Mr. Berkowitz stated since they're accessing two different parcels from one common driveway with the same developer, would this be considered a Major or a Minor Subdivision? Mrs. Murphy stated I am not able to picture what he is saying to be honest with you. Mr. Berkowitz stated it is one common driveway coming from the north parcel going onto the south parcel and they're developing four on the south and two on the north. Mr. Harris stated for background information, we did look into the history of subdivisions for both of these lots that the applicant owns and the 4-lot and one of the lots has been subdivided in the last few years, but the subdivision did not total five lots or more and the other lot hadn't been subdivided in decades. So, separately they are two separate parcels right now so, they did not constitute a Major Subdivision because they were not subdivided in a manner creating five lots or more in the last three years. Mr. Berkowitz asked even though we are looking at six lots right now? Mr. Harris stated they haven't combined and it is not a combined situation that they're making six lots. Mr. Berkowitz stated but to gain access to one, they have to go across the other. Mr. Harris stated the following: I don't know if that then constitutes it as a Major Subdivision. However, referring to SEQRA; we can treat it as two unlisted actions, but perform coordinated review and go through it like a Type I. Legally, I don't know that this constitutes a Major Subdivision and I will leave that to counsel. Mrs. Murphy stated I understand what your point is now and it wouldn't be a Major Subdivision, but I think the New York State Department of Health (NYSDOH) would force us to do it because it's four or more. Mr. Bianchino stated the following: Again, because they are two separate parcels that we are debating here; I think the safe thing for the applicant is that we do a coordinated review and if the NYSDOH decides down the road when they need to stamp the plans, that they decide that it's a Type I action. Well, we've already done a coordinate review. Mrs. Murphy stated and I think that addresses your concern. Mr. Rabideau stated so, it is two minors, but under SEQRA it would be at least a coordinated review. Mr. Harris stated the following: You're presenting them as one project in a sense so, I think it would make sense based on CHA and from a Planning perspective, you're presenting it as one project, you're presenting it as using one driveway and for all intent and purposes it looks like a rose and smells like a rose, it's a rose. While technically this hasn't been subdivided and re-subdivided, these lots do not constitute five lots or more, certainly this Board is reviewing it as one action rather than segmenting it as two separate. So, I think it would be prudent for the Board to consider it as performing a coordinated review where the NYSDOH has a chance within 30 days to object to the Town as lead agency and the New York State Department of Environmental Conservation (NYSDEC) and other agencies that are involved in this. Do you concur with that Mr. Rabideau? Mr. Rabideau stated that it is still a minor, but it's considered, at least under SEQRA and I don't want to say the word major, but at least a coordinated review. Mr. Harris stated this Board would treat it very similarly to a Type I action yet separately they are two unlisted. Mrs. Smith-Law asked is the wood frame house an existing structure? Mr. Rabideau stated that is correct. Mrs. Smith-Law asked was that raised up, is that actually 56.4 and is that fill there or is that the natural grade of the land? Mr. Rabideau stated I believe that's the natural grade that's out there. Mrs. Smith-Law stated so; coming across that part of the driveway will be about the same height? Mr. Rabideau stated that's correct. Mr. Nadeau stated I'm reading it as 24.2, 26 and 56.4 and isn't that the size of the home? Mr. Rabideau stated that's correct. Mr. Nadeau asked that's not the elevation, right? Mr. Rabideau stated that's correct, because we don't have an elevation on that and that's just the dimensions. Mrs. Smith-Law asked so; you don't know how high that is? Mr. Rabideau stated the following: Based on the topography, if the flood elevation is 41, it's like 50. So, it's between 50 and 55. Mr. Roberts stated with all of the questions that we have, I think we should have a committee go out to the site. Mr. Higgins, Mr. Nadeau and Mrs. Smith-Law will be the committee for the site visit. Mr. Harris stated we were talking a little more with counsel regarding the inter-relatedness of the two parcels and he's a little more up-to-date and up-to-speed on some of the ins and outs of SEQRA and what this Board can do so, I'm going to turn it over to counsel. Mr. Chauvin stated the following: You can certainly

treat this as two minors that are unlisted actions and you can also look at it as a Type I because of the inter-related nature of the two applications, you're essentially allowed to combine your review of the impacts. They can be on the opposite sides of Town, but the recent decisions under SEQRA are court decisions with regard to SEQRA are saying that if you have two projects that are so inter-related that they must be reviewed together to affectively evaluate the impact as a whole and then you can do it that way. Either way that they are talking about doing it is fine as long as you're doing the coordinated review I think you're covered. Mr. Roberts asked so; we're okay then? Mrs. Murphy stated I'm just telling you that you're repeating what we're saying and what they're doing is accurate.

The two Minor Subdivision applications for Bisceglia were tabled. The Board determined that the Bisceglia 2-lot subdivision (project #14.039) and the adjacent Bisceglia 4-lot subdivision (project #14.040) will be reviewed together. The application was tabled to allow the applicant to address concerns expressed by the Board, the Fire District and the Director of Water and for the Board to conduct a site visit.

14.041 NB AT&T (Co-location), 133 Stone Quarry Road – Addition to Site Plan

Ms. Maria Dimitrakiou stated the following: I am representing AT&T/New Cingular Wireless PCS. AT&T has a telecommunication facility at the property located at 133 Stone Quarry Road and AT&T currently has six antennas on the tower. It's a National Grid transmission tower and we're replacing the six existing antennas with six new antennas. Visual impact: We are reducing the amount of the equipment on the tower. Mr. Roberts asked will there be any change in height? Ms. Dimitrakiou stated there will be no change in height. Mr. Higgins asked are the antennas themselves smaller than what are up there now? Ms. Dimitrakiou stated yes, they are slightly smaller by one or two inches. Mr. Higgins stated okay, as long as they are not bigger.

Mr. Berkowitz made a motion to declare a Negative Declaration pursuant to SEQRA. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Berkowitz made a motion to approve the Addition to Site Plan application for the AT&T co-location request to replace and upgrade existing antennas and related tower and ground equipment on an existing telecommunication tower. Mr. Higgins seconded. All-Aye. Motion carried.

**14.049 NB IS Pizza Inc., (Kabob Masala), 1683 Route 9 (St. John Plaza)
– Change of Tenant & Sign**

Mr. Ed Esposito from Monarch Design stated the following: I'm here tonight representing Bast Hatfield for a tenant in St. John Plaza. If you're ever craving a lamb kabob, this would be the application for you. Since Tailgators moved out of the plaza, the tenants of Dominos pizza, Imran Siddiqui and his wife Sarwat do the cooking and they're going to move right in. We also have submitted a sign application. Overview: we have the three staff that currently stay in Dominos would staff the restaurant. It is a 44 seat restaurant and it's virtually the same as Tailgators. The last application included renovation of parking so; the total parking for the plaza is 140 cars. The sign will be done by Ray Sign and it's a placard that would replace the same sign face that was formerly the Tailgators. Mr. Roberts asked so; even though it's IS Pizza Inc., it's not pizza? Mr. Esposito stated no IS stands for his initials; Imran Siddiqui and they will be operating the proposed Kabob Masala. Mr. Berkowitz stated the following: I have a question that has nothing to do with this, but since you mentioned that they owned the Dominos pizza; I drive through the Lowe's parking lot a few times a day and there is always a Dominos tractor-trailer parked in that parking lot. Mr. Esposito asked in the St. John Plaza? Mr. Berkowitz stated no, in Lowe's and every day there is Dominos 18-wheeler parked in Lowe's taking up probably about 10 to 15 parking spots.

Mr. Esposito stated the following: I know that Dominos does lease the space and I can't answer if it's corporate Dominos. I'm not sure that they own it, but I could ask because I'm not quite sure. Mr. Berkowitz stated the Dominos 18-wheeler is there for a reason I would think. Mr. Esposito stated they are a tenant. Mr. Berkowitz stated I know they deliver, but an 18-wheeler is a little bit too much. Mr. Esposito stated I can take that up with the owner. Mr. Berkowitz stated yes, if you could. Mr. Higgins stated so; it's actually less intense of a use then the previous tenant. Mr. Esposito stated yes and it's non-alcoholic and that's a real change to the seating arrangement. Mr. Higgins stated the following: It's actually one less seat so, it's less intense. Even though the site is not in compliance parking wise because this is less intense, we can entertain it, correct? Mrs. Murphy stated the following: Yes. The conversation that we had at the pre-meeting was that you couldn't approve a more intense business, but you're actually bringing it more into compliance and there hasn't been any kind of parking problem at the site. Mrs. Smith-Law asked did I hear you say that the pizza place would share employees with this new tenant? Mr. Esposito stated the following: Well, the owners would staff up and she will be doing the cooking and she's also at Dominos. So, as far as the three full-time employees, they are already there on-site. So, it wouldn't require three additional management spaces. Mr. Roberts stated I have reviewed the sign application and it conforms to our Town code.

For the record: The Planning Department's write-up for the sign(s) is as follows:

Number of Signs: 1

- Sign #1:

- 23" x 137" = 22 SF

- Wall-Mounted

- Internal Lighting

Mr. Berkowitz made a motion to approve the Change of Tenant and Sign application for IS Pizza Inc., (Kabob Masala). Mr. Partlow seconded. All-Aye. Motion carried.

14.051 NB Northeastern Woodworkers, 15 Solar Drive – Change of Tenant/Use & Sign

Mr. Peter Howe, the applicant, stated the following: The application that's before you is a Change of Use. Northeastern Woodworkers is a non-profit 503 group. We have been in existence for about 19 years and the building at 15 Solar Drive has been used by Precision Valve and Automation (PVA) as a Light-Industrial Manufacturing firm for a number of years. They've move the major part of that manufacturing into 1 Mustang Drive in Cohoes, which was the old Ford plant and the building was occupied by them and left behind some light manufacturing of framework, which actually had to be moved down to the main plant at 1 Mustang Drive. So, that left this space open. The Northeastern Woodworkers Group occupied space in the main plant of about 5,000 SF. So, when they moved that manufacturing down there, we swapped spaces with them. So, we're just moving out of the one building and up to the other building. The purpose of Northeastern Woodworkers is to gather woodworking people together to train younger people and also a lot of retired men who like to teach the classes and that kind of thing. Mr. Higgins asked is this a business to have people become familiar with woodworking and it is not a school, correct? Mr. Howe stated the following: It's not really a school because there is a difference between training and a school and it's basically training. The building is used on Saturdays in the morning for a group; we use it on Tuesdays, we have people who make guitars on Thursday and people who turn pens on Monday night. The average group would probably not exceed 15 to 20 people at a time. Mr. Partlow stated for the actual delivery of the wood that you're going to be using, how often does that occur? Mr. Howe stated I'm sorry, I really didn't understand the question. Mrs. Murphy stated when you are creating things; you are creating them out of wood, correct? Mr. Howe stated yes.

Mrs. Murphy asked where does the wood come from? Mr. Howe stated the following: It's donated by people, we pick up the logs and we have a portable sawmill. We saw the wood and we take it to the Shaker site by the Albany Airport, it's dried and then we use that wood for the purposes of making some of the things that we make. We make a lot of toys for Double H up in Lake Luzerne and we also do a lot of charitable things. Nothing is sold on the basis of what we make. Mr. Partlow asked do you receive large deliveries with semi-trucks full of wood coming to your site? Mr. Howe stated that he did not understand the question that Mr. Partlow asked. Mrs. Murphy stated Mr. Partlow was asking if there were tractor-trailers coming to the site to deliver wood. Mr. Howe stated no. Mrs. Smith-Law stated you just said that your products aren't sold so; what happens with the products, can someone buy them? Mr. Howe stated the following: We don't sell any of the products that we make. They are made for individuals or we donate them depending on what we're making. We make tables for children, we make toys for disabled groups and it's strictly charitable. Mr. Nadeau asked so is it kind of like a craft shop type of thing? Mr. Howe stated we like to think it is a little higher level than just crafts. Mr. Higgins asked do you have adequate parking at the site because there were problems up there previously with some of the businesses having people park on the road and we just want to make sure that that won't happen? Mr. Howe stated there is none that I'm aware of and I spend quite a bit of time there so, parking won't be a problem. Mr. Roberts stated I have reviewed the sign application and it conforms to our Town code.

For the record: The Planning Department's write-up for the sign(s) is as follows:

Number of Signs: 1

- Sign #1:

- 24" x 48" = 8 SF

- No Lighting

- Wall-Mounted (one-sided)

Mr. Nadeau made a motion to approve the Change of Use application for Northeastern Woodworkers. Mrs. Smith-Law seconded. All-Aye. Motion carried.

Mr. Nadeau made a motion to approve the Sign application for Northeastern Woodworkers. Mr. Higgins seconded. All-Aye. Motion carried.

14.052 NB Halfmoon Works, 15 Solar Drive – Change of Tenant/Use & Sign

Mr. Peter Howe, the applicant, stated Ms. Lisa Hicks will explain the nature of Halfmoon Works and they occupy part of the same building. Ms. Hicks stated the following: I am the director of Halfmoon Works. We also will occupy a smaller space in the same Precision Valve and Automation (PVA) building along with Northeastern Woodworkers. We are an LLC and we also manufacture small wood working products. We have, at any given time, probably three gentlemen working in that building. I think we applied for a Change of Use application and a Sign application. Mr. Roberts stated I have reviewed the sign application and it conforms to our Town code. Mrs. Smith-Law asked are your products for sale? Ms. Hicks stated yes. Mrs. Smith-Law stated the following: The reason why I asked is because they are beautiful and I was just curious to know if they were for sale. Do you sell your products on-line or is that retail? Ms. Hicks stated the following: There are a few options. We have a retail based website, but we have to pay for that. So, if you're local, which you are, you can come in and look at our showroom. We don't do much foot traffic at that place because it is our actual workshop, but we are set-up to show people things. In addition, we are currently in many of the local nurseries because we sell raised planter beds. So, at Faddegon's, Kulak's and Hewitt's you will see our display. For our smaller items, we are located off of Exit 8 at the Artique Co-Op and we have a majority of all of our smaller products there. Mrs. Murphy stated

we were told that you didn't do any retail on-site? Ms. Hicks stated we don't sell it there; we just have our displays setup so people can look at our products.

For the record: The Planning Department's write-up for the sign(s) is as follows:

Number of Signs: 1

- Sign #1:

- 14" x 67.5" = 6.5 SF
- No Lighting
- Wall-Mounted (one-sided)

Mr. Berkowitz made a motion to approve the Change of Use application for Halfmoon Works. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Mr. Berkowitz made a motion to approve the Sign application for Halfmoon Works. Mr. Ruchlicki seconded. All-Aye. Motion carried.

14.053 NB Red Lotus Kids, 1707 Route 9 (Shoppes of Halfmoon) – Change of Tenant & Sign

Mr. Jeff Williams from Bruce Tanski Construction & Development stated the following: I'm here tonight for a Change of Tenant & Sign for Red Lotus Kids at 1707 Route 9 located in the Shoppes of Halfmoon. Red Lotus has been a tenant in Halfmoon since 2010 and they utilize 2,400 SF of existing retail space in the Shoppes of Halfmoon. The applicant wishes to expand to the adjacent storefront that was formerly utilized by E Studio, which was a yoga use. Basically, they will provide the same services as Red Lotus, but to provide those services to children. They would be doing this by adding six child sized stations. Also, along with that they will have four adult stations to share with the children. The maximum number of employees is six, their hours of operation are Monday through Friday 10:00am to 8:00pm, Saturday 9:00am to 6:00pm and Sunday 10:00am to 5:00pm. Most appointments are scheduled, but they do encourage walk-ins. I believe the parking is adequate. We are also proposing a sign that would be 2 FT x 8 FT for a total of 16 SF and wall-mounted. This sign will be standard and uniform to the plaza. Mr. Higgins stated as far as parking; will Red Lotus Kids be less intense than the previous tenant? Mr. Williams stated yes, I feel it will be a less intense use than E Studio. Mr. Higgins asked the Planning staff if they agree with Mr. Williams's statement. Mr. Marlow stated the following: Yes, according to our parking calculations, E Studio was a more intense use than Red Lotus Kids would require. As you are familiar with; there are 60 paved spots there and 31 landbanked. There still is a little bit of a deficit there, which is a few spots shy, but it is definitely a much less intense use than E Studio was. Mr. Roberts stated I have reviewed the sign application and it conforms to our Town code.

Mr. Nadeau made a motion to approve the Change of Tenant and Sign application for Red Lotus Kids. Mr. Ruchlicki seconded. All-Aye. Motion carried

14.054 NB ADT, 1407 Route 9 (Bldg. #3 – Nine North), – Change of Tenant

Mr. Michael Chrys stated the following: I am one of the members of Garner Holdings LLC, which is the owner of the property at 1407 Route 9 here in Halfmoon. We're here tonight looking for a Change of Tenant approval. The tenant would be ADT who is a National tenant. I think it is obviously good for the community and a great tenant for me to have. They are taking in its entirety Building #3, which is one of the four buildings that are there on-site. We have great architectural renderings and we are submitting for a Building Permit this week contingent upon your approval. I think this is a good addition and I'm here tonight to advertise for them. Mrs. Murphy stated the following: As the Board was made aware during tonight's pre-meeting; there

was an issue where the tenant, in all due diligence, attempted to contact Code Enforcement with regards to making sure that there were no outstanding violations, which they told the Board that they would do. That was done and they were told that there were none and then it came about that the County actually has an issue with the sewer, but this applicant attempted to address it and only learned of this County issue recently. So, if the Board were to proceed tonight, I would request that you do it contingent upon them squaring away the issues with County Sewer based on the fact that when they asked if there were any outstanding issues, they were told no by Code Enforcement. Mr. Roberts asked Mr. Chrys if he understood what Mrs. Murphy just stated. Mr. Chrys stated the following: I do. Let me just clarify that a little bit so that everybody knows that it is not really a violation in my opinion whatsoever. What happened was that there are four buildings at the site, as I said, and Building #3 and #4 are working off the same grinder pump system, which was approved and originally installed. I had a buyer, Ronco Communications, for Building #3 and they were very eager about doing that and we had a contractual arrangement, but it was contingent upon a subdivision approval because it is a private road there. I was working with Mr. Jeff Williams at that time and we were unable to obtain any kind of subdivision there and the Town wasn't going to take over the road so, that kind of stalemated. However, during that process, to stay ahead of the curve, Baron Construction who filled out the application, we were looking at separating those two grinder pumps and sewage systems so that each building had their own separate line. That never transpired, there was never a subdivision, there was never any kind of conducting of the property or the buildings and hence, the application, so I found out this morning that and we requested many times if there were any issues. There was permit application done at the County for that separation. No work was ever done and it was basically tabled because no sale was ever made and no subdivision was ever done. So, it's just an open item. In fact, I think they are going to refund me the application fee. So, that's what that was and it wasn't like there was a fire issue or some kind of a hazard. Mrs. Murphy stated the following: I'm sorry, that's not what I was implying. It was just a paperwork issue from the County that we're waiting for and I'm advising the Board that it's okay with them to proceed. Mr. Chrys stated alright, thank you. Mr. Higgins asked is there sufficient parking and I assume that there will be some service vehicles parked overnight there. Mr. Chrys stated the following: I'm not sure of the service vehicles, but there is more than sufficient parking and has been since that building was constructed. The people who were there prior was Ronco Communications and they left a van there. Mr. Higgins asked did they ever build the garage? Mr. Chrys stated no, they did not. Mr. Higgins stated okay, because I know that was approved. Mr. Chrys stated yes, it was approved, we got the building permit and that's a story for another day. Mr. Higgins stated okay, I was just checking to make sure that there is sufficient parking. Mr. Chrys stated yes, there's more than sufficient parking. Mr. Roberts asked the applicant if ADT was going to have a sign. Mr. Chrys stated the following: I am not aware of sign and if there is going to be a sign put up, they are going to apply for it and they will go through the process with the Town and they are well aware of that. I don't know that they will be seeking any kind of a road front sign.

Mr. Higgins made a motion to approve the Change of Tenant application for ADT with the following condition: (1) The applicant is to address all outstanding issues with the Saratoga County Sewer District prior to tenant occupancy. Mr. Partlow seconded. All-Aye. Motion carried.

Old Business:

09.024 OB

Halfmoon Village & Yacht Club PDD, 2 Beach Road – Amendment to PDD

Mr. John Montagne from Greenman-Pedersen, Inc. stated the following: We're here tonight on a referral from the Town Board and we are looking for a small amendment to the Planned Development District (PDD) language. We did meet with Chairman Ouimet and he had suggested

that we come in this evening and introduce what we are looking to do and asked that we be considered to be placed on one of the next Planning Board meetings for a Public Informational Meeting and just to make you aware of what it is that we're looking for. The only change that we are looking for is to change the language. The language currently is for a 244-unit condominium development only and we are looking to modify that language to be condominiums and apartments. So, the drawing that you see behind me, which is the approved PDD preliminary development plans, and there is absolutely no change to that at all. We were also asked to take a lot at the traffic as being the only potential change that there may be for trips and that was done. That study was submitted to the Town Board and if it hasn't reached the Planning Board yet, I have extra copies tonight that I would be more than happy to handout. I also have 8-1/2 x 11 copies for the new Board members so; you can take a picture of the project along with you. The findings of the traffic study are that there is absolutely no change to the level of service and no change to the conclusions of the 2009 study. There are no other changes to the site so; no other environmental changes either. Mr. Roberts asked are you saying it's going to be condominiums and apartments now? Mr. Montagne stated the following: The language is to allow for condominiums or apartments and the reason for this is primarily to get financing for the project. When we come back before the Planning Board for site plan approval, at that time we will definitively decide one or the other depending on what investment group comes along to move the project forward. Mr. Berkowitz asked has the number of units for this project changed? Mr. Montagne stated there is no change at all and it is exactly the same. Mr. Berkowitz stated if I remember correctly, this Board did not vote favorable to 244-units. Mr. Montagne stated the following: But the Town Board did adopt it and that's part of the approved PDD language and we're not asking for any change on that. So, we're not looking to modify any of that. Mr. Higgins asked are you going to change any of the dredging that was proposed? Mr. Montagne stated no, we are not proposing any changes to the plan at this time. Mr. Higgins stated so; the dredging is not changing? Mr. Montagne stated it's not changing. Mr. Higgins stated so; that's contrary to what you said at the Town Board meeting. Mr. Montagne stated the following: At the Town Board meeting we had said that we had some investors that were looking at it that were thinking that they may not want to do that. We do not have an investment team signed up right now and so; right now there are no changes other than what we're proposing here, which is a language change only. Mr. Higgins stated the following: What are you going to do because we all know that apartments tend to have a lot more school aged children than condominiums would have. How do you propose to handle the school buses? Mr. Montagne stated the following: The one thing that you have to realize is that there are already school buses that go in through this area. We did take a look at the land use classification and what changes there might be for that. There are not a significant of amount changes that are anticipated and it will still be what was proposed before; a larger unit that is a more luxury level apartment unit and that is still the intent. Mr. Higgins stated but I believe the original outline for this project stated that you were going to marketing more towards professional people and retired people. Mr. Montagne stated that is still the goal of the applicant. Mr. Higgins stated what happens if you get a lot of younger families with school aged children? Mr. Montagne stated the following: First of all I would say that until we get into a position where we would evaluate that for you, there is really no change to the number of students that are anticipated right now. Student population really is more looked at not for the number of a few extra students that might be on a bus, but more for what is the impact of the taxing structure. The taxing structure; if we do go from condominiums to apartments, there is a credit that condominiums get and that's about a 1/3 less in taxes and we'll generate more taxes if we go for this. Mr. Higgins stated the following: That's not the question that I'm asking. Will your road structure accommodate without problems with traffic; school buses going in and picking up and discharging children. Mr. Montagne stated and I would say absolutely yes. Mr. Berkowitz asked have any of the public benefits changed? Mr. Montagne stated none of the public benefits have changed and that was actually something that the Town

Board was very clear about because they wanted to make sure that there was no changes on that and there are no changes on that. Mr. Berkowitz asked have the number of slips changed for the marina? Mr. Montagne stated no and as you recall, there are 244-units and there were up to 75 slips that were approved and they were restricted to just residents of the community and no sub-leasing, no sales and no outside and that will be the restriction that will be the same as it was before. Mr. Higgins stated but in order to get that number of slips, didn't you have to do a certain amount of dredging to allow that number of slips? Mr. Montagne stated that has not changed; the dredging is the same, the slips are the same and there is no change.

Mrs. Smith-Law made a motion to set a Public Informational Meeting with an expanded notification for the Tuesday, May 27, 2014 Planning Board meeting. Mr. Higgins seconded. All-Aye. Motion carried.

14.021 OB Rafferty Subdivision, Middletown Road/Brookwood Road – Minor Subdivision & Special Use Permit

Per the applicant's request, this item was removed from the agenda.

13.097 OB Saratoga Strategic Partners LLC, 1406C Route 9 (Capital Storage) – Sign & Amendment to Change of Tenant

Mr. David Fizer from Minuteman Press stated the following: I'm representing Saratoga Strategic Partners and The Northern New England Agency. We submitted the existing sign and the sign panel that's on the bottom below what says "Office Building for Lease or for Sale" is the sign that we are talking about. We would just be replacing two panels. There would be no structural impacts and there's nothing else that really is going to be done other than to slide two panels out and put two new panels in. Mr. Roberts stated we do have a question; could you or the owner explain the connection between Saratoga Strategic Partners and The Northern New England Agency. Mr. Fizer stated Mr. Michael Ryan from Saratoga Strategic Partners is here and I will let him explain that to you. Mr. Ryan stated Saratoga Strategic Partners is a DBA financial planning firm that is affiliated with The Northern New England Agency and they are the general agency of our program. So, The Northern New England Agency provides the products and services through which we are to supply our services to our clients. Mr. Roberts stated so; there's not two separate businesses. Mr. Ryan stated no, it's not two separate businesses. Mr. Fizer asked did the Board receive the drawing of what the proposed sign is going to look like? Mr. Roberts stated yes.

Mr. Nadeau made a motion to approve the Sign application for Saratoga Strategic Partners LLC. Mr. Partlow seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the April 28, 2014 Planning Board Meeting at 8:15pm. Mr. Higgins seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary