

## **Town of Halfmoon Planning Board**

### **Meeting Minutes – May 13, 2013**

Those present at the May 13, 2013 Planning Board meeting were:

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

**Director of Planning:** Richard Harris  
**Planner:** Roy Casper

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Roberts opened the May 13, 2013 Planning Board Meeting at 7:05 pm. Mr. Roberts asked the Planning Board Members if they had reviewed the April 22, 2013 Planning Board Minutes. Mr. Ouimet made a motion to approve the April 22, 2013 Planning Board Minutes. Mr. Roberts seconded. Motion carried.

#### **Public Hearing:**

##### **13.048 PH Saratoga County Subdivision - Zim Smith Trail ROW, Staniak Road – Minor Subdivision (former Rucinski property)**

Mr. Roberts opened the Public Hearing at 7:05pm. Mr. Roberts asked if anyone would like to have the public notice read. No one responded. Mr. Jason Kemper, Director of the Saratoga County Planning stated the following: I'm here tonight for a subdivision on a parcel that we acquired for the failure of payment for taxes in December 2012. This is a 145-acre parcel that is located on Staniak Road. We are proposing to subdivide out about 3 or 4 acres of that to provide a right-of-way for the future extension of the Zim Smith Trail that would be extended from Ballston Spa and down to the City of Mechanicville. At the last meeting, the Board asked regarding the title to the property and I think the County Attorney responded to the Town Attorney. Mrs. Murphy stated the following: I received an email from the County Attorney advising that there was clear title to the parcel in question that there was no right of reverter and that the Board was fine in going forward because the title that the County has is clear and that should be part of the whereas of the resolution, if the Board should decide to proceed tonight. Mr. Roberts asked if anyone from the public wished to speak. Mr. Edmund Rucinski stated the following: I am the resident of the family farm that's being foreclosed upon. Why is the Zim Smith Trail being rerouted through my former family lands? Mr. Kemper stated the following: The Zim Smith Trail is not rerouted. This is an extension of the Zim Smith Trail from the current terminus of the trail down to the City of

Mechanicville. The County has been looking at extending the Zim Smith Trail on to the City of Mechanicville. There is no rerouting of any trail and this is a future extension. If it does happen, we're taking the right-of-way out right now for that parcel. Mr. Rucinski stated the following: If this is the case, why is it that we had a public meeting here a number of months ago that involved the rerouting of the trail up through Mr. Tanski's land? So, I can only assume that trail was previously skirting this property because Mr. Tanski agreed to have this trail come up through his development. Mr. Kemper stated the following: The previous proposal has nothing to do with this parcel and it was within an existing subdivision and it used existing subdivision streets on Mr. Tanski's property. Some of the neighbors had some concerns with that and rightfully so. So, that trail was moved down along the rear of the properties. That had nothing to do with this parcel and that was totally separate from this proposal in front of the Board tonight. Mr. Rucinski stated the following: What is being done to construct this trail from Coon's Crossing on to Mechanicville? What is happening to the properties that are both to the north and west of my family's farm? Mr. Kemper stated the following: As opportunities come available, the County is working with those properties and projects to acquire the necessary right-of-way for the future construction of this trail. Like Mr. Tanski; when he came before the Board, we met with him and we got the right-of-way necessary for the trail. So, this just comes up as properties become available, and then the County is looking to acquire that necessary right-of-way. Mrs. Murphy stated the following: I think what Mr. Kemper is saying is that this is an on-going process with the trail master plan as set forth through the County and by the State for the Zim Smith Trail that has a designated area that they're looking at and as opportunity and funding permits, the County in fact takes ownership and goes forward with either easement language or ownership with regards to construction and development of what is basically a Statewide trail system. Mr. Kemper stated that is one-hundred percent correct. Mr. Rucinski stated the following: This property was used to illustrate both the front and back covers of the Northern Halfmoon Generic Environmental Impact Statement back in the year 2001 and at that time, that same document, much to my horror, included illustrations of Mr. Tanski's development with proposed roads already being plotted through my family's land. I consider this a continuation of these intensions and I think that the people here deserve a little bit of the history lesson as to how the recent development spurt of Halfmoon came to be, but before that when Mrs. Murphy was talking about clear title to the land, there are some constitutional issues here, which is not for this particular venue, but if we're talking about superiority of title, there is not a single person in this room who is immune to what is happening to me. There is not a single person here that is safe from a property tax foreclosure, especially in these very difficult economic times. This is a pandemic. What is very ironic about this is that all the money made by the developers of Northern Halfmoon and all of the tax revenues gathered by all of the developments since 1996 were due to my coerced and extorted signature on a land swap, which opened up Route 9 to the Sysco Foods Warehouse and then created the opportunity for the scenario of the utilities that were being run through the vacant lands of Halfmoon and none of this would have happened had not my mother been threatened with institutionalization, had I not signed off on that land swap. There have been many efforts to get this land out from under my control after I had exhausted my entire resources maintaining my mother for the last 3 years of her life. My brother refused to divide the estate evenly and kept me from the monetary portion of our mother's estate for the express purpose of driving the property into a tax foreclosure at which he felt confident that friends of his would buy it. Another tactic used to keep me off this land was a court action to have me removed as co-executor from the estate, because I refused to sign a sales contract tinted by Mr. Tanski for the purchase of my farm for 3.1 million dollars. This is all a matter of public record in the surrogate's court. Once the matter was behind us, Mr. Tanski's or other developer's straw man, Mr. Robert Shaw, sent me a check for the back taxes along with a sales

contract for 4.5 million dollars on the property. So, we're dealing with an incredible lopsided situation here with a property value as opposed to the 30 thousand dollars that was left in taxes. Also, there was a precedent set by the powers that be to have me give 30-acres of land in lieu of back taxes for the Zim Smith Trail then. Why am I not being compensated for this property now or at least have some tax forgiveness? Mrs. Murphy stated the following: Mr. Rucinski, this is an issue with the County. (A) the Town doesn't have tax. So, we're not responsible for any kind of tax foreclosure. (B) this is a Planning Board, which has nothing to do with taxation in any way. What is here today is whether or not the property should be subdivided or not and that's really the sole issue. So, while I'm very very sorry for everything that you've been through, this Board doesn't have any ability to address the concerns that you're raising and it sounds like you have been raising them in the appropriate venues. However, this isn't one of them, unfortunately. Mr. Rucinski stated there are so many factors that are in place that you may not be aware of and it's only fair that you have some overview of the backstory before you make a decision. Mrs. Murphy stated the following: This is why they have public hearings. I just don't want you to be under the misimpression that this Board can in any way verify or determine anything that you're saying. The Board just has to go on the subdivision laws and the ownership that the County is representing they have as we sit here tonight. Mr. Rucinski stated the following: In the terms of the actual trail itself, there have been so many disastrous results of the Saratoga Plan with their trails going through Saratoga Springs where there were huge amounts of clear cutting and the appearance of these trails left the areas very much worse off than they were. What is going to be happening here? The other thing that I'm worried about is in the event of the power company again wanting easements for their high tension lines servicing Global Foundries. All of us on Staniak Road were approached by NYSEG to have power lines go through our properties on the way to Global Foundries. The most likely route of this would be this termination. Once the County takes possession of this subdivision, do we run the risk of power lines being run through our unsightly, as well as dangerous, facilities? Mr. Kemper stated the following: NYSEG did originally have a plan to extend those power lines out to Coon's Crossing and their most recent rendition shows the power lines jumping back over the existing railroad tracks quite a bit east of this parcel. So, in my last discussions with NYSEG, those plans for extending along that area are off the table. NYSEG did approach us, because I knew we were interested in the same quarter, but since then I think they have abandoned those plans, but I can't speak for NYSEG. Mr. Rucinski stated those of us who lived all along Staniak put up a united front against that kind of imposition, especially when power lines were already running through areas well to the north and it does seem that everything here is still very very iffy. Now, even though, what you are doing is technically legal, the fact that I was living in the City of New York, I spent 17 years doing volunteer work with assisting victims of violent crimes and much of what I did was to train law enforcement officials, the D.A. as well as police in proper techniques so that perpetrators were not getting off on technicalities. In my training, the very first training that I had in terms of promoting crime prevention was to draw people's attention to a crime. While this activity may be totally legal, there are many aspects of it which are philosophically and morally criminal and I leave you to make your decisions and live with your own conscious. Mr. Roberts thanked Mr. Rucinski for his comments. Mr. Roberts closed the Public Hearing at 7:22pm. Mr. Higgins stated the following: I think the response that we received from the County Attorney was an answer to a question that the Board had raised at the previous meeting regarding the ownership of the property. Based on the County's interpretation that they in fact are owners of the property, I think the Board has to act based on the information we have from the County. Mr. Rucinski further stated the following: In terms of dealing with the County, there are a number of proposals I made with the County Attorney and the County Treasurer to which I was told that they do not negotiate with taxpayers. Stack that up against the hundreds of

millions of dollars that are being given away by the fat cats of this County that are putting the tax burden on to all of us, but have been here for ages and are being driven off our lands because of current policies. Mr. Roberts stated I agree with Mr. Higgins.

Mr. Nadeau made a motion to approve the minor subdivision application for the Saratoga County Subdivision – Zim Smith Trail right-of-way conditioned on the approval being based on Saratoga County's clear title to the property. Mr. Ouimet seconded. Motion carried.

**New Business:**

**13.049 NB      Mane Tame, 1471 Route 9 (Crescent Commons) – Change of Tenant**

Mrs. Murphy recused herself from this item. Mr. Mike Klimkewicz, owner of Crescent Commons, stated the following: Ms. Jill Pipino is the owner of Mane Tame. Ms. Pipino stated the following: I am proposing an upscale pet styling boutique into the Crescent Commons building located at 1471 Route 9. Mr. Roberts asked what do you mean by "upscale"? Ms. Pipino stated we would only take a couple dogs at a time. Our operation would be quiet and clean. There would be no stress for the animals and no stress for us. We would give nice haircuts and we wouldn't have any dirty dogs still walking out. Mr. Roberts asked how many employees would you have? Ms. Pipino stated it would be just myself and Cassie, who is the other co-owner. Mr. Roberts asked how many people would be dropping off pets at one time? Ms. Pipino stated two with one pet per person. Our clients would drop off their pet and come back 4 hours later to pick up their pet. Our drop offs would be two at 8:00am, two at 8:30am and two at 9:00am, two at 12:00pm, two at 12:30pm and two at 1:00pm. That would be the maximum and it doesn't have to be that many. Mr. Nadeau asked so, at any point there would only be two dogs there at a time? Ms. Pipino stated no, there would be three dogs apiece at a time, but they're all only dropping off two at a time. All dogs would be there for a maximum of 4 hours. Mr. Ouimet stated the following: So; there would be six dogs on the premises with two operators, but you can only provide services to one dog at a time. How are you going to control the other dogs? Ms. Pipino stated the following: Six would be the maximum and people would come in and drop off the pets, we bathe them, put them in a holding area, get the next dog and start the procedure all over again with the next pet. When the grooming is complete, we call their owner's to come pick them up. Mr. Ouimet stated tell me a little bit about the holding areas. Ms. Pipino stated our holding areas are crates. Mr. Ouimet asked is this suite on the first floor or second floor? Ms. Pipino stated we would be on the first floor. Mr. Berkowitz asked if they would be boarding any dogs. Ms. Pipino stated there would be no boarding and no daycare. Mr. Roberts stated so; typically the owners would drop off their pets and then they would come back later and there wouldn't be any cars staying there for a long period of time. Ms. Pipino stated the following: Right, no one would be waiting. If there is a special case where an owner must wait for their dog, we're going to do a special appointment that we call an "express appointment". That way the owner can drop off and wait. We have a little sitting area where the owner can wait and we can get it done in less than an hour. Mr. Ouimet asked how many dogs would you allow in the express service? Ms. Pipino stated one at a time. Mr. Ouimet asked would that be one for each of you or just one dog? Ms. Pipino state no, one at a time because it's too stressful to have both of us take that on. Mr. Ouimet stated the reason why I'm asking these questions is because I would like to know what the impact on parking at the plaza is going to be. Ms. Pipino stated the following: We would only allow one at a time for our express appointments because again, it would be too stressful for both of us to have people sitting and waiting and if someone is waiting, they want their dog done and they want all the attention on their dog. So, the other person would need to be free to answer phones, get the door and anything else that needs to be done. Mr. Ouimet stated so, basically anything over 10 minutes you would have a maximum of 3 cars; one for each of you plus

whoever has an express appointment. Ms. Pipino stated yes and we have separate parking in the back of the plaza for employees. Mr. Ouimet stated okay, so really it would only be one beyond 10 minutes or so. Ms. Pipino stated that is correct. Mr. Nadeau asked what about noise when the dogs are waiting to be picked up? Ms. Pipino stated the following: Most dogs are relatively quiet and we also have crate covers that will make it a little darker and more like a den that would make the dog feel comfortable. In the event that we have a dog that won't settle and won't quiet down and get comfortable, we will work on them straight through and call the owner for pick up about 15 minutes before they are done. Usually when the dogs are being worked on, they're not going to be as fussy. They're usually only fussy because they are bored, scared or alone. Mr. Nadeau asked Mr. Klimkewicz what the adjacent businesses were at the plaza? Mr. Klimkewicz stated that there is a barbershop on one side and a stereo store on the other side. The applicants have also committed that if there is a noise issue, they will add systems in place to deafen the noise. Mr. Ouimet asked the applicant if she was in business right now somewhere else? Ms. Pipino stated I previously had a business in Latham. Mr. Ruchlicki stated I think you said your last appointments would be around 1:00pm; so, given that, you'd probably be all done by 4:00pm. Ms. Pipino stated yes, I don't want to be there past 4:00pm.

Mr. Berkowitz made a motion to approve the change of tenant application for Mane Tame. Mr. Roberts seconded. Motion carried.

### **13.050 NB      Auto Answers, 143 Plant Road – Commercial Site Plan**

Mr. Mike Savoca, the applicant, stated the following: I'm the owner of 143 Plant Road, which is located directly behind the Stewart's Shop on Route 146. My business partner and I would like to run an auto repair business at this location. Mr. Roberts asked is that the little garage? Mr. Savoca stated yes, it's a garage all by itself. Mr. Roberts asked how many cars do you plan on having there at one time? Mr. Savoca stated the following: It's a 1-bay building with storage in the other area. So, it would be a 1-car operation at a time. It has a small driveway so, if 2-cars are parked in the driveway, that's probably the maximum. Mr. Roberts asked is there a restroom in the building? Mr. Savoca stated the following: No, there is not. I do have public water for the lawn and for washing the cars and that's it. Mr. Roberts asked what would you do for restroom facilities? Mr. Savoca stated I personally go over to Stewart's, which is right next door. Mrs. Murphy stated I don't think that is allowable on a commercial site, but I will definitely look at that for the Board. Mr. Savoca stated the following: There would be no waiting area for customers. The customer would just drop off their cars to be worked on. Mr. Higgins asked where the building was located and stated the reason why I'm asking is that they are going to modify this intersection. Mr. Savoca showed the Board where the building was located on a map and stated that it is written as a house on the plan, but it is a garage. Mr. Higgins asked other than the garage and the shed, are there any other structures on the site? Mr. Savoca stated no, there is not. Mr. Ouimet stated the following: How extensive is your repair business? Do you just do minor tune-ups, oil changes or do you do something even more than that? Mr. Savoca stated it's going to be probably almost anything mechanical, except for the oil change part just because most of the people I send to places like Jiffy Lube and places like that because it's kind of a hassle for me. Mr. Ouimet stated so, in theory a car could be there longer than 1 day that you are working on. Mr. Savoca stated correct. Mr. Ouimet stated that it doesn't look like you have a lot of storage area. Mr. Roberts stated that the applicant said he had room for 2 cars. Mr. Ouimet stated I know, but then how do you get in and out of the garage if you have a car parked on the driveway? Mr. Savoca stated that there is a way that I can move them around on my own. Mr. Roberts stated the following: We can't take action on this proposal tonight because we haven't heard from the Saratoga County

Planning Board yet. I would like to get a committee together to check this site out. Mr. Ouimet stated I think that's a good idea. Mr. Higgins and Mr. Berkowitz offered to be on the committee to go look at the site.

This item was tabled pending a May 20, 2013 site inspection by the Planning Board committee for a determination on the requirement for restroom facilities on site and an approval by the Saratoga County Planning Board.

**13.052 NB      Anthony Motor Cars, 1514 Crescent Road – Change of Tenant & Sign**

Mr. Anthony Porcell, the applicant, stated the following: I am the owner of Anthony Motor Cars. We are proposing to move our business and obtain a change of tenancy at 1514 Crescent Road in Halfmoon. Everything would remain the same. I have provided a site plan and nothing will change inside or outside. I have been notified by the Board that the previous tenant had some complaints about parking. We're going to park and use the existing site plan. We don't carry that type of stuff and we don't have junk cars or cars that have no motors in them. We don't do repairs and we don't do cleanups on-site. We're a wholesale company that does some retail work also. Anthony Motor Cars will replace JB Auto at the same location. Signage, greenspace, and the parking of the used cars will all remain identical as shown on the site plan. Mr. Ouimet stated the following: How do you get your cars to the site? Do you drive them individually or are they dropped off by transport? Mr. Porcell stated the following: It depends. We have accounts in New Jersey and my family is part of the Sansone Auto Group in New Jersey, which many of the cars go to and those cars are usually bought and then trucked to our cleanup shop that is located in Latham. From the Latham site, they are picked up and immediately sent to New Jersey. So, it depends on where the car is coming from but most of the wholesale pieces never touch 1514 Crescent Road. There is no reason to take them from point "A" to point "B" because we don't do cleanup there. So, everything is shipped directly to cleanup and then disbursed to wherever it is we're going to send it to. Mr. Ouimet asked what if it was to go from cleanup to your lot on Crescent Road? Mr. Porcell stated then it's a retail car that I've decided to buy for myself. Mr. Ouimet asked how does it get there? Mr. Porcell stated we drive it. Mr. Ouimet asked so, you don't use a transporter to drop vehicles off at your site? Mr. Porcell stated no. Mr. Ouimet stated the reason why I'm asking these questions is because I'm concerned if you use a transporter; sometimes they park on the shoulder of Crescent Road and unload cars. Mr. Porcell stated to be honest with you I can't afford the transporters so, if they're local, we drive them and bring them in ourselves. Mr. Ouimet stated okay, because we don't allow the transporters to park on the side or shoulder of the road. Mr. Roberts stated the following: That's a good point because we don't want any car carriers parked on Crescent Road. Also, you were correct about previous issues at this site with the other car dealer overstepping their display area. You will be confined to your property; you can't go out in the right-of-way and you can't drift onto other properties. Mr. Porcell stated the following: That won't happen and we're not going to stock trucks there like the previous car dealership did. We're mostly in the car business and we will have some trucks. The property is more than big enough to maintain what we're able to do. Mr. Ouimet stated I believe there as a maximum number of vehicles that were approved on that site, right? Mr. Roberts stated yes there were. Mr. Porcell stated I believe it was 30. Mr. Roberts stated I think it was less than that. Mr. Higgins stated I think it was 25. Mr. Porcell stated I can live with 25. Mr. Roberts stated Mr. Porcell said that he would just be replacing the existing sign that was at the site and it does meet Town code.

Mr. Ouimet made a motion to approve the change of tenant application for Anthony Motor Cars contingent upon a limit of 25 vehicles on-site and no auto drop-offs allowed on the Crescent Road right-of-way. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to approve the sign application for Anthony Motor Cars. Mr. Higgins seconded. Motion carried.

**13.053 NB      Snyder's Restaurant, 1717 Route 9 – Sign**

Mr. Bruce Tanski, the applicant, stated the following: I would like to put a sign on the side of building at Snyder's Restaurant. The sign will say "Snyder's Restaurant". I would like to withdraw the proposed digital signs at this time. If I decide to do the digital signs, I will come back to the Board for those. Mrs. Murphy stated you will need to amend your application to remove the request for the 2 digital signs on the building. Mr. Tanski stated okay and we are well under the square footage for the signs at the plaza because we took the existing Snyder's Restaurant sign down. Mr. Roberts asked are you proposing two Snyder's Restaurant signs? Mr. Tanski stated correct, one on the front of the building and one on the rear of the building or one on the west side and one on the east side. Mr. Roberts stated that the two signs would meet the Town code.

Mr. Berkowitz made a motion to approve the sign application for Snyder's Restaurant. Mr. Ouimet seconded. Motion carried.

**13.054 NB      Self Storage Facility, 423 Hudson River Road – Commercial Site Plan**

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: This is a proposal for a self-storage facility on Hudson River Road. It is located across the street from Yankee One Dollar and the property to south is Costanzo's Restaurant. So, this proposal would be surrounded by commercial uses. The property is a little under 3-acres and we're proposing a little less than 42,000 SF of self-storage facilities. This will all be indoor self-storage and there wouldn't be any outdoor self-storage. They are proposing two different types of storage: your standard self-storage that has doors on each side where people can access the unit with a lock and two that would be climate controlled that would have some outside where there would be an interior corridor for inside units. We are proposing a small office on the site and everything would be fenced in. There would be a single entrance with a few parking spaces, so people could park without going through the fences. They are also proposing a small septic system and water is available across the street, so they would be bringing water service to the facility. The property does sit below the flood plain for the back half of the property, so they would be bringing in fill to elevate the units. We did have a wetland specialist at the site to make sure we didn't have any wetlands on-site and we do have one area of wetland that we avoided, which is a small ditch that comes into the backwater of the Hudson River. Although we did survey it, it didn't have water, but in the middle of the winter it does have backwater and right now is when the locks are adjusted and the backwater does come up into that area. Mr. Roberts asked did you say that there would be no outside storage at all? Mr. Andress stated the following: There is no room in there for any outside storage and we are proposing no outside storage. When we put in the narrative "outside units", that meant that the units are internal storage, but you access the units from the outside as opposed to the climate control units where you can actually go inside. Mr. Roberts stated so; there would be no boats, no campers and nothing like that there. Mr. Andress stated no. Mr. Nadeau stated the following: Where is this site located? I know the general area, but is it Dave Taylors lot? Mr. Andress stated the following: I think it was Henry and Doris Worster property. There was something on it in the past because I noticed that it had hookups for what looked like RV's or something on the canal property land. There is an access drive that is almost directly across the

street from the access drive for Yankee One Dollar. Mr. Nadeau asked what is on either side? Mr. Address stated it is adjacent to Costanzo's. Mr. Berkowitz asked is the property north or south of Costanzo's? Mr. Address stated Costanzo's is south of the property. Mr. Roberts stated it's the old septic site where they had the port-a-johns. Mr. Address stated right. Mr. Ouimet asked Mr. Address to show where the fence goes because it looks like you're using part of the building for a fence. Mr. Address stated we are. Mr. Ouimet stated so it's not completely enveloped by a fence line. Mr. Address stated the following: It always is and yes the buildings that are used for fencing are only accessed on the one side. It's fairly typical in the self-storage industry and it's fairly common to use the back and that way we also don't have to have double pavement around it. Mr. Address showed the Board how the fence would be laid out on the property. Mr. Ouimet asked in addition to a fence, what else are you proposing for security for the facility? Mr. Address stated the following: All of these facilities have full security cameras, security lighting and there would be a small amount of lighting that would be left on at night. Also, everything else is motion detector set. Mr. Ouimet asked how can we be assured that no one will store hazardous waste or materials like gasoline in this facility? Mr. Address stated the following: There are standard notes that we have for all the facilities and we can certainly put those on there. This is a question that Boards always ask and we put specific notes on to the plans pertaining to that. Mr. Ouimet stated if it's self-storage and it's not being monitored constantly, how are you going to know what's in those buildings? Is there a fire issue here and has anyone spoke with the fire department or fire chief? Mr. Address stated no I have not, but these are self-storage units that are throughout the Capital District. During the day there would be someone there so there is monitoring during day, but the cameras are on 24 hours a day. Mr. Ouimet stated right, but they don't monitor what somebody is taking out of their car in the side alley over there. Mr. Address stated those cameras are located in the alley area, but you're right, you probably can't see what's in the boxes. Mr. Ouimet stated and it's not going to be manned 24 hours. Mr. Address stated right. Mr. Berkowitz asked are those buildings large enough to drive a car or boat in there to be stored? Mr. Address stated the units are not set up for that. Mr. Berkowitz asked but are the units large enough for that? Mr. Address stated the following: The aisles are designed specifically on these and they are narrow because we don't want someone to be able to turn because they are just going to back up and hit the unit. So, the cars have to sit on the side and then they unload. Mr. Berkowitz asked so, is that prohibited in the contract with the client? Mr. Address stated there won't be and we certainly will have no problem putting that in as a restriction. Mr. Berkowitz asked how high is a standard security fence for one of these facilities? Mr. Address stated just 6 FT. Mr. Berkowitz asked is that tall enough to keep someone out especially when you're backing up to a river? Mr. Address stated the following: Yes, in a lot more instances now, we do a lot of these facilities and people are not even using fences because they have security set up. We just did a large one out on Route 20 in the Town of Guilderland who didn't end up putting a fence up and it backs up to a lot of woods and a railroad track. Mr. Berkowitz asked are the cameras monitored 24 hours a day? Mr. Address stated yes. Mr. Berkowitz asked by who? Mr. Address stated they are on monitoring tape and someone isn't sitting there watching it. Mr. Berkowitz stated so someone could just go in there in the middle of the night and they wouldn't know until the next morning. Mr. Address stated the following: That is correct. Well, they can access it through a code on their computers, but unless they are sitting there every second, they could pull it up and they can run through the monitor tapes. Mr. Nadeau stated so the people who are authorized to go in there would beat the people going there. Mr. Address stated the following: Right. In this instance it's fully fenced and they will know who is going in there because you have an access code or a swipe card. I'm not sure which way they are going to do it. Mr. Berkowitz asked are there motion detectors that would detect somebody going in from the back or the side? Mr. Address stated the whole thing is setup with a motion detector



for the lighting so, yes. Mr. Higgins asked is your 28% greenspace based on the total size of the lot? Mr. Address stated the following: Right, it's the size that we own of the lot. There is also additional land behind us but that's not part of our lot but it has been included in. Mr. Higgins stated the following: How about the land to the south and north, which are, according to what you told us, basically flooded land? Didn't you say that the area in the back floods when the locks are full? Mr. Address stated the following: There's an area that has backwater and when we were out there surveying it in the wintertime when the locks were down, we had contours on there and I took the contours off because there was no water in there. In fact, there is a dock on the adjoining property that was sitting 6 or 7 FT in the air which looked a little odd. However, once they opened up the lock system, this backwater comes to those limitations. So that is where the water is. Mr. Higgins stated the following: If we took the area that's underwater now out of your greenspace, what would the calculation for greenspace be? Would it still be over 20%? Mr. Address stated yes, it would still be over 20%. Mr. Berkowitz asked how about if you removed the bio-retention areas? Mr. Address stated the following: That I don't know. We might not be 20% if you remove all of those. But the bio-retention area is more than the standard stormwater management practice because the bio-retention ends up with all the plants in it. So, it certainly acts as greenspace. Mr. Berkowitz asked do we usually count that? Mr. Higgins stated the following: Yes. We've had situations with some other self-storage areas where people actually operate a business out of there where they have sales; they open the doors, put signs out and are bringing materials in and out every day. Would this be strictly for storage or are there going to be businesses operating out of these facilities? Mr. Address stated the following: This is being setup as storage and it's not setup for someone to operate a business. I have done those multi-tenant buildings like that, but that's not what this is. Mr. Higgins stated the following: I'm talking about areas in the Town where they told us it was going to be self-storage and all of a sudden there are businesses operating out of them. Based on the fact that there is not a whole lot of parking and it's tight within the buildings, that's why I'm asking the question, because you really don't have the room to have cars going in and out every single day. Mr. Address stated and that is not our intention, this is for self-storage. Mr. Nadeau asked what are the buildings going to look like? Mr. Address stated they would be standard metal buildings and we'll go with a neutral color. I will get a color scheme for you. Mr. Higgins asked how tall are the buildings? Mr. Address stated they're only like 12 FT high. Mr. Higgins asked even the front buildings? Mr. Address stated the front buildings aren't that high and I would have to check for the two that have the climate control that may be a couple more feet high. Mr. Roberts stated we'll need more details because we're going to need better plans to submit to CHA anyway. Mr. Nadeau asked what about lighting, are there any residents in the area? Mr. Address stated there are not. Mr. Ouimet asked is the operator of this self-storage facility currently operating other self-storage facilities in the area? Mr. Address stated he is not. Mr. Ouimet asked do you know whether or not he's going to have rules and regulations for people who rent space? Mr. Address stated the following: Yes, there will be and there is a contract to sign. I don't have it here but we can certainly get a copy of one that they use. Mr. Ouimet stated the following: I think at some point it would be appropriate for you to share that with our Planning Department so we understand exactly what the parameters are for what can and what cannot be stored in these units. I think a lot of stuff will flow from that as to whether or not we need fire suppression systems and things of that nature and the fact that if they're going to allow flammable materials to be stored. Mr. Address stated there are prohibitions on all those, but they will certainly have a contract. Mr. Ouimet stated I understand, but normally the rules and regulations would govern that. Mr. Berkowitz asked are there any State guidelines for this on what you can and cannot store? Mr. Address stated that I'm not sure of, but I'm not aware of any. Mrs. Murphy stated Building Code has regulations and it would say that it would have to be labeled a certain way

so that first responders would be on notice with regards to there being any hazardous materials, but your typical storage contract prohibits any of that, but the question is, how do you regulate it. Mr. Berkowitz asked have you talked to the owner of the restaurant and have you proposed any screening? Mr. Address stated there is a fence along that whole side, they have fence there and then our unit will be a solid one against the whole side. Mr. Berkowitz stated you still have that fence going up toward the road right where the restaurant is, don't you? Mr. Address stated the fence for the restaurant is the whole way and all the way through there is a stockade fence. Mr. Berkowitz asked does the restaurant already have a fence? Mr. Address stated yes and when you are on this property looking at the restaurant, you can see just the top portion of the restaurant. Mr. Higgins stated the following: What are you going to do about garbage? Would there be a dumpster or something? Mr. Address stated the following: No. That's the worst thing that you can do because then everyone would be throwing their trash in it. Everything that comes in they have to take out. The only garbage that will be there would be a trash receptacle in the office. Mr. Higgins stated we've all seen it on TV, what happens if they fall behind and then all of a sudden there's a ton of garbage to be taken care of. Mr. Address stated they would have to go through a legal procedure to remove the contents of the unit. Mr. Roberts asked Mr. Bianchino if he would need updated plans before he could review this proposal. Mr. Bianchino stated yes. Mr. Roberts asked Mr. Address for updated plans including the operation of the security system and submit them to the Town for CHA's review. Mr. Higgins stated the following: Also, we would need the calculation of the greenspace that's not underwater. So, we need a classification on that because we had a similar project where it was seasonally underwater.

This item was tabled awaiting revised plan for CHA's review.

**Old Business:**

**06.121 OB Howland Park PDD, 128 Johnson Road – Major Subdivision/PDD/GEIS**

Mr. Jeffrey McCarthy, of Ivan Zdrahal Associates, stated the following: Howland Park is 158-acre project site located on the southwest corner of Johnson Road and McBride Road. The proposal is for 96 residential lots depicted in the light green color on the plans. This has received preliminary subdivision approval back in March 2010. We obtained a freshwater wetlands permit from the New York State Department of Environmental Conservation (NYSDEC) in May 2011. A water supply permit was obtained in November 2012 and a Federal Wetlands Disturbance Permit was obtained from the Army Corp of Engineers (ACOE) last month. The sanitary sewer has been reviewed by the State and also the Saratoga County Sewer District #1 (SCSD#1). Our request tonight is for a final approval on this project. Mr. Higgins stated regarding the off-site improvements, what's the time frame as far as when they are going to be done in conjunction with the phasing and what is the phasing of the buildings on-site? Mr. McCarthy stated the following: There are two connections on Johnson Road; one that connects to the water service installed as part of the Fairway Meadows and way at the other end of Johnson Road and Cary Road. An initial connection would be done that has to supply water at the eastern side of Johnson Road and the final connection would be made to loop the water to service the lots on Tortoise Drive. Mr. Higgins asked what about the change to the elevation on Johnson Road and when is that going to be done? Mr. McCarthy stated I don't specifically know when it's going to be done. Mr. Higgins stated the following: The reason why I'm asking the question is because there are other improvements that need to be done that are waiting for the elevation change. So I think that we need some kind of a time frame. Mr. Bianchino stated the following: As Mr. McCarthy has said, I think you are going to tie into that waterline at this point that is along Johnson Road that the Fairways of Halfmoon was designated to put in and that line is not in yet. Mr. McCarthy stated we are going to connect through here and go this way. Mr.

Bianchino stated okay. Mr. McCarthy stated this is the improvement section so; there is no reason to disturb that to install the water. Mr. Bianchino stated the following: I believe when we did preliminary, there was a phasing plan that included the off-site improvements, but I just don't have the phasing plan in front of me. We'll discuss that with them as part pre-construction, but I think the discussion was that that section of Johnson Road and that improvement would be made as part as Phase I, because we wanted to get the extension of the waterline in from McBride Road and then up to Staniak Road, which I believe that's where your sewer is going, right? Mr. McCarthy stated yes, there are two different sewer connections. Mr. Bianchino stated the sewer line connection goes up Staniak Road towards Bent Grass Drive. Mr. McCarthy stated yes. Mr. Bianchino stated the following: I think the waterline is supposed to be looped up there as well. So, that whole Johnson Road section with the sewer and water connection would all be done as part of Phase I, which would be our plan. Mr. Higgins stated also, as far as the other connection; is Mr. Frank Tironi, Director of Water, okay with waiting for Phase III or IV? Mr. McCarthy stated I think it is Phase VII. Mr. Higgins stated so it could be quite a few years down the road before that and asked if Mr. Tironi was okay with that? Mr. Bianchino stated yes, I believe that's what we talked about when we did the phasing plan. Mr. John Pingelski, Superintendent of Highways, stated the Planned Development District (PDD) language notes that the hump had to be removed from Johnson Road prior to the issuance of the first Certificate of Occupancy (C.O.); other than the model home. Mrs. Murphy stated the timing is laid out in PDD language itself, but I wanted to be able to read from it, but the Highway Superintendent is correct. Mr. Higgins asked Mrs. Murphy if there was anything that you see as far as the connection on the other end? Mr. Bianchino stated the following: The connection on the other end is going to come through the subdivision. So, to make the connection from Cary Road to the intersection; until the rest of subdivision road is built because that's the way the 12-inch line is going to be extended through the subdivision. In other words, if we went from Cary Road and came back, there are no utilities on Johnson Road. So, it has to go through the subdivision in order to make the interconnection of the waterline. Mr. Higgins stated okay, so the waterline is going to be dead ending until the time that that's done and that's all I'm asking because I know Mr. Tironi has mentioned previously that he doesn't like dead ending. Mr. Bianchino stated it's not going to be dead ended because it's going to run up through Staniak Road and loop back into Bent Grass Drive. So, there will be a loop internal and then the extension will be done. Mr. Higgins stated as long as it meets the Water Department's approval I'm fine with it, but I know Mr. Tironi has mentioned previously that he didn't like dead ending and that's why I was asking the question. Mrs. Murphy stated it doesn't dead end and Mr. Tironi is very much aware of the proposed layout. Mr. Nadeau stated so eventually Cary Road to Johnson Road, there will be a loop there as well. Mr. Bianchino stated correct.

Mr. Berkowitz made a motion to grant final approval for the Howland Park PPD – Major Subdivision/PDD/GEIS. The applicant addressed issues raised at the preliminary approval and CHA has confirmed that all the issues have been addressed. Mr. Nadeau seconded. Motion carried.

**13.038 OB      Pride Fitness Center, 215 Guideboard Road – Change of Tenant**

Mr. Michael Wright, the applicant, stated the following: I'm seeking a change of tenant at Salty's Plaza to open a small fitness center. We have previously been in front of the Board a couple of times and the Board had concern with the parking situation. We have made changes since the meeting 3 weeks ago where we were denied. There are a few things that we know now and the owner of the parcel has talked to Mr. Roy Casper to let him know that the strip mall is all one parcel, which includes Gil's Garage that has an abundance of parking spaces on the other side of the strip mall. At the last meeting the Board thought that the parcel was divided and that it was

not accessible for the plaza parking. I have spoken with the owner of Snap Fitness, which is the model that my gym is made after, and they have between 300 and 400 members. On both sites of Snap Fitness in Clifton Park and Glen Falls the owner of Snap Fitness has 6 dedicated spots that were required by those two Towns and Snap Fitness also has overflow capabilities, but they only need those 6 spots. The owner of Snap Fitness has told me that over the last 2 years the most people she has even had in gym at one time is 15 people. We are focusing on personal training and we changed our model a little bit in that we will not be having spin classes or large 10-15 person classes. It is now going to be more one-on-one personal training with half-hour and hour sessions. There won't be more than 2 employees at one time and with the overflow abilities of the lot, we're hoping that this Board will approve this project today. Mr. Roberts stated the following: The changes sound encouraging and better than what you had previously proposed. So, how many people do you anticipate having there at one time? Mr. Wright stated the following: The regular flow of the gym is 4 to 5 people at one time with a maximum of 15 people. There would be at least 15 parking spaces someplace with the information that Gil's Garage is also part of that parcel. If someone had to park in Gil's parking lot, I know it would be a longer walk, but they wouldn't have to park on the road and it will self-regulate in that if people are seeing that there are no parking spaces, they won't come into the gym. Mr. Roberts stated the following: I drive by that plaza quite often and I have noticed that the toughest times are between 4:00 and 8:00pm. Many people may want to go there after work, but if you're going to limit the number of people, that would help. Mr. Ouimet asked are you willing to turn the 16<sup>th</sup> member away when you have 15 people in there? Mr. Wright stated sure. Mr. Ouimet stated well, you said you're going to limit it to 15 people. Mr. Wright stated what I said was the owner of a similar type gym said that over the last 2 years the most people she has ever had in there at one time is 15 and most of the time it will be 1 or 2 and sometimes 4 or 5. Mr. Ouimet stated the following: Obviously, that's what we are struggling with. If you are going to have a membership of up to 600, and we're looking at the parking spaces that are there, even with the additional parking from Gil's Garage area added into the parking that is there, it's only about 180 parking spaces. Now if you have 600 members and they all happen to show up at any given point in time, or even if more than 40 members come in, you're probably going to use every parking space that ever existed in that plaza. Mr. Wright stated the following: That doesn't happen. It's like saying you have 400 people eating at Salty's when they have 60 seats. Mr. Ouimet stated the other real problem that I have is that once you take up the parking spaces that you're going to need, there is nothing left for the vacant storefront that's right next door. Mr. Roberts stated as we have said before, that's Mr. Vasilakos' problem and that's not our problem. Mr. Ouimet stated I noticed that Mr. Vasilakos is not here tonight. Mr. Roberts stated he was here at the last meeting and I told him that so, that's not an issue. Mr. Nadeau stated I think we need to get a letter from Mr. Vasilakos stating that he understands that because if we approve this project, we would basically lockout anything else he is going to be able to lease. Mr. Ouimet stated we could either get a letter from Mr. Vasilakos or we could put this project on for the next meeting so Mr. Vasilakos would be here. Mr. Roberts stated we can't make Mr. Vasilakos be here. Mr. Ouimet stated Mr. Vasilakos has to hear it. Mr. Berkowitz stated either way; if this project goes in or another project goes in, Mr. Vasilakos would be limited on whatever he can put into that plaza. Mr. Roberts stated if Mr. Vasilakos comes back for another tenant, we would have to deny him. Mr. Nadeau stated we can do this contingent upon receiving a letter from Mr. Vasilakos stating that he understands this. Mr. Ouimet stated and that there is no more parking available. Mr. Roberts stated the following: That depends on what use may go in there. There could be a use that has minimal traffic. Mr. Ouimet stated I believe the other vacant space is larger than the space that Pride Fitness wants to lease. Mr. Wright stated the following: That is correct. The space I am proposing to go in is just shy of 4,000 SF and the other vacant space is 8,000 SF.

Mr. Higgins stated the following: I believe Mr. Vasilakos owns the property between the bank and Gil's Garage. So, if he wants to, he could make that part of the initial parcel and do some parking or landbank some parking for that other vacant space in the plaza. Mr. Roberts stated he does have plans for that, but that is a possibility. Mr. Nadeau stated as long as Mr. Vasilakos is made aware of what the situation is. Mr. Roberts stated the following: We could either send Mr. Vasilakos or receive a letter from him. So, if we do approve this, we would have to condition it on receiving a letter Mr. Vasilakos acknowledging the fact that he realizes no more approvals in that plaza. Mr. Ouimet asked should the Board take a position where this approval would only for a short period of time and then we could see how his membership and how the use of the plaza works? Mr. Higgins stated we have done that previously on other questionable sites and asked Mr. Wright if he had a problem with a 1-year approval? Mr. Wright stated we haven't negotiated the lease yet and if I do get into a 5-year lease, I don't know how that would work if the Board tells me that I can't do business any longer there and then I would still have a contract with Mr. Vasilakos. Mr. Ouimet stated actually, in a year it would give us an opportunity to actually see how the business is functioning and how much space you are actually using. Mr. Wright stated I would say if you do that with all the businesses that you're approving, I guess I would go along with it. Mr. Ouimet stated no, we don't do it will all of them. Mr. Roberts stated my personal feeling is that we are limiting it to 15 people at one time and I think that's enough of limit. If Mr. Wright has a limit of 15 people in there, and again I drive by the plaza a lot, there should not be an issue. Mr. Roberts asked Mr. Wright if he would be coming back to the Board with a sign application. Mr. Wright stated yes. Mr. Roberts stated unfortunately, you are limited on the square footage of the sign also.

Mr. Berkowitz made a motion to approve the change of tenant for Pride Fitness Center contingent upon a letter from Mr. Vasilakos stating that Pride Fitness Center would limit customers to a maximum of 15 at a time and also that Mr. Vasilakos notifies us that he is aware of the current parking situation at the plaza. Mr. Higgins seconded. Motion carried.

### **Organization Matters: Planning Board Chair**

Mr. Roberts stated the following: As you know, we are without a Planning Board Chairman. I'm currently the Vice Chairman and I enjoy being the Vice Chairman and with my current situation I don't really have the time to devote to be the Planning Board Chairman. I found out in the last 2 to 3 weeks that it is quite a bit of work. So, Mr. Ouimet has expressed that he would like to be the Planning Board Chairman. Does anyone else from the Board have an interest in being the Planning Board Chairman? No one responded. Mr. Roberts stated okay, since no other Board member has an interest in being the Planning Board Chairman, I will make a motion to nominate Mr. John Ouimet as the new Chairman of the Planning Board. Mr. Higgins seconded. Motion carried. Mr. Roberts congratulated Mr. Ouimet for accepting the position of Planning Board Chairman. Mr. Ouimet thanked Vice Chairman Roberts and all the Planning Board members. Mr. Ouimet stated the following: I would like to thank all of my fellow Board members for their confidence in me and I pledge that I will do the best I can for the time I'm Chairman of the Planning Board. I will listen to everybody probably more so than most people can, because I can do that. I would like to thank Mr. Walt Polak, the liaison for the Town Board, for his past support and I hope that we can continue to count on him for the future. I would like to thank the Planning staff and the Town Attorney for all their help, because without them I don't think we could get very far. I have big shoes to fill with Mr. Steve Watts leaving, but I'm not Steve, so things will be a little different.

Mr. Higgins made a motion to adjourn the May 13, 2013 Planning Board Meeting at 8:23pm. Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary