

## **Town of Halfmoon Planning Board**

### **August 14, 2006 Minutes**

Those present at the August 14, 2006 Planning Board meeting were:

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

***Alternate***

**Planning Board Members:** Bob Beck  
Jerry Leonard

**Senior Planner:** Jeff Williams  
**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Mindy Wormuth

**CHA Representative:** Mike Bianchino

---

Mr. Watts opened the August 14, 2006 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the July 24, 2006 Planning Board Minutes. Mr. Roberts made a motion to approve the July 24, 2006 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Ruchlicki abstained due to his absence from the July 24, 2006 Planning Board Meeting.

Mr. Beck sat in for Mr. Higgins in his absence.

**Public Hearings:**

**06.145 PH Tucker Subdivision, 259 Lower Newtown Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Dave Flanders, of David A. Flanders Associates, stated the following:* The applicants proposed to subdivide their 2.8-acre parcel on Lower Newtown Road and Allen Drive. The purpose of the subdivision is to divide the parcel into 2 single-family lots. Their existing residence, garage and driveway would be a 1.94-acre parcel and the second lot on the westerly portion of the property is for a proposed single-family home on a 0.926-acre parcel. The Zoning Board of Appeals has granted the Tucker's a variance for a flag lot access off of Allen Drive. Both of the lots would meet the zoning regulations. The 2 lots would be served by public water and on-site septic systems. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:04 pm.

Mr. Nadeau made a motion to approve the Tucker Minor Subdivision. Mr. Ruchlicki seconded. Motion carried.

**06.179 PH Lindemann Subdivision, 695 Hudson River Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:06 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Ron Lindemann, the applicant, stated the following:* I proposed to subdivide my property for the purpose of building a retirement home on the newly created lot. The new lot would be served by public water, on-site septic and a new driveway. Lot A would be a 1.38-acre lot and Lot B would be a 0.92-acre lot. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:08 pm. Mr. Nadeau asked if Lot A would have public water. Mr. Lindemann stated yes. Mr. Watts asked Mr. Lindemann if he had contacted the NYSDOT for the proposed curb cut as recommended by the Saratoga County Planning Board. Mr. Lindemann stated he had trouble contacting the NYSDOT and when he did contact them, the person he needed to speak with was on vacation but he did leave a detailed message for the NYSDOT to contact him regarding a curb cut on Route 32.

Mr. Nadeau made a motion to approve the Lindemann Minor Subdivision contingent upon a NYSDOT curb cut permit is obtained. Mr. Berkowitz seconded. Motion carried.

**06.180 PH Dickinson Subdivision, 308 Grooms Road - Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:09 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Dave Dickinson, the applicant and owner of the property located at 308 Grooms Road, stated the following:* The property was previously subdivided in 1992. He would like to make a lot line adjustment to make the lot large enough for a duplex lot. Public water and on-site sewer serve both lots. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:11 pm. Mr. Watts asked the applicant if he had received a curb cut permit from the NYSDOT. Mr. Dickinson stated he did receive a curb cut in 1992 and he has contacted the NYSDOT and is awaiting an answer regarding this curb cut.

Mr. Nadeau made a motion to approve the Dickinson Minor Subdivision contingent upon a NYSDOT curb cut permit is obtained. Mr. Ruchlicki seconded. Motion carried.

**06.189 PH Krupsky Subdivision, 141 Ushers Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:12 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Dave Flanders, of David A. Flanders Associates, stated the following:* This is a proposed subdivision of lands of Joseph and Jean Krupsky. The property consists of approximately 3.7-acres located on the north side of Ushers Road. The proposal is to subdivide the property into 2-lots. Lot A would be 2.1-acres with an existing single-family residence with public sewer and a well. Lot B would be 1.2-acres and will tie into the public sewer and would have an individual well. The applicant is proposing to convey 50 FT of property to the adjoining landowner, Melinda Lehman, which is currently being utilized for ingress/egress through an easement. Both lots meet the minimum lot size requirements and setback requirements for the zoning. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:14 pm. Mrs. Murphy stated she would need to see the easement language to make sure it does not create a landlocked parcel. Mr. Flanders stated okay. Mr. Watts stated that Mr. Krupsky has submitted a letter stating that he was proceeding at his own risk with the subdivision as he intends to apply for a use variance. Mr. Flanders stated this was correct.

Mr. Nadeau made a motion to approve the Krupsky Minor Subdivision contingent upon easement language for the shared driveway is approved by the Town's Attorney. Mr. Roberts seconded. Motion carried.

**Old Business:**

**06.194 OB Merrill Lynch (Parkford Square), Route 146 – Addendum to Change of Tenant Application**

*Mr. Jim Loiselle, of Parkford Development, stated the following:* He is before the Board for an approval for an addendum to the change of tenant application for Merrill Lynch who is proposing to occupy our Parkford Square project at 449 Route 146. At the last Planning Board meeting they provided a narrative describing the use of the space and at that time the Board felt that we did not provide enough detail. They have submitted a revised narrative of the use. A representative from Merrill Lynch is also present at tonight's meeting. Merrill Lynch has entered into an agreement with Parkford Square Development to utilize approximately 5,800 SF of office space. Mr. Watts asked how many employees there would be. Mr. Loiselle stated the following: There would be 25 employees; a director, 8 support staff and 16 financial advisors who typically see clients outside of the office. The 16 financial advisors would not all be at the site at the same time. There are 27 parking spaces available and they feel this is adequate for their operation. Mr. Watts stated that should the parking become an issue, the Board would have to revisit the application at that time.

Mr. Berkowitz made a motion to approve the change of tenant application for Merrill Lynch's Addendum to Change of Tenant application for a maximum of 25 employees only. Mr. Roberts seconded. Motion carried.

**06.204 OB Halfmoon Heritage Apartments, Fellows Road – Fellows Road PDD/Major Subdivision & Sign**

**&**

**06.205 OB Pointe West Town Homes of Halfmoon, Fellows Road, Fellows Road PDD/Major Subdivision & Sign**

Mr. Roberts recused himself from this item and Mr. Leonard sat in for him. Mr. Scott Lansing, of Lansing Engineering, proposed the Fellows Road PDD, which includes Halfmoon Heritage Apartments and Pointe West Town Homes of Halfmoon. *Mr. Lansing stated the following:* The Town Board approved the Fellows Road PDD several months ago. The overall parcel includes approximately 84.2-acres and there are 46.2-acres of DEC and Army Corp wetlands on the parcel. The PDD was approved for 147 townhouse units of 49 buildings and the application now includes 47 buildings with 141 townhouse units. The reduction in the number of townhouse units was due to grading and reduction in the wetland impact. The approved PDD also included 200 apartments and 8 duplex units and the application now includes 176 apartment units or 16 buildings and 4 duplex units. Again, reduction was due to grading, drainage and reducing wetland impact. The total number of units has decreased from 355 units to 319 units. The density for the project is 3.81 units per acre for a gross density which is still less than the 10 dwelling units per gross acre that is allowed per section 1108 of the zoning ordinance. Water would be supplied by Town of Halfmoon water from Fellows Road. Sanitary sewer would go towards Route 236 and Route 146 to the public sewer main. Storm water would be managed on-site. Community benefits would remain the same consistent with the approved PDD. The application does include 60-acres of donated passive recreational parkland on Vosburgh Road. Approximately 6.71-acres of land on the apartment side would be donated to the Town. Sanitary sewer improvements would include a trunk sewer that would go through the project and down through Town land to Route 236 as

well as a pump station that would be designed to take the flows from this project and from the Town parkland. There would be a realignment of Fellows Road to increase safety on the eastern side of the Fellows Road connection to Route 146. We have proposed preliminary drawings for the project and we have submitted to CHA and are under review by CHA. We have also submitted a sign application for both projects. We are before the Board requesting consideration for setting a Public Hearing for these projects to move forward with preliminary design. Mr. Lansing stated an easement for the maintenance of the signs could be set up. *Mrs. Murphy stated the following:* They should make sure that there is not a separate lot where the signs would be located as whomever is maintaining the property would also be responsible to upkeep the signs and would have access to the sign. Easements would need to be drawn up that would allow for the maintenance of the signs and the payment of the electrical service to light the signs. Mr. Lansing stated okay. Mrs. Wormuth asked how the signs would be lit. Mr. Lansing stated the signs would have lighting in the front area shining onto the signs. Mr. Bruce Tanski, the applicant, asked if they would need easement language if they maintained the signs directly from the roadway. Mrs. Murphy stated because this is Town property, we should have easements just in case something should happen to the person maintaining the signs.

Mr. Nadeau made a motion to set Public Hearings for Halfmoon Heritage Apartments and Pointe West Town Homes of Halfmoon for the August 28, 2006 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

Mr. Berkowitz made a motion to approve the sign application for Halfmoon Heritage Apartments. Mr. Nadeau seconded. Motion carried.

Mr. Berkowitz made a motion to approve the sign application for Pointe West Town Homes of Halfmoon contingent upon easement given to the Town for the proposed location of the sign to be placed on future dedicated lands to the Town. Mr. Nadeau seconded. Motion carried.

### **New Business:**

#### **06.184 NB Rainbow Direct, 1623 Route 9 – Sign**

Mr. Bill Snide, the applicant, stated the following: He is proposing to move the existing 78 SF, one sided, internally lit Rainbow Direct signage from St. John's Plaza to his new location on 1623 Route 9.

Mr. Roberts made a motion to approve the sign application for Rainbow Direct. Mr. Nadeau seconded. Motion carried.

#### **06.195 NB Inglewood PDD, Cemetery Road– Major Subdivision/PDD**

Mr. Joe Dannibal, of Environmental Design Partnership, is representing Diamond Capital LLC in their application for a 31-lot Residential Planned Development District (PDD). *Mr. Dannibal stated the following:* This project has been before the Town Board on March 21, 2006 for presentation of the project and on June 20, 2006 a Public Informational Meeting. At the June 20<sup>th</sup> meeting, the Town Board was supplied with a traffic study, information pertaining to the grading of the knolls on the site and in-depth discussions on public benefits for the Town. The proposed project is located on the south side of Cemetery Road approximately 900 FT north of its intersection with Route 146. The 9.88-acre parcel is currently vacant and lightly forested with lawn area in the front of the parcel. The topography is level in one area and there are a couple of large knolls located along the northern edge of the property. There are no State DEC wetlands located on site. The soils are sandy and very well drained. The site is zoned PO-R Professional Office-Residential. Lands to the south are zoned for commercial uses and lands to the north are zoned Agricultural-Residential uses. We consider this site in a transitional zone from the Commercial to the Residential areas. The applicant is proposing to change the zoning

from the PO-R district to a Planned Development District (PDD). In order to accomplish this change to a PDD, the Town Board will have to waive the requirement for the 10-acres of land as they are under at 9.88-acres. The development would be a 31-lot town home development, where 29 of the 31 lots would be accessed by a proposed public Town road that would be deeded to the Town. 2 units along the south side of road in the southwestern corner would have direct access onto Cemetery Road. They have completed a traffic study of sight and stopping distance and they meet or exceed all requirements along Cemetery Road. The applicants have hired an architect who is preparing plans for the buildings as well as elevations. Future submissions and applications for this project will be accompanied by elevations of those buildings. Public sewer would service the site. This would be accomplished by extending the sewer service approximately 800 FT up the northwestern side of Cemetery Road and then into the site following the public road. The sewer would be gravity access. There is an existing water main and connecting to fire hydrants on Cemetery Road. Storm water would be managed on-site in an on-site basin. We have provided various options to the Town for the public benefit. The applicant was willing to donate \$2,000 per approved unit to the Town for improvements. Upon further refinement of this, the applicant is willing to donate approximately at a minimum \$2,000 per unit to the new Town park. The applicant is also willing to donate playground equipment. At this time this has not been clearly defined but it will be more clearly defined as approvals for this project continue. The applicants have talked to the neighbors, the Gilberts, and they are onboard with the project and have no complaints. A buffer would be provided around their land from the proposed development. We are before the board for a waiver on the 10-acre PDD requirement and for general comments and feedback from the Board. *Mrs. Murphy stated the following:* The Town Board would have to respond to the request to waive the requirement for the 10-acres upon a favorable statement from the Planning Board that the applicant has demonstrated that the characteristics of the holding or the intended land use meet the purpose of the PDD article. At this time the Planning Board is not prepared to give you a feeling with regards to this requirement because the standard set forth in the statute is that the Planning Board gives an opinion to the Town Board based on what is put forth by the applicant and at this time the Town Engineers have not looked at the project. Mr. Roberts asked the length of the cul-de-sac. *Mr. Dannibal stated the following:* The cul-de-sac is 900 FT and they are proposing a connection to Lawrence Circle via an emergency access limited use road. They are proposing a gate that would meet the standards of the Halfmoon Fire District. They have met with the chief and he has no objections to what they are proposing at this time. Mr. Nadeau stated the PO-R zone was made to control the traffic because of the size of the PO-R business in that area. Mr. Nadeau asked how many vehicles they felt would be coming out of this project onto Cemetery Road. *Mr. Dannibal stated the following:* The traffic study indicated in the range of 21 units in the a.m. peak and 24 to 27 units in the p.m. peak. There was no traffic improvements required according to the study completed by Creighton-Manning Engineering for a development of this size. Mr. Nadeau stated he felt that there is not much improvement that could be done to Cemetery Road. Mr. Watts asked what type of community were they targeting. Mr. Dannibal stated they are marketing this project toward seniors with a low maintenance design with smaller lots and sub-lots and the price range would be setup in something that would be appealing to a senior. Mr. Ruchlicki stated he feels the traffic from this site would flow to the Snyder's intersection on Old Route 146. Mr. Dannibal stated the traffic study indicated of the 15 cars that would be turning south onto Cemetery Road, 12 of these cars would be taking a right hand turn toward the Snyder's intersection. Mr. Nadeau asked where the project entrance would be located. Mr. Dannibal stated the entrance would be just north of the Gilbert's barn. Mr. Nadeau asked what the sight distance would be

at that entrance. Mr. Dannibal stated the sight distance exceeded the traffic standard set forth by the State and looking left the recommended sight distance is 520 FT and there is 540 FT available. Mr. Nadeau asked if the barn obstructed the vision leaving the site. Mr. Dannibal stated not according to the traffic study. Mr. Watts asked if there would be a Homeowner's Association (HOA). Mr. Dannibal stated they are not planning on having a HOA at this time. Mr. Watts asked if this would fit in with the targeted group. Mr. Dannibal stated the senior group they are targeting is 55+ and this group is still relatively active at this age and maintenance agreements could be worked out with other entities to maintain the property. This item was tabled and referred to CHA for review.

**06.196 NB     G.E. TPS & Modular Spaces, 1620 Route 9 – Sign**

*Mr. Peter May, of Hanley Sign Company, stated the following:* The proposed sign is a 3 paneled pylon sign and would be internally illuminated with florescent lamps. The sign would have 3 tenant logos. At this time, only one panel is proposed to be placed on the freestanding sign with the GE Equipment Services sign. The sign dimensions are 10 FT x 10 FT and 20 FT high and would meet the set back requirements. Mr. Watts asked if the purpose of this sign was a directional sign for deliveries. Mr. May stated yes as deliveries trucks were having problems not seeing the existing sign. Mr. Roberts stated the 20 FT height is excessive for this site and he thinks the height should be no more than 12 FT. Mr. May stated that a 12 FT height for the signage would defeat the purpose of having a sign at that location as it would only be about 2 FT off of the ground. Mrs. Wormuth stated making the tenant panel's smaller could rectify this.

Mr. Roberts made a motion to approve G.E. TPS & Modular Spaces sign application contingent upon the maximum height of the sign is 12 FT and the sign is not to be placed in the State's right-of-way. Mr. Nadeau seconded. Motion carried.

**06.197 NB     Barbara J. Bouchey Asset Management, Inc., 1471 Rt. 9 (Rome Plaza) – Change of Tenant**

Mr. Matt McMorris represented Barbara J. Bouchey Asset Management, Inc. for the change of tenant application. Mr. McMorris read the submitted project narrative for this item. "Barbara J. Bouchey Asset Management, Inc. specializes in financial planning, estate conservation and tax reductions strategies for affluent individuals, families and businesses. We are a New York State Registered Investment Advisory firm and an NASD Broker/Dealer firm. Clients meet on our site for either a quarterly or semi-annual analysis of their portfolios depending on their financial needs". Mr. McMorris stated they are located in Rome Plaza at 1471 Route 9. Mr. Watts asked how many employees they had. Mr. McMorris stated 3 full time and 3 part-time employees. Mr. Watts asked how many clients came into the office. Mr. McMorris stated they average about 4 appointments per week.

Mr. Roberts made a motion to approve the change of tenant application for Barbara J. Bouchey Asset Management, Inc. Mr. Ruchlicki seconded. Motion carried.

**06.198 NB     National Corporate Benefits Administrators, Inc., 1471 Rt. 9 (Rome Plaza) – Change of Tenant**

*Mr. Bob Jordan stated the following:* National Corporate Benefit is an insurance company with 3 full time employees. We sell health insurance and there are no people coming to the facility at 1471 Route 9.

Mr. Roberts made a motion to approve the change of tenant application for National corporate Benefits Administrators, Inc. Mr. Ruchlicki seconded. Motion carried.

**06.199 NB     The Gould Group, 1471 Rt. 9 (Rome Plaza) – Change of Tenant**

*Mr. Tom Gould, the applicant, stated the following:* The Gould Group is a recruiting firm and placement agency. We place people with companies and the companies pay all the fees. A client may drop off a resume but normally there are no people coming to the site. Most of our works is done over the telephone or on the computer.

Mr. Roberts made a motion to approve the change of tenant application for The Gould Group. Mr. Ruchlicki seconded. Motion carried.

**06.200 NB     1475 Route 9 (Formerly Romano's Restaurant) – Change of Use**

Mr. Dan Morrelli, of Morrelli Design & Construction, is representing the new owners of 1475 Route 9, formerly Romano's Restaurant. *Mr. Morrelli stated the following:* The owners are proposing to divide the building in half and make the facility a mixed occupancy. Half the building would be a public café and the other half would be a transient business center. The two would co-exist as a business center/café. Mr. Roberts inquired about Mr. Morrelli's statement of transient office use. Mr. Morrelli stated the following: Transient office use is for people who typically operate a business out of their homes and when they need space for a large group, they could rent this office space. They are proposing short-term open workspace that is rentable by the hour, day, week or month. There would be a couple of permanent offices in the rear of the building that could be rented yearly or monthly that would co-exist with the public café. This co-existing space could be used by an out of town client to rent a table for an hour or two, meet with people, do business, have coffee, have something to eat and move on. Mr. Watts asked if there were any other types of these offices in the area. Mr. Morrelli stated not in the local Capital District area but there are many in the New York City area and Metropolitan areas. Mr. Berkowitz asked if tenants would need a change of tenant approval if they were renting monthly. Mrs. Murphy stated she would need to research the Town's ordinance to determine how this would apply as the Town has a requirement that any time there is a change of use, a change of tenant application must be filed with the Planning Board. Mr. Berkowitz asked if there would be seminars, large-scale conferences or education activities at this site. Mr. Morrelli stated the areas would be setup for 2 to 4 people to meet at one time and there would be no large seminars or anything large-scale. Mr. Berkowitz asked Mr. Morrelli what he considered to be large-scale. Mr. Morrelli stated that the largest group would be 4 to 6 people at a time. Mr. Morrelli asked if the 2 sides would be connected. *Mr. Morrelli stated the following:* Yes, the 2 sides are connected. We would need to make the restrooms code compliant. There would be a main entryway at the front of the building and there would be no exterior changes. We would exceed the parking requirements and they would need to add a couple of handicap parking spaces in the front of the building. Mr. Berkowitz asked if the café area could be used for banquets. Mr. Morrelli stated this is not the applicant's intent. Mr. Berkowitz asked if they would hold any banquets at this facility. Mr. Morrelli stated no. Mr. Nadeau asked what the maximum number of people would be for the office space. Mr. Morrelli stated there would be a maximum of 10 to 15 people in the office area and the café would have seating for 24 people. Mr. Watts asked Mr. Morrelli for more definition on the café. Mr. Morrelli stated the cliental would be open to the general public or to anyone who needs to do business at the café or office center. Mr. Berkowitz asked if the applicant had any experience in this type of operation. Mr. Morrelli stated he did not know. Ms. Sara Biscone, Attorney for the owner/applicant, stated the owner/applicant has a general idea of the operation. Mr. Morrelli stated this operation could be defined as an Internet café. Mr. Ouimet asked if it would be a full service restaurant. Mr. Morrelli stated it would be a full

service café not a full service restaurant. Mr. Ouimet asked Mr. Morrelli to explain the difference between café and restaurant. *Mr. Morrelli stated the following:* The café would have very specific foods and beverages that they would serve and they would have a limited menu. Ms. Biscone stated a restaurant would have a wait staff and a café is where you would order your food and receive your food at a counter. Mr. Morrelli stated the Building Department defines it as an A2 classification defines café restaurant and fast food restaurant all in the same category and they are defining the café as an A2 classification so whether it is a café or restaurant it falls within the same category. Mrs. Wormuth asked if they would be applying for a beer or liquor license at this location. *Mr. Morrelli stated the following:* No. The existing building would be split in half, a portion of the building would be used as a "restaurant" café A2 occupancy classification and they would be converting the other half of the building within the existing space to a business center for use by the public. They would meet all the parking and green space requirements. Based upon the fact that they are going to change the occupancy to a mixed occupancy is why they are before the Board and if the owners were to purchase the building and keep it as Romano's restaurant, we would still be here but just for a change of tenant. Mr. Berkowitz asked if they were aware of any easements on the property. Mr. Morrelli stated there are no easements but they have a State right-of-way and they do have paperwork showing that we rent that State right-of-way. Mr. Watts asked if they are proposing to make green space in front of the building. Mr. Morrelli stated that they could if the Board requires this, but they have 33% green space and only 20% is required. Mr. Ruchlicki asked if the State right-of-way was all asphalt. Mr. Morrelli stated yes and there are parking spaces and signs outside of the property and it is rentable and Romano's lease it from the State on a yearly basis. Mr. Ruchlicki asked if it was feasible to put openings in the asphalt. Mr. Morrelli stated yes, this was feasible. Mr. Morrelli stated if any thing was done in front of the building between Route 9 and the property line they would need State approval to do so. Mrs. Murphy cautioned the Board about requiring the applicant to put something into a State right-of-way because we cannot enforce this and the applicant can do this at their own risk but this Board cannot mandate that they do this. Mr. Watts asked if they were aware of some of the issues regarding sewer easements and sewer lines relative with the neighboring trailer park. *Mr. Morrelli stated the following:* Somewhat, as the owners of that property also own the property behind it. The only building that is part of this property is Romano's restaurant. Mr. Berkowitz asked what the name of building would be. Mr. Morrelli stated he did not have an answer to this question but they would when they file for a sign application. *Mrs. Murphy stated the following:* The issue is that we have a requirement that every time there is a change of use, you have to come before this Board to receive an approval and if they are proposing to have people in for a week, a month or a year at a time, we need to determine whether or not they are going to be mandated to comply with that process. I will need to do some additional research with regards to the transient nature of the rental of the office space. Mr. Ouimet asked if the café would be a leased operation. Mr. Morrelli stated no it would be owned and operated by the applicant. Mr. Watts asked how many employees would be at the café. Mr. Morrelli stated 3 to 5; 3 full time and 2 part-time employees. Mr. Watts asked if the café would have outdoor seating. Mr. Morrelli stated there would be no outdoor seating. This item was tabled and referred to the Town Attorney for review on proposed "short-term" office use.



**06.201 NB Lussier's Auto Body & Repair, 1385 Vischer Ferry Road – Commercial Site Plan**

*Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following:* Lussier's Auto Body has operated the business on the north side of Crescent-Vischer Ferry Road. In 1990 the applicant gained site plan approval to construct a new building on the site, which is used for auto body repair and auto mechanical repair. There is an existing 3,550 SF building that is used for used auto sales and transmission repairs. Earlier this year Mr. Lussier was granted an area variance to construct an addition on the building in the rear that coincided with a retaining wall that Mr. Lussier built a few years ago. This portion of the site was in violation when Mr. Lussier started to cover the wall over for a storage area and it was not part of the site plan and this was recently brought up to code as far as the set back to the adjacent property line. However, it was stipulated that Mr. Lussier come to the Planning Board for site plan approval before any construction could be done on the addition to the building. As part of this site plan approval in the 1990's, Mr. Lussier had received site plan approval to construct a new building behind the existing building and during that construction process he was to tear down the existing structure in the front of the site. This portion of the site plan was never implemented. Mr. Lussier would like to move ahead with this part of the site plan at this time as well as to complete the construction of the area that was approved under the area variance for the set backs. With the addition and the new building there would be about an 850 SF increased of the shop and sales area on the site. Some of the advantages that this site plan would now have over the current conditions is the existing 3,550 SF building is 18 FT off of the right-of-way line and the new proposed building would be 71 FT off of the right-of-way line that would meet the set back requirement in all directions for the C-1 Commercial zone. The size of the building in the front would be reduced from 3,550 SF down to 2,400 SF. Half of the building would still be used for transmission repair and the other half of the building would continue to be used for the auto sales. The parking in the front of the site has been an on-going problem with traffic maintenance in this area because the building is very close to the road and a lot of the cars end up on the shoulder of the roadway. There would be a curbed island constructed along the right-of-way line that will limit access to the site to a NYSDOT approved entrance. Vehicles would have to pull in off the road into the entryway into a parking area. The transmission repair shop has 1 repairman and this transmission technician requires 3 bays in order to perform the repair of the transmission as once a transmission is removed from a vehicle, the car becomes immobile. There would not be the normal turnover that there is in a repair facility where you have 1 mechanic per bay. Mr. Watts asked if the site only has 1 transmission technician then why is this site such a disaster in front of this site at this time if this is the nature of the business. *Mr. VanGuilder stated the following:* He thinks a lot of it is flow over from the poor access and poor management of the entire site and because there is only 1 row of parking that is on the shoulder of the roadway. Another aspect of this site plan is that there would be no overhead doors on the front of the building. All access to the repair bays would be in the rear of the site. This would improve the parking and traffic management in the front of the site. One of the bays would be used for Mr. Lussier's personal equipment. Mr. Watts asked how many employees there were at this site. There is 1 full-time employee and 1 part-time employee in the auto sales, 1 mechanic and he believes there are 12 bays where 6 bays are used for auto mechanics and 6 for auto body and he would verify this number before the next meeting. The usage of the building in the rear, although it is being expanded on, it is not intended to be for auto body or auto repair it would be used only for Mr. Lussier's equipment that is used in conduction of his business. Mr. Watts asked what equipment Mr. Lussier had. Mr. VanGuilder stated Mr. Lussier has a tow-truck and some excavation equipment that Mr.

Lussier uses for his own site work. Mr. Watts asked if this equipment was used for some other business. *Mr. VanGuilder stated the following:* I believe Mr. Lussier uses the front-end loader for snow removal on the site but he would check on the status of the use of the excavator. Mr. Watts stated that he was trying to be very clear and precise about what is going on at this site because what has happened in the past has been the subject of considerable difficulties and considerable issues. *Mr. Nadeau stated the following:* The proposed project before us tonight is the same proposal that was presented to the Board in 1990 and nothing has happened to this point. Some of the cars were cleaned up along the road and I hope this project is completed 16 years after the fact. *Mr. Watts stated the following:* There have been a number of meetings and there have been other issues that have come up relative to this site and I want that site to be in compliance and this site will be in compliance. *Mr. VanGuilder stated the following:* They realize this is a very visible site and they think that the proposed improvements, especially in the front of the site, would help remedy the situations that exist along Crescent-Vischer Ferry Road. The owner is aware of the deficiencies on this site and has stated that he is prepared to move ahead to make the improvement so the site would be in compliance. This item was tabled and referred to CHA for review.

#### **06.202 NB     Realty USA, 1547 Route 9 – Signs**

Ms. Mary Beth Krajcir, of Hanley Sign Company, is representing Realty USA at 1547 Route 9 for their sign applications. *Ms. Krajcir stated the following:* Mr. Al Picchi, the General Manager of Realty USA, is also present tonight. Mr. Watts stated the newly constructed Realty USA building is looking great and it was very nice to work with the applicants relative to the design of the building. Mr. Picchi thanked Mr. Watts for his comments and stated that Realty USA is proud to be located in the Town of Halfmoon and they appreciate all the Town's support for this project. *Ms. Krajcir stated the following:* The freestanding sign will be two-sided and internally illuminated with the following logos: Realty USA.Com, 1<sup>st</sup> Priority Mortgage, Secure Settlement Services and 1547 Route 9. The sign dimensions are 10 FT x 10 FT, 200 SF. Mrs. Wormuth asked the height of the sign. Ms. Krajcir stated 14 FT. Mr. Roberts asked if there would be any neon. Ms. Krajcir stated the signage would have no exposed neon. Ms. Krajcir stated the general contractor is doing the 4 walls signs on the building. Sign #2 is 1 FT x 7.5 FT, 7.5 SF, one-sided and wall mounted. Sign #3 is 2 FT x 6 FT 4 IN, 12.7 SF, one-sided and wall mounted. Sign #4 is 1 FT x 9.5 FT, 9.5 SF, one-sided and wall mounted. Sign #5 is 1 FT x 15 FT, 15 SF, one-sided and wall mounted. Exterior ground lights will shine on building façade and wall mounted signs #1, #2, #3, #4 and #5 will be engraved with no interior lights on signs. Mr. Roberts made a motion to approve Realty USA's sign applications contingent upon freestanding sign is not in the NYSDOT right-of-way and there is to be no neon. Mr. Ouimet seconded. Motion carried.

#### **06.203 NB     The Beauty Parlour, 1548 Route 9 – Sign**

Mr. Tom Wheeler, of AJ Sign, proposed a sign application for the Beauty Parlour located at 1548 Route 9. *Mr. Wheeler stated the following:* The Beauty Parlour currently has an internally lit sign and they would like to replace that sign with a double-sided carved urethane sign. The sign dimensions would be the same as the current sign – 2.7 FT x 4 FT and 2 FT x 3.3 FT for a total of 34.7 SF and would be 5.6 FT in height. The sign would be flood lit and would be in the same location as the current signage. Mr. Roberts stated that at this site there was a problem in the past with banners and sandwich board signs and these are allowed signage in the Town. Mr. Watts stated if they do use banners and sandwich board signs our Code Enforcement personnel would remove these signs. Mr. Wheeler stated the applicant is aware of this issue.

Mr. Roberts made a motion to approve the Beauty Parlour sign application contingent upon freestanding sign is not in the NYSDOT right-of-way and there is to be no banners or portable signs on-site. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the July 24, 2006 Planning Board Meeting at 8:37 pm. Mr. Ouimet seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi  
Planning Board Secretary