

## **Town of Halfmoon Planning Board**

### **Meeting Minutes – July 22, 2013**

Those present at the July 22, 2013 Planning Board meeting were:

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

**Planning Board Alternates:** Margaret Sautter  
Robert Partlow

**Director of Planning:** Richard Harris  
**Planner:** Roy Casper  
**Planning Volunteer:** Paul Marlow

**Deputy Town Attorney:** Matt Chauvin

**Town Board Liaisons:** Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Ouimet opened the July 22, 2013 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the June 24, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the June 24, 2013 Planning Board Minutes. Mr. Ruchlicki seconded. All-Aye. Motion carried.

**Introduction of new Planning Board Alternates:** Robert Partlow and Margaret Sautter

Mr. Ouimet stated the following: I would like to introduce our new Planning Board Alternates; Mr. Rob Partlow and Mrs. Margaret Sautter. Thank you and welcome Rob and Margaret. I hope you enjoy being our Planning Board Alternates.

**Public Hearings:**

**12.109 PH      Halfmoon Assisted Living/Special Needs Assisted Living Facility,  
410 Route 146 – Minor Subdivision**

Mr. Ouimet opened the Public Hearing at 7:02pm. Mr. Ouimet asked if anyone would like to have the public notice read. No one responded. Mr. Brien Ragone from Lansing Engineering stated the following: I'm here tonight with Mr. Kevin Dailey who is the attorney for the applicant and also Mr. Jay Hopeck from the Pike Company. I'm here to present a 4-lot subdivision for the recently approved Halfmoon Healthcare Planned Development District (PDD). The overall parcel is 81-acres and it resides on the southern side of Route 146 and just west of Fellows Road. Each of the 4 lots

would have some form of medical office or facility on it and it will be accessed by a future public road. Lot #1 would be developed first with an assisted living memory care facility and it is currently in the process of approvals with the Town. Each lot would be serviced by municipal water and sanitary sewer. There will be pump station installed on-site in the future when the lots get developed and there will need to be a force main installed from that pump station to the Fellows Road PDD pump station, which is located off-site. Any future development will require site plan approvals from the Town. Mr. Ouimet asked if anyone from the public wished to speak. Mr. Marty Mancini, of D&R Village, stated the following: We are located west of this property and we just want to make sure that there is going to be some type of screening because I think there are wetlands between the 2 properties and asked if that was going to be maintained? Mr. Ouimet stated the following: This public hearing is for a subdivision approval and not a site plan approval. The applicant would have to come back to the Board for a site plan approval. Mr. Ragone stated to answer Mr. Mancini's question; we are not disturbing those wetlands on that side of the property. Mr. Ouimet asked what about the screening for D&R Village? Mr. Ragone stated we are going to follow the overlay district, but as far as screening goes, there are existing woods and we won't be in that area to disturb them. Mr. Ouimet closed the public hearing at 7:08pm. Mr. Higgins stated I think we have to make sure that being that it is all a PDD, even though there are 4 separate buildings, can they utilize the parking from different sites or does each building have to have its own designating parking? Mr. Chauvin stated I believe the calculation would be based upon the use for each building. Mr. Harris stated the following: They are proposing a 104,850 SF building for the assisted living facility on Lot #1, a 15,000 SF medical office building on Lot #2, a 12,000 SF medical office building on Lot #3 and in the future Lot #4 would have remaining acreage owned by the applicant that is not part of the PDD. The parking standard would be separate on each separate lot for each separate building. Mr. Higgins stated the following: I thought that was the case. Mr. Dailey had a cover letter and the way I was reading it you were saying possibly that you could share parking for the 3 buildings and I wasn't sure of that because it was a PDD and whether they could be shared. Mr. Ouimet stated the following: I'm not all that sure that we should have this kind of discussion because this proposal is for a subdivision. We are talking about subdivision approval here and not site plan approval for the assisted living. We are going to save those questions for the site plan approval and when the detailed engineering drawings come in. Mr. Higgins stated I was trying to respond to the letter that the applicant put in the application. Mr. Dailey stated the following: We are trying to be a little creative because we have a site of 81-acres and we own the entire site and right now there are 7 lots. The uses are similar uses and some of the ownership we expect to be the same and for Lots #1, #2 and #3, we could have the same ownership. So, with a little bit of creativity as we get into the site planning later on, this Board could require us to have reciprocal parking agreements back and forth because some people may be busier during the day, other people on the weekends when you have people coming to visit. So, if we want to be creative and have some shared parking back and forth between the lots, I have no problem with that. Mr. Higgins stated the following: Okay. The only reason why I was bringing it up at this point was because of the letter and that's why I was asking the question because presently this Board cannot grant that type of shared parking. In other words, each building has to be treated separately. Mr. Dailey stated yes, each building has to stand on its own. Mr. Higgins stated I just wanted to go on record at this point just making sure that you understood that before you went any further. Mr. Dailey asked if you had a situation like on Memorial Day and you have more people coming to visit the Alzheimer patients, and it's a Sunday afternoon or a Monday and it's a Holiday, could they park in the other parking lots? Mr. Higgins stated the following: I favor landbanking, I favor greenspace and I'm not pushing for tons and tons of asphalt, but this Board only has certain limitations on what we can approve. Mr. Dailey stated when we get into the site

plan discussions, and I did send the Board a letter relative to the parking, and a response to Mr. Ouimet's comments from the last time and we can talk about that later on.

Mr. Nadeau made a motion to approve the minor subdivision application for the Halfmoon Assisted Living/Special Needs Assisted Living Facility as presented. Mr. Roberts seconded. All-Aye. Motion carried.

### **13.076 PH                    Searles Subdivision, Werner Road – Minor Subdivision**

Mr. Ouimet opened the Public Hearing at 7:10pm. Mr. Ouimet asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau from Gilbert VanGuilder Land Surveying and Associates stated the following: I'm here tonight representing Robert and Jennifer Searles in their request before the Planning Board for a 2-lot residential subdivision. The parcel is located on the westerly side of Werner Road and about 250 FT north of Kelly Lane. The proposal is to subdivide the 1.36-acre parcel into 2 single-family residential lots. Lot #1 would be a little bit over 30,000 SF and Lot #2 is approximately 29,000 SF. The 2 lots would be serviced by public water and public sewer. The existing wood framed garage that is currently located on Lot #1 would be removed. Mr. Ouimet asked if anyone from the public wished to speak. Mrs. Stephanie Nolet of 3 Cambridge Avenue stated the following: I would like to read a letter from Chelsea Eagan who resides at 94 Werner Road in Clifton Park: Mrs. Eagan's letter reads as follows:

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To whom it may concern:

I am on vacation and was advised a certified mail letter was received on my door regarding a meeting this coming Monday about subdividing the property adjacent to mine. I am unable to attend the meeting as I will still be out of town. If you are unable to change this portion of the meeting so I am able to speak, I kindly request my views be made clear during this meeting. I am absolutely opposed to this small piece of property being subdivided for several reasons. (1) There is not enough room for more than one home on that small lot. It is not completely flat. The current owner has advised me he sold it to Mr. Tanski who plans on building at least 2 multi-family units. However, this does not appear to be confirmed. Where will the driveways go? The property lies at the top of a small hill. My second driveway is already too close to the hill for safety and theirs would need to be closer to the hill. Theirs would either be directly at the top of the hill or directly below it. Neither is safe. (2) Water drainage: for 100+ years the water from up Werner Road has run either across my driveway or under my house, down the grass and into a drainage pond like area then down the ravine. This drainage system goes under my second driveway and was going out a tube forming a small waterway. This led across the adjacent property and sometimes forms a small pond before draining away. Please make it known both properties were owned by one family and was known as the old sawmill. It was eventually subdivided where Rob Searles got one piece of the property and his brother Lance had the other. I purchased my property from property from Lance Searles in 2001 and until the past year, it was all used as one big piece of property. I would mow Rob's side and he and his child could hang out and play on our side. There were no issues with water or anything else for that matter. Rob grew up at the property and knew how the water flowed and pretty much everything else about the property since it was his families homestead. Last fall Rob used large rocks, mesh and dirt to fill in the water path on his property. At the time, I was unaware that he had also used the same materials to block drainage on my property. This spring water has started to build up on our lawn into small ponds and our leach field was not working properly as the water had nowhere to go. We have not had this problem in the past. When the buildup started to appear on our lawn, that is when we noticed

the lower pipe was blocked up. We found large rocks shoved into our pipe and the top of the drainage pipe was smashed down so water was not allowed to drain out of it. In doing this, he stopped water flow from our pipe and onto his land. He did this without any discussion, nor my permission. My husband and I have attempted to remove the boulders and mud from our side of the property to allow the water to flow, but are still unable to move some boulders without hiring heavy equipment. Moving what we could has helped the water flow go back to its natural course, but not fully draining. If the property is subdivided and homes are built, where will the water drain? We will end up with water piling up in our basement and a useless leach field. Our property value will decrease and we will be forced to make changes to our leach field, which will cost a lot of money. If this subdivision is approved, the issue of water drainage from Werner Road needs to be addressed and it really should be addressed anyway. We already do not have much of a lawn left from the water coming down the road and flowing across our property. We do not need to add any more problems to this small block of Werner Road. Again, I am opposed to subdividing this small portion of land. The issues are: water drainage, safety regarding driveways and too many homes in a small area. We already have the Town considering unsafe entry onto the road directly across from our house and now next door too? Please consider my family while making your decision regarding subdividing again around our home. Thank you.

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Mr. Rabideau stated the following: This subdivision proposal is going to be single-family and it is in the R-1 Residential zone where the lot sizes meet those requirements. The land is relatively flat and sandy. Apparently there is a drainage issue, but I believe by hearing Mrs. Eagan's letter that there seems to be a constant problem along Werner Road because the water is just coming down through there. There obviously a drainage problem down Werner Road, but the water here apparently runs this way and this eventually turns into wetlands through the nearby subdivision that is in the back. As far as driveway access; there is a crest in the hill and then it flattens out right by the telephone pole and you can see 600 to 700 FT both ways because there is something like a plateau and then it drops off again. So, the drives need to come up pretty much together. So, instead of drives being far apart, they're close together, but we were able to have two separate drives; one for each lot. I think that covers the issues. Mr. Joe Christopher of 96 Werner Road stated the following: Like Mrs. Eagan, who is my neighbor, I too heard the rumors about that another builder was involved and plans on building 2 multi-family units. I like Mr. Searles and he has been a good neighbor and I think it's wrong that I have to speak against another resident's interest, if that is the case. I think if these builders want to develop a property, they need to step up and take the risk themselves, buy it and come here and request a subdivision and permits with honesty and integrity. That way Town resident's don't have to get up here and speak against their neighbors. If this request is denied, the property owner takes the hit and not the builder and I don't think that is right. In terms of this lot; mechanically this parcel along with 94 Werner Road where Ms. Eagan's house is located, was the property of Harold Werner's sawmill like she said. Mr. Eagan's lot at 94 Werner Road is a non-conforming lot. The house is 2.5 FT from my property line and it was illegal when it was built. Harold Werner built that structure and from what my grandfather told me, he said it was going to be an office and it soon became apparent that it wasn't an office at all and he was moving his grandson into it. I don't know if it was red tagged or what at the time, but I remember Harold Werner coming to the house and asking my grandfather, Nick Christopher, for permission to continue. Harold Werner said his grandson needed a home and my grandfather said okay. I don't know how it happened and I know Harold Werner had some influence, but the Town allowed him to continue even though the structure is 2.5 FT from the property line; it's only 20 FT from the road. So, that gives you those drainage issues because the house is 20 FT from the road. The water comes down the hill and spreads out like a delta across

their front yard and we've been dealing with it for years. Sometimes they'll come and ask us if they can dig a ditch or something to try to divert the water from draining down into her yard. Also, not only is it 20 FT from the road, but the lot is only 22,215 SF. Mr. Chauvin asked Mr. Christopher to clarify where the lot was located that he was talking about. Mr. Christopher stated it is the little triangular lot that the house is on that Ms. Eagan wrote the letter about. Mr. Chauvin stated if you are referring to Ms. Eagan's house, that is not the subject of this application. Mr. Christopher stated the following: Right, but I'm going to tie it in. There was an existing hand dug well there that Harold Werner connected to that is 10 FT from the road and until the Town installed water, that would fill with the runoff. Now the current owners of 94 Werner Road are basically stuck with that situation and it's not their fault that their parcel only works in cooperation with the surrounding lots because it is so small. Back then it was all one piece and it didn't really make a difference and my house wasn't there. So, the fact that it was 2.5 FT from the property line, it didn't really matter, but now we have drainage and we need buffers and neither of those things are present there. Like I said, the house is 2.5 FT from my property line and where are the buffers? There is a garage that basically stretches the remaining length of our shared property line and that's not the one they are going to remove. That is on that little triangular piece with the house. Again, there is a garage that basically stretches the remaining length of our shared property line, which is also just a few feet from the line and the corner of Mr. Searles property. Where will the buffers be for new homes there and how will that affect the run off problem that was essentially Town created. That should have never been approved. Mr. Ouimet stated I'm getting a little confused as to where you are talking about here and asked are you still talking about that little triangular piece? Mr. Christopher stated that little triangular piece is a non-conforming lot. Mr. Ouimet stated I understand that and your property is next to that, correct? Mr. Christopher stated just above it. Mr. Ouimet asked are you talking about buffers between that triangular property and your house? Mr. Christopher stated that ship has sailed because it is only 2.5 FT from my property line and what am I going to put for a buffer in there? Mr. Ouimet stated that's not the issue of the public hearing, but go ahead and give us a little more latitude to try to tie it in to this application. Mr. Christopher stated the following: The problem is that you have one piece of property, which is essentially a sawmill property and now you're cutting it up into a million little pieces. It has already been done once and it's already a non-conforming lot that was illegal. I don't know how it was passed to begin with. Now you're taking what's left of that and splitting it up into two more small lots. Mr. Ouimet stated but these two proposed lots are conforming lots. Mr. Christopher stated the following: Okay, but I provide a buffer because there are some woods between my driveway and her lot. So, there is a buffer there even though the house is only 2.5 FT away from the boundary. What I'm saying is that this lady bought this lot and now she requires my cooperation and Mr. Searles cooperation in order to make that work because it's really not big enough to support a single-family home and it wasn't when it was built. Mr. Ouimet asked are you referring to the triangular piece? Mr. Christopher stated the following: Yes, the triangular piece. I'm cooperating, but now that lot is not going to cooperate anymore. So, she is having problems because of all of the runoff that is running into there and she has a leach field and a septic system that shouldn't be there because it's only 20,000 SF. Mr. Ouimet stated okay, we hear you regarding that triangular piece of property. Mr. Christopher stated the following: That piece of property was already divided improperly and now there is a proposal to jam two more small lots in there that will exacerbate existing problems such as: drainage, density and buffers for which the Town is responsible. I think this request is bad for the existing residents and for the Town. Mr. Ouimet closed the public hearing at 7:35pm. Mr. Nadeau asked which area was he talking about, is he talking north of Lot #1. Mr. Rabideau stated yes, I believe it is the parcel where the stock cars are. Mr. Nadeau stated what you are subdividing is not part of that lot, is that correct? Mr.

Rabideau stated no, it's two totally separate parcels. Mr. Nadeau stated so, basically what we have in that further north lot is a pre-existing, non-conforming lot. Mr. Rabideau stated that's correct. Mr. Nadeau stated do you have any idea at what point this line was subdivided? Mr. Rabideau stated 2005 or 2006. Mr. Robert Searles, the applicant, stated the following: The property is not sold and that is only a rumor. For everyone's information; I have pictures here and at one point there was six big barns on the property that have all collapsed and have been disposed of properly over the years. As far as the water is concerned, I didn't crush her pipe and that was from her own traffic going in and out of her driveway and Mr. Christopher can acknowledge that. The water problem there is not really a big issue because they have caused most of it themselves by filling in their lot. The water came down the hill and came across the lot. It dropped right at the edge of his fence into the hill and came down behind all of the barns and ran to the southwest corner. Over the years, they have thrown things out behind their barn and filled that all in. There is a pipe back there to carry the excess water, but it has all been blocked. Behind the house, it's all blocked. So, they've done their own damage and they've done damage to mine because now it runs in the front yard instead of running in the back. I have pictures and the lot is dug up and with a little bit of re-grading there would be no problem with any water there. I dug down 3 FT in the ground and all I hit is sand. Mr. Roberts asked are these two lots proposed for single-family homes? Mr. Rabideau stated that is correct. Mr. Higgins asked are the neighboring houses on wells or Town water and are they on septic or public sewer? Mr. Rabideau stated they're on Town water but some are combined Town water and private wells. Mr. Higgins stated okay, because there is nothing on your diagram that shows anything about adjoining wells or septic, which as you know, we'd like to see that. Mr. Rabideau stated we would be tying into public water and public sewers. Mr. Higgins stated yes, but what about the neighbors? Mr. Rabideau stated I would assume that they are all on public water. Mr. Higgins stated okay, so both of these proposed lots would be on public water and public sewer. Mr. Rabideau stated that's correct. A woman from the public asked if they could see Mr. Searles pictures. Mr. Searles stated the lot is a little bit dug up because of 4-wheelers, go-carts and snowmobiles and the race cars are next door that race around and stuff. Like I said, there is traffic in and out of there and there is no problem with any sight because you can see up and down the hill both ways. Mr. Ouimet asked Mr. Searles when the pictures were taken. Mr. Searles stated a couple of years ago, but most of them were taken in the springtime when it is wet and I have some pictures that show snow on the ground. Mrs. Sautter asked was it prior to the other building of the areas and about how many years ago was that? Mr. Searles stated it was in 2008 and 2009. Mr. Ouimet asked Mr. Rabideau; in the preparation of the subdivision map did you walk the property or take a look at any of the drainage issues? Mr. Rabideau stated the following: I didn't see the drainage issues. I stopped tonight to look at it and my concern was the sight distance and I think that's a good spot. I looked across and all I saw was sand. As soon as you get off the south here, it drops again and he's kind of like on the plateau between the upper and the lower. Mr. Ouimet asked did you see any standing water or any ponding anywhere? Mr. Rabideau stated no. Mr. Ouimet asked was there any evidence of water or ponding that might have existed? Mr. Rabideau stated not from what I could see from the road and I could see all the way in the back. What you see where the stock cars are, is just about what his lot looks like. Mr. Ruchlicki asked where those lots are split, where is that in relation to the house that is about a foot and half off of the road on the other side of the road, the little blue house. Mr. Rabideau stated I would say that it's like on the extension of the north face of the wall. Mr. Ruchlicki stated I go by there all the time and I'm really having trouble understanding the drainage that is being discussed relative to those two lots and the issue with drainage on that triangular piece. Mr. Rabideau stated apparently the drainage used to go to the back. Mr. Ruchlicki stated it may go around in the back or it may have gone that way, but I can't see where it

affects the two lots that we're talking about that are going to be subdivided, because that water isn't running uphill. Mr. Rabideau stated no, it really doesn't run anywhere because it is pretty flat. Mr. Ruchlicki stated the following: That is the point that I'm trying make. Those two lots can't contribute to a water problem on that triangular lot because the water is coming the other way. So, I don't understand what the issue is. Mr. Rabideau stated there isn't a water problem for us because the water comes from up here and the problems come from the north and we're on the south side of it. Mr. Ouimet stated as I understand it, I think the issue was that the landowner in this proposed subdivided section did something to the drainage that caused the water to back up above it and I believe that is what was said. Mr. Searles stated that is what I was saying because they did it themselves. Mr. Rabideau stated it is really irrelevant to us, because it is an uphill problem. Mr. Ouimet stated I don't know that it's irrelevant to you because if you develop your land in such a way that it causes damage to a neighbor it would be relevant. Mr. Searles stated if they spend their time and clean out behind their barn and their house, there is a pipe that drains right behind the barn and it picks up the water on the other side of the house and they filled all of that in. Mr. Ouimet stated the following: I understand what you're saying. What they say is that something that was done in the property that is being proposed to be subdivided caused water to back up in the front of their house causing a drainage issue. Mr. Searles stated they dug up their own pipe and made a trench across their own yard. Mr. Ouimet asked was the pipe in the back or the front? Mr. Searles stated in the front. Mr. Ouimet asked was it filled in with stones? Mr. Searles stated no, they dug up their pipe and have their pipe just dumping into their yard. Mr. Nadeau stated the following: I'm having the same conflict as Mr. Ruchlicki presented because I'm familiar with this site and I believe that small house is located to the north of that, which is higher. I'm having a hard time trying to figure out how his property was creating that problem. Again, I haven't walked the property and like I said, there is a hill that goes up to the top and it appears to be that way from the road. Mr. Searles stated the following: The water came down the hill and Mr. Christopher's driveway is located there. Mr. Christopher has a fence and right next to his fence it used to dive off the road and fill in and go to the pipe and then run along the back of the house and run along the back of the barn. That's the way it has always been. Now they have that blocked off and now that adds more water to her front yard. Now she has gone and dug up a pipe that is supposed to be in the ground and she's bringing water that is already underground and bringing it back aboveground. I didn't crush her pipe and the only thing that I did was I put stone at the end of it and I filled in my property. Mr. Higgins asked Mr. Searles to show the Board where the pipe was located. Mr. Searles pointed out where the pipe was located and stated the following: It's in the middle of the property and my brother did it years ago to drain off the water when they subdivided because he had a low spot there. He did it to drain off any rain water and my grandfather wasn't happy with it, but he let him go with it and it has been dry for years. Now she has dug up the end of her pipe that is supposed to be underground and brought it aboveground. Mr. Higgins stated the pipe we are talking about that is located in the middle of the property has been there for years, correct? Mr. Searles stated right. Mr. Higgins asked did it take the water from the big open area in front? Mr. Searles stated it only took the rain water and runoff and it didn't take anything else. Mrs. Smith-Law asked can you show us where the other end of the pipe is on her property? Mr. Searles stated the following: There is one that's at the end of the barn, her house and then there is a big long barn. At the north end of her barn, behind it there is a pipe that empties out and that's the end of it. The beginning of the pipe is behind her house and that has all been filled in. Mrs. Smith-Law stated okay. Mr. Ouimet stated I think this is going to require a site visit by a subcommittee from this Board. Mr. Roberts, Mr. Nadeau and Mr. Higgins will be the subcommittee to make the site visit. Mr. Ouimet stated the subcommittee from the Board will go out to the site to take a look for themselves to see what they can discern. Mr.

Searles stated the following: It has compounded over the years with Mr. Christopher putting in his driveway and the other driveways. So, now instead of the water coming down the hill and going behind barn, it is now picking up speed and coming down the road and it's going past where it used to dump off and it comes across her driveway. I understand what she is talking about, but I did nothing to add water to her property. Mr. Ouimet stated the following: Okay. I think the weather around here is certainly conducive for us to see that kind of stuff this summer. Mr. Ouimet asked Mr. Harris and Mr. Casper to coordinate the site visit as quickly as possible and then we'll put this back on the agenda for our next meeting.

Mr. Nadeau made a motion to table the minor subdivision application for the Searles Subdivision for a Planning Board subcommittee to conduct a site visit and report back to the Board at the next meeting. Mr. Higgins seconded. All-Aye. Motion carried.

**New Business:**

**13.080 NB            Fairways of Halfmoon, 17 Johnson Road – Sign**

Mr. Roberts recused himself from this item. Mr. Jeff Williams from Bruce Tanski Construction and Development stated the following: I would like to start off by disclosing that I was a prior employee for the Town of Halfmoon as a Planner. I resigned my position back in December of 2012. I have been employed by Mr. Tanski for about 7 weeks. Mr. Ouimet asked while you were a Planner for the Town of Halfmoon Mr. Williams, did you have anything to do with the prior sign application for the Fairways of Halfmoon. Mr. Williams stated the following: No, I did not. I'm here tonight to seek approval for a double-sided sign for the Fairways of Halfmoon (the public golf course) located in the northern part of Town. The sign's dimensions are 36 inches by 92 inches for 22.9 SF per side for a total of 45.8 SF. The reason why we are asking for this new sign is because the previous single-sided sign was 22.4 SF and it was mounted on a large boulder on the western access of the golf club and that sign did not allow anyone heading to the east on Johnson Road to notice that the access of the golf course was there. For years this has caused people to turn around in neighboring resident's driveways, which have caused a conflict and complaints to the golf course. At one time this year the Sheriff's Department had to be called because a conflict got almost to the point where they were fighting. So, Mr. Tanski has placed a double-sided sign in the median of his boulevard entrance to the golf course. With this sign being double-sided, it now allows you to notice the access to the golf course from both approaches on Johnson Road heading west or heading east. The golf course is kind of hidden in the back and you can see the clubhouse a little bit from Johnson Road, but you can't see any of the golf course. The sign is made from masonry columns with a masonry planter box and the sign is very professional. The sign resembles a lot of the residential identification signs such as Summit Hills, Prospect Meadows, Harvest Bend and Sheldon Hills who all have similar masonry signs. Mr. Ouimet asked where is the sign located? Mr. Williams stated the sign is located in the median of the boulevard entrance on the access off of Johnson Road. Mr. Ouimet asked how far back from the intersection of Johnson Road? Mr. Williams stated it is 15 FT off of the property line, which meets the setback for signs. Mr. Higgins asked if a car was exiting the boulevard, would they be able to see in both directions unobstructed? Mr. Williams stated there is length for a full car to pull out in front of that sign before it even gets to Johnson Road, so, sight distance is not a problem. Mr. Higgins stated okay, if someone is looking to the left, which would be east, there would be no problem seeing cars coming the other way. Mr. Williams stated right. Mr. Higgins asked is the old sign going to be removed? Mr. Williams stated yes, it will be. Mr. Higgins asked what was the square footage on the old sign? Mr. Williams stated 22.4 SF. Mr. Higgins stated so; this sign is approximately double that size? Mr. Williams stated this sign is a double-sided so it can be seen from both approaches. Mr. Higgins

asked are those the only signs that direct people to the golf course entrance? Mr. Williams stated the only other sign that I know of is a blue highway sign that might be a County sign that does say "The Fairways of Halfmoon" and I think it is located on Pruyn Hill Road and points up Johnson Road. Mr. Higgins stated those are County signs? Mr. Williams stated yes. Mr. Nadeau stated the following: I think there is a sign to west that states for trucks to go in on the loop around road. It's a small sign, but I think it's a directional sign. Mr. Williams stated that I don't know of. Mr. Ouimet asked does it say delivery entrance or something? Mr. Nadeau stated yes, I believe so. Mr. Ouimet asked have you reviewed the code to determine whether or not the size of sign is appropriate for the facility? Mr. Harris stated the following: The code doesn't have a specific listing in the Agricultural-Residential (A-R) zoning district for golf courses or outdoor recreation. So, something asserted by the applicant was the waiver provision at the end of the sign ordinance and based upon past approvals of site plans that show a sign on there, it appears to be the discretion of the Board in terms of the size allowed. Mr. Ouimet asked Mr. Chauvin if that was his understanding that it is within the Board's discretion to grant approval? Mr. Chauvin stated I would concur with Mr. Harris' evaluation of the ordinance.

Mr. Nadeau made a motion to approve the sign application for The Fairways of Halfmoon. Mr. Higgins seconded. All-Aye. Motion carried.

**13.081 NB            Cromwell Emergency Vehicles, 3A Rexford Way – Sign**

Mr. Barry Bashkoff, President of Cromwell Emergency Vehicles, stated the following: We have a building that is attached to 3 Rexford Way so, we became 3A Rexford Way. This is a cul-de-sac that comes off of Vischer Ferry Road at Jones Road and we are located in the back of that building. On the front of this building we have a red sign that says that we are a registered New York State motor vehicle retail dealer. Motor Vehicle has advised me that the sign has to be seen from a real road and he is not counting the parking lot as a road. Mr. Ouimet stated I was wondering why the sign wasn't going to be affixed to the building. Mr. Bashkoff stated the following: That's because it is not a road. When we moved in 3 years ago, we kind of told them that this was a road because we thought this was part of Rexford Way and it's not, it's just a parking lot. So, our sign is affixed to a corner of the building and he doesn't like it and he referred to a section of the motor vehicle code that I have to follow that says that the sign has to be visible from an active road. Mr. Ouimet stated right and it has to be red too, right? Mr. Bashkoff stated the following: Yes, the sign has to be red and it has to show our name somewhere. So, the easiest way to do it to make him happy is, at the corner where the cul-de-sac comes in and turns and the driveway that goes back we'd like to do a sign that looks like that. The sign has to have this red sign with our New York State Motor Vehicle retail number on it. So, the sign, according to this document, has to be 2 FT x 6 FT and I believe the sign that we had designed was 2 FT x 7 FT and it would be 4 FT off the ground. Mr. Roberts asked Mr. Bashkoff when they were approved for this use because I don't remember approving this business. Mr. Bashkoff stated I know it's in your files because one of the Town Planners had a pretty detailed file on it when I came to the Town. Mr. Higgins stated I think we approved the initial building and the mechanical contractor in the front, but I don't remember a separate business in that building. Mr. Roberts asked is this sign on the same parcel where your business is located? Mr. Bashkoff stated yes, it's the entrance to our parking lot. Mr. Higgins stated the following: I think as far as the approval for the Bast Hatfield site there was definitely discussion about signage and definitely discussion about what was going to be where. I think we will have to go back and pull the file to see if it is in fact on the site for 3 Rexford and to see whether or not the original Planned Development District (PDD) had stipulations as far as where the signage was going to be. Mr. Bashkoff stated the following: We actually added a very small

sign to the bottom of whoever was there when we first moved in. There is a white sign out front between United Rental and the mechanical building. Mr. Higgins asked is your proposed sign going in place of that sign? Mr. Bashkoff stated the following: It could be, yes. We could take the other sign down because the other sign is not required. Right now the other sign on this property is facing the woods. There is a sign right near a shrub and our sign is at the bottom and with 12 inches of snow, our sign is gone. Mr. Ouimet stated I have a copy of the Planning Board meeting minutes and the change of tenant and the sign for Cromwell Emergency Vehicles was approved by this Board on 8/19/2008. The sign that was approved at the time was a freestanding sign. Mr. Roberts asked is this sign going in the same location as the previously approved freestanding sign? Mr. Bashkoff stated no. Mr. Ouimet asked is the existing sign coming down? Mr. Bashkoff stated yes, I can take that down. Mr. Higgins asked isn't the other company in the building on that same sign? Mr. Bashkoff stated yes. Mr. Higgins asked are you going to take their sign down? Mr. Bashkoff stated no, I'm just taking down my sign. Mr. Casper stated Cromwell's sign is below theirs and it's a much smaller sign. Mr. Ouimet stated the following: We are looking at the prior sign or the existing sign that was approved when you were approved to move in that space and it looks to me like it's significantly smaller. So, the sign that you're proposing is significantly larger than the one that you are taking down, correct? Mr. Bashkoff stated yes, the sign that we're requesting is 2 FT x 7 FT and the requirement is 2 FT x 6 FT. Mr. Ouimet stated the following: That is the Department of Motor Vehicles (DMV) requirement and we have our own requirement. The Cromwell sign that is already in existence, which is currently directly under the General Mechanical Group sign is tiny compared to what you're proposing, correct? Mr. Casper stated I would say it was 5 SF. Mr. Ouimet stated the existing sign certainly couldn't handle that registered shop sign. Mr. Bashkoff stated the following: Anything could go on that sign because anything could be shrunk. The problem is for me not to be in violation it has to be 2 FT x 6 FT. Mr. Nadeau asked when did that regulation take place because I run a business as well and my sign is 2 FT x 3 FT. Mr. Bashkoff stated some of these were changed on April 1, 1993. Mr. Ouimet stated so, I understand it correctly; you're proposing that new sign to be in the same spot as this one, right? Mr. Bashkoff stated it could be, but I didn't know if H.T. Lyons or whoever it was would want me to infringe on their sign with that sign. Mr. Nadeau stated the following: In reading the regulation it says the minimum size would be 3 FT x 2 FT and not necessarily 6 FT. Again, my sign that I have is 2 FT x 3 FT and that's what the regulation stated. So, it has to be a minimum of 3 FT x 2 FT. Mr. Bashkoff stated okay. Mr. Roberts stated as long as the sign is on the parcel where the business is, I think we're alright. Mr. Nadeau asked did the DMV cite you for this? Mr. Bashkoff stated the following: Yes, 3 years ago. We are getting ready for re-inspection so, what I'm trying to do is avoid them from citing me again. Mr. Nadeau asked does the driveway go past your business? Mr. Bashkoff stated yes, it goes past my parking lot. Mr. Nadeau stated going down that driveway, would the sign be visible? Mr. Bashkoff stated that is correct and that is why we picked that corner. Mr. Nadeau asked could we call that the nearest street because then it would be visible on your building. Mr. Bashkoff stated no, you can't see it from that street. Mr. Nadeau stated you just said if I were to drive down that driveway that I could see the sign. Mr. Bashkoff stated the following: I thought you were referring to the sign that we're putting up. The sign that is on my building now faces that way and you can't see it from the top of the cul-de-sac at all. Mr. Higgins stated but the front part of the building has a different tenant and that is the only access that you have on that side on the building. Mr. Bashkoff stated correct. Mr. Higgins stated okay, the other tenant has the front part of the building. Mr. Ouimet stated right. Mr. Roberts stated my concern is that it has to be on the same parcel and it's across the street. Mr. Bashkoff stated the following: No it's not; it's on the same side of the street. It's in front of my mailbox closer to the asphalt. Mr. Roberts stated then in that case, you will be alright. Mr. Ruchlicki stated the picture

that you have is the rendition and I think where the 6 FT comes in is the registered part that's red is probably 3 FT x 2 FT or whatever that regulation states. The other 3 is the white portion of the sign and there is where you are coming up with the 6 FT. Mr. Bashkoff stated the following: Yes, we gave this regulation to a sign guy and that's what he came up with. So, he probably interpreted the red part as one sign and gave me the other part. Mr. Ouimet stated so; the regulation that you gave to the sign folks was the State regulation and not the Town regulation. Mr. Bashkoff stated the following: Correct. Yes, the one that I'm in violation of is the one that I gave to the sign guy. Mr. Ouimet stated and we're trying to keep you from violating the Town regulation. Mr. Roberts asked is the sign going to be lit? Mr. Bashkoff stated no. Mr. Higgins asked does the applicant have to take down the old sign? Mr. Roberts stated no because he has plenty of square footage.

Mr. Roberts made a motion to approve the sign application for Cromwell Emergency Vehicles. Mrs. Sautter seconded. All-Aye. Motion carried

**13.082 NB      Kitchen Dimensions & More, LLC, 1705 Route 9 (Shoppes of Halfmoon) – Sign**

Mr. Mike Ramillard from Sign Perfect stated the following: We are looking to replace a couple of lenses on sign cabinets that were there previously because the sign is going to have a name change. The size of the sign is 2 FT high x 8 FT wide for a total of 16 SF. Mr. Ouimet asked is the proposed sign going in the same location as the existing sign? Mr. Ramillard stated yes, the new sign would have a new face on each one and the same dimensions as the existing signs.

Mr. Ruchlicki made a motion to approve the sign application for Kitchen Dimensions & More, LLC. Mr. Nadeau seconded. All-Aye. Motion carried.

**13.083 NB      Evers Subdivision, 32 Smith Road – Minor Subdivision**

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveying and Associates stated the following: I'm here tonight representing Ed and Mary Evers in their request for a 2-lot subdivision located on the northwesterly side of Smith Road and approximately 2,000 FT north of Vosburgh Road. The request is to subdivide a 6.3-acre parcel into 2 single-family residential lots. Lot #1 is proposed to be approximately 2.9-acres. Lot #2 is the existing Evers residence that is approximately 3.4-acres. Lot #2 would include all of the existing improvements that are on the parcel. Public water would service the parcels and there would be individual septic systems. We're in the process of getting the septic designed for Lot #1 and tomorrow we are going to the site to talk to a neighbor about the location of their well so that the system can be designed to meet the requirements. Mr. Nadeau stated the only issue that I see is with the pine trees that would have to be cleared a little bit so there is clear access from either side when exiting the driveway. Mr. Rabideau stated okay. Mr. Higgins stated please make sure that before the public hearing that you have the locations of the adjacent wells. Mr. Rabideau stated okay.

Mr. Nadeau made a motion to set a public hearing for the August 12, 2013 Planning Board meeting. Mr. Higgins seconded. All-Aye. Motion carried.

**Old Business:**

**13.024 OB      Garden Time, Inc., 1467 Route 9 – Addition to Site Plan**

Mr. Roger Keating from the Chazen Companies stated the following: I'm here tonight on behalf of Garden Time, Inc. to present the proposed site plan for their operation that is located near the intersection of Stone Quarry Road and Route 9. With me tonight is Mr. David Pentkowski who also

represents Garden Time, Inc. As we discussed at the June 10, 2013 Planning Board meeting Garden Time is proposing a site plan amendment for their seasonal operation where they sell custom sheds and outdoor furniture. At that meeting we had a discussion regarding the unit definition and the plan that was provided used the Planning Board's definition of a unit and the plans were revised at that time from the original proposed site plan amendment of 150 units down to the current proposal of 120 units. At the last meeting it was discussed that the Town needed to forward the site plan to Saratoga County Planning for review and comment and based upon that we were asked to come back after that to hear if there were any comments from Saratoga County Planning. I'm not aware of the specifics if there was a letter issued from Saratoga County Planning or not so, we're here tonight to ask the Board if they have received any comments from Saratoga County Planning and then we can discuss the project. Mr. Ouimet asked Mr. Harris if he received any response from Saratoga County Planning. Mr. Harris stated the following: Yes, we received a letter today and what had occurred was that we didn't have a form as of last Thursday so, they reviewed the project under their Memorandum of Understanding (MOU) with the Town and as a result we received a letter today. Mr. Harris read the letter from Saratoga County Planning: (see attachment):



## SARATOGA COUNTY PLANNING BOARD

TOM L. LEWIS  
CHAIRMAN

JASON KEMPER  
DIRECTOR

**R E C E I V E D**  
JUL 26 2013

TOWN OF HALFMOON  
PLANNING DEPARTMENT

July 21, 2013

Richard M. Harris, AICP, Director of Planning  
Town of Halfmoon  
2 Halfmoon Town Plaza  
Halfmoon, NY 12065

**RE: SCPB Referral Review#13-72-Amended Site Plan Review-Troelstra (Garden Time)**

Site plan proposed with plan revisions resulting in greater display area, a paved internal traffic/parking area, a landscaped island in the central parking area, a relocated sign, 100 larger units, 20 units of play equipment, and a seasonal area - all beyond initial review and determination.

NYS Route 9

Received from the Town of Halfmoon Planning Board on April 19, 2013.

Reviewed by the Saratoga County Planning Board on June 20 and July 18, 2013.

**Decision:** Due to the lack of a quorum of the Saratoga County Planning Board for its July 18<sup>th</sup> meeting, and in an effort to avoid further delay in local review and determination, and in accordance with the Memorandum of Understanding (MOU) between the town of Halfmoon planning board and the Saratoga County Planning Board (SCPB), the above-noted site plan referral has been reviewed and deemed to present no significant impacts or issues of a countywide or intermunicipal nature. We recognize, however, that the now-proposed on-site revisions/additions are a result of unilateral changes made after the rendering of determinations by the county and local planning boards.

The town planning board and staff are commended for the degree to which such changes and additions have been patiently considered and re-considered and for the degree it has been willing to carry on a discourse with the applicant. Considering the reason for our current review and due to the limited degree to which this agency has need for such interaction (as that as the local board and staff), the applicant's revisions may have been reviewed in a less subjective manner and with a greater degree of scrutiny and a less favorable determination.

We would encourage the town planning board to solicit the assessment of NYS DOT's Traffic and Safety Group as relates to the new commercial driveway (and permit) under the revised site plan, with particular concern for sufficient sight distance to the south for a vehicle exiting the site. Internal traffic circulation, the existence/provision of proper sight distance, and safe access to and from the state road are traffic issues to

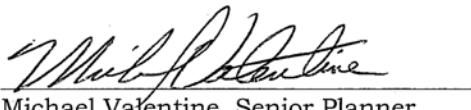
50 WEST HIGH STREET  
BALLSTON SPA, NY 12020

(518) 884-4705 PHONE  
(518) 884-4780 FAX

be addressed as a result of changes to the site plan. We recommend the removal of any vegetation, signage or sale items that may obstruct such visibility.

Another issue of broader local concern that should be subject to renewed discussion in light of the tremendous increase of display items (from the initial site plan) is that of the visual appearance of what is a gateway into the town of Halfmoon from the Hudson River/Albany County.

Because review of this revised or amended site plan was undertaken through our mutual Memorandum of Understanding, the determination is that it presents no significant countywide or intermunicipal impacts. Review of the above-noted issues, however, deserve their due diligence through the process of local review by the town planning board.



Michael Valentine, Senior Planner  
Authorized Agent for Saratoga County

**DISCLAIMER:** Recommendations made by the Saratoga County Planning Board on referrals and subdivisions are based upon the receipt and review of a "full statement of such proposed action" provided directly to SCPB by the municipal referring agency as stated under General Municipal Law section 239. A determination of action is rendered by the SCPB based upon the completeness and accuracy of information presented by its staff. The SCPB cannot be accountable for a decision rendered through incomplete or inaccurate information received as part of the complete statement.

Mr. Ouimet asked does the applicant wish to propose any changes or to stand on the submission as submitted? Mr. Keating stated no changes. Mr. Roberts stated as I said previously I think 120-units is too dense a use for this site and it would have a negative appearance on people coming into our Town. Mr. Higgins stated the following: I would be interested in the engineer's answers to the concerns that Saratoga County expressed regarding traffic hazards with people trying to enter and exit the site and also with the display areas along the face. If the engineer doesn't have any answers to that, he can say he doesn't have any answers, but obviously there is a safety concern that this Board needs to be concerned with and Saratoga County have said themselves that they feel there is a safety concern. Mr. Keating stated the following: The driveway location actually has not changed from the previous proposal. So, we have the same location of the curb cut that was previously approved so, we're not proposing any changes to that. Previously that location was reviewed by the New York State Department of Transportation (NYSDOT) and they found that there were no sight distance issues associated with that access where we currently are. In addition, the vegetation that's out there, near the intersection for instance, our display areas are more than 75 FT back from the edge of payment so there are clear sight lines up and along that area. So, I'm not sure where the sight line comment would be coming from based upon the driveway location not changing from the previous site plan approval. We didn't propose anything different at that location. Mr. Higgins stated the following: My question was what Saratoga County Planning Board addressed as a problem with traffic north or south on Route 9 with the amount of displays that are out there in front. In my personal opinion, the way I understand the letter from Mr. Valentine, is that they're concerned about traffic slowing down or stopping to look at the displays and then trying to make the turn in. So, I don't think it's just the driveway; it's the whole appearance that has to be visualized by a driver heading in either direction. Mr. Keating stated I'm sorry I misunderstood what you were looking at and I'm only having the same opportunity that you had. Mr. Higgins stated this is the first time that I heard the letter myself. Mr. Keating stated the following: As you know, we did work on creating some buffers along the frontage and previously we had display areas that were much closer to the roadway frontage. So, one of the things that we had done through the process and at the time of our site visits was to increase the buffers that were along the roadways and also introduce new landscaping in and along the frontage of the roadway to help soften those views that you were just discussing. So, we did set the units further back and we added landscaping to help soften those views for the sheds and gazebos that would be on display up near that corner. Mr. Ouimet stated you said you added landscaping to soften the views, but that's only on the new site plan and that's not incurring existing conditions, correct? Mr. Keating stated the following: Correct. We were adding new landscaping up near the intersection. Mr. Ouimet stated right, but the existing conditions are still the same and none of the additions or any of the repositioning has taken place, right? Mr. Keating asked are you referring to the existing conditions on the ground as it stands today? Mr. Ouimet stated yes. Mr. Keating stated what is out there now is some brush and vegetation that is up along that intersection and we would be clearing some of that out in order to plant the new landscaping. Is that what you were looking for Mr. Chairman? Mr. Ouimet stated yes, I was just trying to find out if this was something that you've already done or something that you're in the process of doing or something that you contemplate doing. Mr. Keating stated no sir, it's not something that we've done yet and the plantings that are shown here would be new landscaping to try and create that backyard feel in some of those areas versus some of the brush that is now in that front portion. Mr. Ouimet stated okay. Mr. Higgins stated the following: I still feel that this Board has expressed concerns with the density, especially along Route 9, and now Saratoga County Planning has also expressed the same concern. So, the two Boards are agreeing that there are health and safety concerns with the traffic on Route 9 regarding the density along the road frontage. Mr. Ruchlicki stated the following: From

the onset of this proposal and even when we had a committee meeting, I had a problem with the density on the site. Is the site currently correct as far as what we originally approved? Mr. Harris stated the prior approval was for 57 units. Mr. Ruchlicki asked are they currently functioning with 57 units? Mr. Harris stated in utilizing the proposed definition; both the Planning Department and the Building Department/Code Enforcement on separate occasions counted 82 or 83 units total on that site using the proposed definition, which is everything from garages, gazebos, picnic tables, sheds, chairs and that type of thing. Mr. Ruchlicki stated the following: Other than the proposed density, I don't agree with it. I think it is too much for the site regardless of how it is vegetated or landscaped. I reiterate that I had that issue from the onset. Mr. Nadeau stated the following: Initially when this site was proposed for 57 units, I believe this Board spent quite a bit of time trying to make this work and working with the applicant. I don't have the meeting minutes with me, but I think we definitely said that this was a very difficult site to put that many units on it and I think we worked with the applicant in getting the 57 units. To do much more than that on such a small parcel I have a problem with it. Mr. Dave Pentkowski stated the following: I don't know if you were given a copy of the letter, but I don't see anything in there that supports the conclusions that you've reached. The Saratoga County Planning Board hasn't said anything about the density or number of units in any way being a safety hazard for the highway. So, before you would come to that conclusion for this record, I would hope that you would take a look at that. I just wouldn't want the record to reflect that the Saratoga County Planning Board has somehow suggested that the number of units is a safety hazard because they haven't. Mr. Higgins stated the following: My interpretation of the letter that was read into the minutes of this meeting, and my personal opinion is that I hear that the Saratoga County Planning Board has concerns regarding traffic and safety along the road frontage of this site. You can interpret it anyway you want, but don't tell me how I have to interpret something that I just heard. Mr. Pentkowski stated the following: I'm not here to argue with you Mr. Higgins. I happen to have a copy of the letter and that's why I asked if you had it. Mr. Higgins stated no, I do not have a copy of the letter, I just heard what was read. Mr. Pentkowski stated the following: The statement that you made was 100% incorrect and that's all I'm saying. I want the record to reflect the conclusion you arrived at and attributed to the Saratoga County Planning Board just isn't so. Mr. Harris stated I would like to read a sentence: "We recommend the removal of any vegetation, signage or sale items that may obstruct such visibility". Mr. Higgins stated that was regarding the site distance on the entrance where they were asking for the NYSDOT's comments. Mr. Harris stated correct and later in the letter wasn't there a statement that the Saratoga County Planning Board felt that as far as one of the main entranceways to the Town of Halfmoon, could you read that portion again? Mr. Harris stated yes, "Another issue of broader local concern that should be subject to renewed discussion in light of the tremendous increase of display items (from the initial site plan) is that of the visual appearance of what is a gateway into the town of Halfmoon from the Mohawk River/Albany County". Mr. Ouimet stated the following: Irrespective of what Saratoga County said, we wouldn't be bound either way by Saratoga County's opinion. We could always overrule Saratoga County by a super majority of this Board. So, what Saratoga County opines, Saratoga County opines. It is something for us to consider and I think we will consider it. I think everyone on this Board, as well as the committee members, who went to look at the site have formed their own opinions as to whether or not this proposal is something that we agree with or disagree with. Mr. Higgins stated I agree 100% with Mr. Ouimet and all I'm saying is obviously the Saratoga County Board has some reservations about this site in addition to the reservations that this Board has expressed to the applicant on numerous occasions. Mrs. Smith-Law stated the following: One of the questions that I have is regarding Stone Quarry Road. Is there a public access off of Stone Quarry Road? Mr. Keating stated yes, there is a public access there. Mrs. Smith-Law stated how is Stone Quarry

zoned and asked if that side of the road was C-1 Commercial? Mr. Harris stated it's C-1 Commercial on the parcel in question up to Route 9 and then to the east it becomes R-1 Residential, but I can't recall at what point. Mrs. Smith-Law stated the following: Just looking at that; I used to live in that neighborhood and there are a lot of kids in that neighborhood and regardless of how it is zoned, I think bringing C-1 Commercial all the way to the edge of the road like that is out of character of the neighborhood and I just think it's too much. In addition to Saratoga County asking us to look at it esthetically, I just think it's too much for a residential neighborhood. That intersection is already going to have a big development right across the street and again, I just think this is going to be too much. This is also a delivery access and I'd like to know how the trucks get into your site. Mr. Keating stated the following: Trucks are coming off of the Route 9 entrance. One of the things that they did was that they changed their operation a little bit to reduce the tractor-trailer traffic here so that they use their Wilton facility to bring the larger vehicles and then for new product they would use a smaller flatbed truck to bring the units here to this facility. So, they would be coming off of Route 9. Mrs. Smith-Law stated the following: I wish you great success with this site, but I just think that's an awful lot for Route 9 to have delivery trucks coming in and out of that site. I think the development to the south is too much for a residential neighbor. Mrs. Sautter stated the following: I have been by this site and I must concur with the Board that esthetically it catches one's eyes coming right up Route 9. I know that is a good thing for business, but it's just too much especially coming off of Stone Quarry Road. I used to drive Stone Quarry Road and it was actually blocked off tonight due to the paving on Woodin Road and that's one of my favorite roads. It reminds me of home and I grew up in the country and to see this when I come down, it just doesn't fit the character like Mrs. Smith-Law said. It's really kind of a neighborhoodish feeling. I know up farther we have Walgreens. I thought the original plan of the 57 units and when I heard that you had so many acres, I thought "oh this will work", but you're not utilizing those acres and I understand why because it's wetlands back there, correct? Mr. Keating stated there are wetlands in the rear of the property and there are some other useable areas on the property, but we're trying to keep the disturbance where the activity would be closer to the Route 9 side and not towards the back where the residences are. Mrs. Sautter stated the following: Once again, if you were using the entire parcel, this might fit in if it weren't all on Route 9 and I understand because I've been at your Queensbury location and I can see what it looks like there, but that's the Northway (I-87). This is not I-87, this is Route 9 and as Mrs. Smith-Law said, everything that is going on at Stone Quarry Road right now just seems like it's too rough of an area. Mr. Keating stated we have no additional comments at this time.

Mr. Roberts made a motion to deny the addition to site plan application for Garden Time, Inc. for their request to expand their display items for sale from 57 units to 120 units plus a seasonal area. The denial is based upon the Planning Board's concerns with density being too much for this site, traffic safety concerns and a negative appearance upon entering the gateway of the Town of Halfmoon. Mr. Higgins seconded. All-Nay. Motion carried.

**13.063 OB      Saratoga Academy Preschool, 17 Executive Park Drive – Change of Tenant & Sign**

Mr. Mike Christensen from Saratoga Academy Preschool stated the following: We are back before the Board for a change of tenant and sign application for the Saratoga Academy Preschool. Nothing has changed in our application other than the site plan revision of the parking lot that would allow for sufficient parking to meet the Town's code requirements for the operation of our business at 17 Executive Park Drive. The Board was concerned about traffic flow in and out of the property. The landlords have contracted for this change to the site plan for the addition of the

requisite number of parking spaces, which would be 5 parallel parking spaces alongside the driveway and 3 parking spaces in the rear parking lot. With the revised site plan, there would be 56 parking spaces available at 17 and 19 Executive Park Drive. To address the concerns regarding the traffic flow there is a proposed 20 FT wide access easement in the rear of the site connecting the two properties to allow vehicles to come into the property, drop off the students and the students would be met and brought into the back of the building and then the vehicles would exit the property. So, this is our proposed plan to meet the parking and traffic concerns that were presented by the Board. Mr. Ouimet stated the following: How would the flow work with the other parking spaces at the site? Would people drop children off in the front of the building if there is sufficient parking. I know you talked about the parallel parking spaces there but I don't think everybody is going to drop off at that juncture, are they? Mr. Christensen stated no, most people would pull into the back to drop off the children. Mr. Ouimet asked when that is full, would people start using the parallel parking spaces? Mr. Christensen stated the following: That is correct and I would never anticipate the parking spots in the back being full. We had agreed to give the top parking spots to the physical therapist to let them use up the majority of their parking spots in the front and that we would utilize the parking spots in the back. It's rare that we would have even the majority of the parking spots ever filled at any given time. The majority of the people would do as they currently do and have done when they drop their children off. Mr. Ouimet asked where would the students be dropped off? Mr. Christensen showed the Board where the children would be dropped off. Mr. Ouimet stated so, they would be dropped off at the corner of the lot where there are 5 parking spaces. Mr. Christensen stated right. Mr. Ouimet stated so, those folks who have to utilize the 5 parallel spots would have to walk their children across the driveway and would that be blocked off in the morning? Mr. Christensen stated the following: We could put staff there. I'm not anticipating ever using these spots, but you are requiring that I have them. Mr. Ouimet stated the following: The code requires that you have to have them. What I'm a little concerned about and I'm sure there are other concerns from the Board is, if those spots get utilized, people will park there and take their children across the driveway and if it's an active driveway, that might be problematic. Mr. Christensen stated it could be, but like I said I could require that those be staff only parking spots because I have staff that have to park on the site. Mr. Ouimet stated that's a way to deal with it. Mr. Christensen stated right and 10 of the parking spots would be for the staff. Mr. Ouimet stated because what you're suggesting is these additional parking spots that you've been able to find would allow up to 80 children and 9 staff, is that correct? Mr. Christensen stated that is correct. Mr. Ouimet stated originally when you were here the last time we talked about 60 children because you didn't have the parking spots. Mr. Christensen stated that is correct. Mr. Ouimet stated okay. Mr. Nadeau asked did you state at one time that you wanted to expand to possibly 120 students at a future date? Mr. Christensen stated the following: No, but we had talked about that there were possibilities of the building itself offering the capacities to have an additional classroom. However, we know now that the space doesn't allow for that. So, we would be maxed out at that number. Mrs. Sautter stated the following: Forgive me if this is redundant, where it says "existing parking" in the back, what is your drop off procedure? Do the parents just drive up and there is someone taking the students or do they have to park their car, get out and bring the student in? Mr. Christensen stated the following: We allow people to drop off if they want to, but we prefer that they meet our attendants. So, we would have staff that would meet them and the majority of the families prefer that. Mrs. Sautter stated okay so, they take them from the car and bring them in. Mr. Christensen stated that is correct. Mrs. Sautter asked so, would they be parking in these spots or would they be driving. Mr. Christensen stated the following: They would pull in and if some parents needed to come in, they would park. The majority of the families would pull in and the attendant would meet them at the door, take the child out of the car,

hand them off to the next attendant who would take them in the building then that car would exit and the next car comes in. Mrs. Sautter stated okay, that would be the drop off procedure and asked what would be the pickup procedure? Mr. Christensen stated the following: I think it would be similar. Parents would be coming in and parking prior to dismissal; so they would already be parked and we would then dismiss the students and a majority of our students stay for after school care. So, there is not a dismissal time like it would be with a school. In our elementary school, which the preschool was a part of last year, everything had to stop and we had to deny access to allow the buses to have access to our previous facility. With this facility, busing is not an issue. Parents would be coming in at random times for dismissal anytime from 3:00pm until 5:30pm. Mrs. Sautter asked do the parents have to come into the building to pick up their children? Mr. Christensen stated yes. Mr. Roberts stated so, at this site, you don't see the issue that we, as a committee, saw back in June on the other side where people were parking on the interior roadway. Mr. Christensen stated we had over 220 students in that facility and the new proposed site would have 80 students. Mr. Roberts asked is 80 going to be the maximum number of students at 17 Executive Park Drive? Mr. Christensen stated yes, that is the maximum that can be at 17 Executive Park Drive and that would reduce the other facility to 150 students at the start of the school year. Mr. Roberts stated that would be my big concern because I don't want to repeat what we saw back in June and you know what we saw. Mr. Christensen stated two years ago we were at 170 and we didn't have that problem and it was cresting into this year that we had so, we felt like this was a one-time problem that we were trying to get through by expanding. Mr. Roberts stated and you believe this will solve that issue? Mr. Christensen stated right. Mr. Higgins stated the following: I'm very sorry if you've said this before, but I just want to clarify this for my own information. If the physical therapist moves out and you take over the entire building, are you still going to be happy with just 80 total students even if you have access to the entire building? That's what I thought you said and I just want to make sure I understood it. Mr. Christensen stated right and that hasn't been presented as an option to me. Mr. Higgins stated the following: I'm not considering it as an option. I just want to make sure the meeting minutes are correct because that's the way that I interpreted what you said and I just want to make sure for the meeting minutes that that is in fact correct. Mr. Christensen stated the following: What was said is that my original plan was for the unoccupied space and that we had room for 5 classrooms that could house up to 100 students. That is what my original narrative had said. We found out the parking there did not suffice so, we amended that to 80 and we're fine with that number. So, our amendment has nothing to do with the physical therapist property and if that property ever became available to us. I don't know what that would do or what we would want to do or if we were given an option to utilize it somehow or if we were to utilize it for something else if we did. I'm currently occupying administrative offices out of 23 Executive Park Drive and maybe I would consolidate into one facility or something of that nature. I currently don't see the need or necessity of having more than 80 students in that facility. Mr. Roberts stated but you do know if that scenario that Mr. Higgins' mentioned plays out, you would have to come back before this Board again anyways. Mr. Christensen stated right. Mr. Roberts stated so; we could always deal with that then. Mr. Higgins stated I just wanted to make sure that the applicant was aware of our concerns and that's why I requested it be reiterated again for the meeting minutes. Mr. Christensen stated I'm not sure that we could manage more than the 80 students and I think we're happy with that. Mr. Ouimet stated the following: I think the Board has expressed its concerns about parking from day one when you submitted the proposal to move into this office building. I think that you have sufficient parking for 80 students and 9 staff the way you have it configured now. I am concerned about flow and I think there are other Board members who share that same concern about dropping children off and picking children up and the fact that parents would need time to buckle children into safety seats

and unbuckle them from safety seats. So, it's not easy driving by, stepping out of the car and walking up to a monitor and going into the classroom. So, I am a little concerned about the drop off procedures and the pickup procedures to the extent that that may cause congestion or a backup. Mr. Christensen stated there was never any congestion created in front of the preschool at drop off time this year at all. Mr. Ouimet asked was it all caused by the upper grades? Mr. Christensen stated the following: It was caused by a combination of things. We might have had up to 30 cars for pickup at 3:00pm and no more than 15 to 20 of them on any given day were preschool cars. So, it was a pretty even split between them at 3:00pm. Other than that, again it was random right up until 5:30pm. In terms of the drop off in the mornings; we never had a backup in the mornings because you never had a situation where everyone is arriving at the same time. We open the doors at 7:30am and the program officially starts at 8:30am and we never have more than 1 or 2 cars at any given time at the door of the facility for the preschool. So, there was never a backup in the mornings. Mr. Ouimet stated just so you know; I'm sure that if this is approved, the Town would be monitoring the traffic flow. Mr. Christensen stated absolutely. Mr. Higgins stated the following: As far as pre-K, what age groups do you envision in this facility: Would they be infants, 1 year old or 2 years old? Mr. Christensen stated they are 3 and 4 years old and two-thirds of those students would be 4 years old. This is going to be a 3-month buildout in order to take over this property, which means that we're not going to be able to put students in that facility on September 1. So, now we're looking at November at the earliest to be able to put students in that facility. Mr. Higgins asked so where are the students going to be until you can move into this facility? Mr. Christensen stated the following: Some would remain where they are currently. We have access to another facility in Clifton Park where we're going to maintain two of the classrooms in an intermediate time period, which would put us currently at the 180 threshold where we were 2 years ago. So, rather than doing the car line; to start the year we're going to stagger dismissals. So, in other words, we'll have a bus dismissal and then walkers wouldn't be dismissed until 3:15pm, preschool students until 3:30pm from that facility, which would allow for them to come in segments. Mr. Higgins stated the proposed 20 FT wide access that's going to go into the other site that the same landlord owns; we just have to make sure that they have sufficient parking over there because it looks like you're going to eliminate one of their parking spots. Mr. Christensen stated they have more than enough parking. Mr. Higgins stated again, I'm saying it for the Planners. Mr. Christensen stated he understood. Mr. Higgins stated and when they go around the back, could you point to where the common entrance for the traffic would go because we didn't go around the back of that building. Mr. Christensen showed the Board where the traffic would go. Mr. Higgins stated okay because I just wanted to make sure that that is where we thought the circulation would be, but we wanted to make sure. Mr. Christensen stated we will put arrows in directing the flow of traffic. Mrs. Sautter asked approximately how many students are going in there? Mr. Christensen stated 80. Mrs. Sautter stated do you think that these back spaces are going to be enough for parents picking up because you said you had a problem. Mr. Christensen stated there are 20 parking spaces and again, the majority of people tend to come randomly for pick up any time between 3:00pm and 5:30pm and that's a pretty extended window. Mrs. Sautter asked is that when you had your prior problem? Mr. Christensen stated no. Mrs. Sautter stated you said you had a problem with the pickup and never with the drop off. Mr. Christensen stated I had a pickup with 220 plus students. Mrs. Sautter asked were there preschool children as well? Mr. Christensen stated there were preschoolers in that mix in that time frame. Mrs. Sautter stated I believe that preschoolers will take a lot more time especially 3 year olds because they need a 3 point harness system and they cannot put it on themselves. Mr. Christensen stated that is not where our backups came from and regardless, we were talking about at pickup time and again, there were no more than 15 to 20 cars. Mrs. Sautter stated you said that you were staggering it

now at dismissal time to alleviate that problem, right? Mr. Christensen stated the following: No, what we said was that in the new operation what would take place in this facility would only be preschool. Even when the Planning Board committee came to view the operation on-site, that was the combined elementary and preschool dismissal and I said that only about 15 to 20 of those cars were for preschool and on any given day that was the case. So, at 3:00pm that's as many as we would have here and we're not going to have 80 cars here. So, from that point on, we never had more than 10 cars in our lot at any given time even with the combined elementary and preschool from 3:15pm until 5:30pm. That has never been the case and I wouldn't expect that that would be an issue here. What I have said is that in the beginning of this current school year, because we've lost multiple months, and in order to do the code requirements of the buildout we've missed the September 1 deadline for being able to open that building, which means that I would have to keep a certain number students and the preschool students in the current facility. So, to alleviate concerns for those first 3 months we've proposed a staggered pickup for those 3 months. Mr. Higgins stated this is not regarding parking, but you had mentioned earlier that there was going to be outdoor play area for the children and could you show the Board where that is going to end up being? Mr. Christensen stated we would put something in the back corner of the lot. Mr. Higgins stated so you would have to clear that and I would assume that you would have a fence around that. Mr. Christensen stated it's fairly cleared now, we would fence it and it wouldn't be a very large play area. Mr. Roberts asked Mr. Christensen to please advertise that they are located in Halfmoon and not Clifton Park. Mr. Christensen stated okay.

Mr. Ruchlicki made a motion to approve the change of tenant application for Saratoga Academy Preschool. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the July 22, 2013 Planning Board Meeting at 8:43pm. Mr. Higgins seconded. All-Aye. Motion carried.

Mrs. Smith-Law made a motion to reopen the July 22, 2013 Planning Board Meeting at 8:44pm. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Christensen stated we would like to place a 3 inch x 5 FT placard onto to the existing monument sign. Mr. Roberts stated it is 4 inch x 5 FT and it looks fine.

Mr. Roberts made a motion to approve the sign application for Saratoga Academy Preschool. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Nadeau made a motion to adjourn the July 22, 2013 Planning Board Meeting at 8:46pm. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary