

Town of Halfmoon Planning Board

Meeting Minutes – May 28, 2013

Those present at the May 28, 2013 Planning Board meeting were:

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

Director of Planning: Richard Harris
Planner: Roy Casper

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

Mr. Ouimet opened the May 28, 2013 Planning Board Meeting at 7:00 pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the May 13, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the May 13, 2013 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

New Business:

13.051 NB Donald Brunelle, 392 Hudson River Road – Change of Tenant

This item was withdrawn by the applicant; therefore, no action was taken.

13.055 NB Li Health Spa, 457 Route 146 – Change of Tenant

Mr. Bruce Tanski, the applicant, stated the following: Li Health Spa is an acupuncture business that is located next to Jay's Auto. This location was previously my construction office and I have vacated that office because I had too much traffic there and the parking was limited. Li Health spa would be a lot less intensive than my construction office. They would have 2 employees and they would have 3 customers at the spa at a time. This site is zoned C-1 Commercial and this proposal would fit in with the zoning. Mr. Ouimet asked would that be the only tenant in that building? Mr. Tanski stated yes. Mr. Ouimet asked do you have an intention of leasing to anyone else or renting any additional space in there to any other tenant? Mr. Tanski stated no, Li Health Spa would occupy the entire space. Mr. Roberts asked if there would be a sign. Mr. Tanski stated not as of yet. Mr. Higgins asked is there sufficient parking at the site? Mr. Tanski stated the following: There are 10 parking spaces for Li Health Spa and Jay's Auto would utilize the remainder of the parking area. There is also one handicap parking space, which has a temporary sign on it right now and that will be a permanent sign within the next week or so. Mr. Higgins stated as long as your tenant understands that there can't be any parking on Route 146. Mr. Tanski stated that is

enough reason why we made the move for our construction office because we got so busy that people were parking on Route 146 so, now that problem has been eliminated.

Mr. Nadeau made a motion to approve the change of tenant application for Li Health Spa. Mr. Berkowitz seconded. Motion carried.

13.056 NB Accent on Health, 1673 Route 9 (Healthplex) – Change of Tenant

Mr. Berkowitz recused himself from this item. Mr. Steve Burke, the applicant, stated the following: We are proposing to increase the size of our space and adding space in our existing building. We are proposing to take over the Back in Balance massage center and would be adding that tenant space to our existing operation and we would be employing all the therapists. We would not be increasing or changing the size of the space. We would just be blending the space with our existing operation. Mr. Ouimet asked how many employees would you have and what would be your hours of operation? Mr. Burke stated we would have 4 full-time employees who are massage therapist. Our hours of operation would be 8:00am to 8:00pm Monday through Friday and Saturday/Sunday 8:00am to 2:00pm. Mr. Higgins stated your application stated that you would have 1 part-time employee. Mr. Burke stated that is an error. Mr. Richard Harris stated the following: When we spoke on the telephone you mentioned that there were 2 employees of the prior business and you were cutting that in half. Mr. Burke stated I probably misspoke but, the operation is essentially staying the same as what was there, but with 4 part-time employees. Accumulatively, they only work the equivalent of probably a 40-hour week, everyone. Mr. Harris stated so that would be equivalent to 1 full-time employee. Mr. Burke stated yes, massage therapists tend to work a 10 to 15 hour week. Mr. Higgins stated I understand and I'm just to make sure that we still fall within the correct amount of parking as required by the Town ordinance. Mr. Harris stated it would be 3 times 4 for 12 and you have 3 parking spaces right in the front with the signs that say "massage" and you have probably 40 to 50 vacant parking spaces I observed between the south side of the property line and the eastern parking lot for about 75 parking spaces. Mr. Higgins stated I understand that and I just want to make sure that somewhere there is a calculation of the amount of parking that's required and make sure that the site is in compliance with the required parking. Mr. Harris stated the following: The site plan approved for the fitness facility in general when it was approved for the first time was at a different standard than in today's ordinances with 157 spaces that were shown on that site plan and that was for 1 space per 200 SF at that time. The standard has been changed and we would need to calculate the different standards when there are courts inside with actual gym floor space and given that this information is different with the employees than what was originally understood. We would need to know the breakdown in the gym to calculate it exactly. Do you understand what I mean? Mr. Higgins stated the thing is we make other applicants do that and all I'm saying is for consistency and making sure that we follow our own regulations, I don't have a problem approving this contingent if the other Board members do but, I would like to just see a breakdown with the parking even if it's landbanked parking I don't care, I just want to make sure we're consistent with our requirements when applicants come in. Mr. Ouimet stated what I don't understand is; when Mr. Harris looked at this when the application came in, did you assume that there was 1 full-time employee? Mr. Harris stated the following: The application stated that and I clarified that there was 1 full-time employee which would require 3 parking spaces and the lot has 3 spots with signs that say "for massage patients only", therefore, the requirement was met in that sense. I'm not clear on how the Board would treat 4 part-timers, as it would equal 1 full-time employee if that's how you want to consider it. If multiple people are there at the same time, assisting 4 patients, that does require more than 3 parking spots. Mr. Ouimet asked is there enough parking even if that's the case. Mr. Harris

stated I visited the site twice at different times during the day and there were at least 50 parking spaces available on both occasions; in the front of the building and to the east in the large parking that has about 75 total spaces. Mrs. Murphy stated was the prior massage business an approved use? Mr. Harris stated yes. Mrs. Murphy asked are you adding any more square footage to the massage business? Mr. Burke stated the first massage business was there for 5 years and they left and we took over their employees, which had about 12 employees. We assumed about 4 of their contracts, which right now in a startup situation, it's somewhere near full-time about 40 hours a weeks. The 2 owners are not there, which they parked there every day and now they are gone. Now the rest of the staff is down to 4. Mrs. Murphy stated so, in one point in time this Board approved this use in this spot with that parking. Mr. Harris stated I would have to check the timing of what the parking schedule said at the time of that tenant to see if it matches what would be today. I can't say that it is the same standard that we use today. Mrs. Murphy stated the following: I'm not asking you to say that, what I'm asking is, this is just a change in ownership really. The use is the same, the parking has been sufficient, we haven't had any complaints or anything filed with regards to this site, right? Mr. Harris stated we have no evidence of any parking problems or complaints. Mr. Ouimet asked would there be a situation where all 4 of your employees will be working on patients at the same time. Mr. Burke stated yes, that could happen. Mr. Ruchlicki stated you're saying that you got 40 hours and it is going to be distributed through 4 other people and technically all four of those people could be there at the same time. Mr. Burke stated right, that's what we strive for. Mr. Ouimet stated and that has happened with the prior tenant as far as you know, correct? Mr. Burke stated they had 12 to 15 on staff there and they still have 12 to 15 on staff at Back in Balance down the street. Mr. Ouimet stated did we ever have any problems there before? Mr. Harris stated I had nothing in the file on the history of this and I'm not aware of any complaints or violations with the Building Department.

Mr. Nadeau made a motion to approve the change of tenant application for Accent on Health. The applicant clarified that 4 part-time employees will provide massage therapy, a reduction from 12 employed at the prior massage therapy tenant. Same square footage/space to be utilized. Mr. Roberts seconded. Motion carried.

13.057 NB Fit Energy, 1603 Route 9 (Towne Center Plaza) – Sign

Ms. Lori Whalen, the applicant, stated the following: I am proposing to replace the sign panel on the existing wall-mounted sign on the building. The sign is 8 SF and one-sided. Mr. Roberts ask is the sign going to be lit? Ms. Whalen stated it will be internally lit.

Mr. Roberts made a motion to approve the sign applicant for Fit Energy. Mr. Higgins seconded. Motion carried.

13.060 NB Mike Zurlo for Sheriff, 1707 Route 9 (Shoppes Of Halfmoon) – Change of Tenant & Sign

Mr. Bruce Tanski, owner of the Shoppes of Halfmoon, stated the following: Mr. Mike Zurlo is proposing to occupy the tenant space previously occupied by Kathy Marchione when she was running for the Senate. The sign would be one-sided, located on the building façade and it would be 2 FT x 8 FT for a total of 16 SF. Mr. Zurlo would be using the tenant space until the election in November. Mr. Ouimet stated regarding the sign; would it just be a panel change out? Mr. Tanski stated that is correct. Mr. Ouimet asked Mr. Tanski if there would be any issues with the parking at the site. Mr. Tanski stated no and there is an overflow parking lot to the west of Rite-Aid, which is

never used. Mr. Higgins asked if there would be a sign on the free-standing sign. Mr. Tanski stated no, there would just be a sign on the building.

Mr. Roberts made a motion to approve the change of tenant and sign application for Mike Zurlo for Sheriff. Mr. Ruchlicki seconded. Motion carried.

13.061 NB Mane Tame, 1471 Route 9 (Crescent Commons) – Sign

Mrs. Murphy recused herself from this item. Ms. Jill Pipino, the applicant, stated the following: We are proposing 2 signs for Mane Tame. One sign would be 2 FT x 7 FT for a total of 14 SF, one-sided, wall-mounted and internally illuminated. The second sign would be two-sided, 2 FT x 6 FT for a total of 24 SF, internally illuminated and would be located on the free-standing pylon sign along Route 9. Mr. Roberts stated all the signage would conform to the routine plaza signage.

Mr. Robert made a motion to approve the sign application for Mane Tame. Mr. Nadeau seconded. Motion carried.

13.062 NB Snyder's Restaurant, 1717 Route 9 – Sign

Mr. Bruce Tanski, the applicant, stated the following: I am proposing to add one additional sign for Snyder's Restaurant on the south side of the building façade facing Key Bank. The sign dimensions would 78.3 SF, one-sided and the sign would not be illuminated. This sign would be exactly the same as the last two signs approved by the Board for Snyder's Restaurant on May 13, 2013.

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

Old Business:

13.046 OB Clifton Park Landscape, 1537 Route 9 (Lindsey's Country Store) – Addition to Site Plan/Change of Use & Sign

Mr. Tom Andress, of ABD Surveying & Engineering, stated the following: The last time we were before the Board, we were proposing a storage area in the front of the site where cars would be able to come in and have different landscape materials loaded in their vehicles. At that time there was a real concern from the Board in regard to that and we've come back with a completely different plan. We are now proposing to have all the loading and activity occurring in the rear of the site. All we would have in the front of the site is a small display area where we would have the different types of landscaping stone that would be available in planter type size areas that would be made of out of the different types of retaining wall block materials. The parking area would be along the back of the site. We are proposing 6 FT stockade fences to screen the back area from the front. We would still be using the small meeting room as an office and we will have a small retail area with lawn and garden tools. We are also proposing a 56 SF free-standing sign along Route 9 at the entrance to the bin display area with an extensive landscaping plan. Mr. Ouimet stated tell us a little more about the display area; how big are those individual bins, how many are there, what you intend to do with them and how you're going to fill them. Mr. Andress stated the following: We are proposing 10 product display bins that would be 2 FT x 2 FT, which would display the different types of stones and mulches. There would also be different styles and colors of retaining wall block displays. Mr. Ouimet asked how deep would the bins be? Mr. Louis Therrien, owner of Clifton Park Landscape, stated I would project that the bins are no more than about 2 FT in depth as I just want to show a little bit of vertical on the planter itself made out of stone. Mr. Ouimet asked would these be visible from Route 9? Mr. Therrien stated yes. Mr.

Andress stated the visibility from Route 9 will be the front of the retaining wall and because you're looking down on these; they're not open to the front and not open to the rear. So, the visibility that you would see is a retaining wall with landscaped areas on both side with trees, shrubs and a fence. Mr. Higgins stated the following: What happened the last time when you were before the Board and you said that if you had a sign that you could put out there that all the storage and material would be in the back? That has totally changed now, is that correct? Mr. Andress stated the following: No, that's what we did. All the storage and materials are going to be in the back; these are just samples. Mr. Higgins stated the following: That's still storage of material and 2 FT x 2 FT is still storage in my opinion. If you want to put a 5 gallon bucket of the material out somewhere for display, that's a whole different ballgame; that's display and 2 FT x 2 FT is storage, which is against the Town ordinances. Mr. Andress stated a bucket is 18 inches. Mr. Higgins stated so the people driving along Route 9 are going to look at the back of concrete blocks. Mr. Andress stated the following: No, these are all going to be segmental blocks like you were looking at a retaining wall. So, we're going to build a retaining wall in the front with segmental block and you're not going to be able to see the product from Route 9. Mr. Berkowitz asked so, why even have it there if you're not going to see the product. Mr. Andress stated the following: Because we don't want everyone to have to walk around to the back and it has to be someplace for people to be able to look at it. If you walk back to the piles, that's not what the intention of it was. Mr. Berkowitz stated the following: Why don't you just have it up by the garage and the shed? Because the people have to park up there and then the people would have to walk even further if they have to walk toward Route 9 than if they had to walk toward the back of the building. Mr. Ouimet stated I've seen some of these things displayed in other venues and they basically use something similar to a board that shows various samples of the materials that are available for sale in bulk. Mr. Andress stated I think that is pretty close to what we're doing. Mr. Ouimet stated it doesn't look that way to me. Mr. Andress stated we certainly can come up with a maximum size for the bin size if you want. Mr. Higgins stated the following: What I personally don't like is the fact that when you're driving along Route 9, instead of nice landscaping all you're going to see is a bunch of blocks laid out there. Regardless of what you're saying it's still storage and it's not display, it is storage. Mr. Andress stated I don't believe it is storage. Mr. Higgins stated well, in my opinion it is. Mr. Andress stated the following: I'm not here to argue but, the landscaping that we have is almost coming to halfway across and so is the other where just has a center opening in it. You're not going to just look at long section of retaining wall. People put out retaining walls all along places as an architectural feature. Mr. Higgins asked is 6 inches tall enough? Mr. Andress stated the following: No, because if you're standing there, you don't want to go down to 6 inches because it has to be so you can look at it and the retaining wall is a couple of feet high. Mr. Higgins stated well, that's storage and it's not display. Mr. Andress stated the product can be just the top 6 inches of it and the rest of the bin can be filled. Mr. Ouimet stated the following: I think what we're struggling with is that the Town ordinance clearly says no storage in front. Mr. Andress stated we've heard that 100 percent and that's why we went without storage and this would just be product display. Mr. Ouimet stated the site plan that you submitted shows bins that are quite large and could be construed by some of us to be storage as opposed to display. Mr. Andress stated I agree to that and that's why I'm saying now we can come up with a maximum size. Mr. Higgins stated why don't you flip the parking and your display area and put the display in the back and put the parking in the front? Mr. Andress stated okay, and we'll do that then. Mr. Therrien stated I'm not so much concerned about the display period. That's something Mr. Andress had thrown in there. If I could landscape the front of this and use all different types of material that I use, that would be enough display for me. Mr. Higgins stated yes, if it's nicely landscaped and you don't have piles of material sitting out there. Mr. Therrien stated absolutely; the landscaping would be

very nicely done and it would be maintained on a weekly basis. Mr. Higgins stated like a brick walkway or something. Mr. Therrien stated absolutely; we would landscape with laid material, material like you'd see in your own backyard. Mr. Nadeau stated not like typical concrete block; more like versa-lock block. Mr. Higgins stated I understand what he's saying, but you're going to use that and make a walkway or something and you're not going to have them piled up 10 high. Mr. Therrien stated the following: I'm not going to have pallets of block or anything like that and I don't want to see that either. I don't even need my storage bins up front because I can put something small in the back of the site. Like Mr. Ouimet mentioned; something like a display board or a 6 foot pedestal with little individual bins would be fine and I'm okay with that. Mr. Ouimet asked would you relocate the parking to the front as opposed to the back? Mr. Therrien stated the following: I don't mind either way. I will do whatever the Board prefers. Mr. Ouimet stated I think our preference is to keep the parking in the back where you have proposed to park. Mr. Higgins stated and then your display would be in front of the parking area towards the back. Mr. Ouimet stated the display would be part of the landscape of the front of the building, right? Mr. Therrien stated yes, it would be part of the landscape and I would have a display board like you mentioned that would be in the actual building. Mr. Ouimet stated and all your bulk material would be in the back of the site, right? Mr. Therrien stated yes, all the bulk materials would be behind the fence lines. Mr. Berkowitz asked what would be up front, blocks or trees? Mr. Therrien stated the following: Some shrubbery, some landscaping, and a sign and around the base of the sign I would like to do a stone planter. I don't know if I will get as far as putting in a paver brick walkway to it all. There may be some small versa-lock retaining wall planter but, no display block. Mr. Ouimet stated could you tell us about the sign that you're proposing. Mr. Therrien stated the sign we're proposing is just illuminated from the ground and maybe some up lighting. I haven't chosen a material for it but, I think it's just going to be wood and I'm thinking it would be 8 FT x 7 FT. Mr. Address stated the intention for the sign was to have it externally lit with lights on each side. Mr. Higgins asked are you planning on paving the parking area or is it going to be gravel? Mr. Address stated we were proposing to have stone except for the areas where you need the pavement for handicap parking. Mr. Higgins asked so, you're not going to have any kind of permanent marking on the gravel for your parking spots. Mr. Address stated we would just have the parking in the back along the fence. Mr. Higgins stated the reason why I asked that question is because other applicants over the years that much larger parking areas, we required them to pave it and that's why I asked the question. Mr. Berkowitz asked are there bathroom facilities? Mr. Address stated there are not and we had that in the narrative that they would utilize Lindsey's and the hours correspond with Lindsey's being open. Mr. Berkowitz asked are they allowed to do that? Mrs. Murphy stated the following: I will check with the Code Enforcement Department. Normally, a facility has to have one in the building itself when I spoke with Code Enforcement the last time. Mr. Address stated that's not a problem but, we have had that in the narrative and that is what was accepted when they were previously approved. Mr. Ouimet stated yes, but back when they were originally approved by the Board they weren't doing retail. Mrs. Murphy stated now that makes a difference. Mr. Roberts stated I have an issue with the 14 FT height of the sign because you are already elevated there. Mr. Address stated the following: We're actually cutting that area down to the grade of the road so that elevation would be coming out. What we were trying to do is to keep the sign high enough because there would be plantings around it. It is set back from the road so it doesn't create a sight distance issue. We could certainly drop it down a couple of feet. Mr. Roberts stated okay, because we usually keep them around 12 FT. Mr. Higgins stated we don't want the sign any taller than 12 FT above the road level. Mr. Nadeau asked are you grading down to the level of Lindsey's parking lot? Mr. Address stated yes. Mr. Berkowitz asked if you needed a bathroom, where would it go? Mr. Address stated we would have to put it in that building. Mr.

Berkowitz asked do they have Town sewer or septic? Mr. Address stated the following: That is on septic so we would have to put a septic on the side. Lindsey's septic is large enough but it is way in the back so it would be easier to put a septic on the side. The septic to the house that burned down is still there so we could hook into that. We would check to make sure it is alright but, we could hook into septic. Mr. Higgins asked where is that septic in relation to where the building is? Mr. Therrien stated if you look at the parking spaces near the red fence, the septic tank is probably just behind the fence at the second parking space in and that is parking space #5. Mr. Higgins asked is that kind of behind the garage? Mr. Therrien stated yes, kind of behind the garage off the corner of the garage. Mr. Higgins stated obviously you would have to move your material storage off of that. Mr. Therrien stated yes and we would have to buffer that even more. Mr. Ouimet stated there was one other issue that was raised earlier and that's the issue of another business operating out of that site where there are some trucks. Mr. Address stated the following: Right, we did add a supplemental detail into that. There were asphalt trucks that a partner had brought onto the site. The labeling has been removed and they are going to be part of Clifton Park Landscaping. Mr. Ouimet stated would that business continue to operate but as part as Clifton Park Landscaping? Mr. Address stated the following: The business for the paving is just a supplemental paving as part of their hardscape work. They don't go out and look for driveway paving and things like that. It is a very small paver and it's there so if they damage a driveway, they can repair it. Mr. Ouimet stated so what you're telling us is that there would only be one business operating out of there and that would be Clifton Park Landscape. Mr. Therrien stated it would be two now; Clifton Park Landscape and Clifton Park Landscape Supply. Mr. Ouimet stated and there would be no separate paving business. Mr. Therrien stated no paving business. Mr. Ouimet asked has all the lettering, phone numbers and everything been removed from the trucks and they don't exist anymore. Mr. Therrien stated I believe all the trucks were stripped of the lettering this past week. Mr. Ouimet stated the following: Do the phone numbers still exist if somebody wanted to call for a paving operation and found the number in the phone book, could they call that number? Mr. Therrien stated yes I think you can. Mr. Ouimet asked do you have any plans to discontinue that? Mr. Therrien stated the following: I'm not sure he is up for any more business because he wants to walk away from the paving and he is kind of a silent partner with me for the landscape supply. He just does a few of his own accounts on his own landscaping and he wants to get into the supply thing with me. He has taken another direction with his work. Mr. Ouimet stated I'm just trying to figure out if you have two businesses operating in one place. Mr. Higgins stated well, he just said now that he wants two businesses. Mr. Therrien stated one tax identification number. Mr. Address stated a different DBA. Mr. Higgins stated the following: The problem is that this site plan does not show where you're going to store the vehicles that you already have for the business that was approved on the site and the number of vehicles was pre-approved when you first came before the Board and I believe that number was 17. So, you're still limited to that number of pieces of equipment as far as trucks, trailers and everything else, but you're not showing where that's going to be. It does say that it used by Clifton Park Landscape in the back but, that goes all the way up to the front. So, now you're telling us that you want to put another business in here, which is your retail business. Mr. Therrien stated the following: The retail business would share the same equipment. I already own the trucks, I already own the loaders and I already own all of the equipment. The only thing that I don't own is the material in the bins. The storage for the equipment and trucks would be parked in the furthest back on the property that we can. These bins would probably be coming down and we would entertain to use the back corner to store our trucks, skid steers, loaders, excavator, etc. Mrs. Murphy stated the following: You can have two related businesses operating out of one building and you do that all the time. A lot of people have various DBA's. I don't have a copy of the site plan in front of me and I would assume that you

want to specifically designate what type of vehicles are presently be stored and where it's being stored and you have been very specific about that in the past especially when it such a visible site. Mr. Berkowitz asked do you also have a snow removal business? Mr. Therrien stated yes. Mr. Berkowitz asked is that a third business or is it part of one of your businesses? Mr. Therrien stated it is the same business as Clifton Park Landscape. Mr. Berkowitz asked are all your vehicles going to be stored there over the wintertime or are they stored at someone's home? Mr. Therrien stated some of them are stored at homes, my workers have company trucks and they have some vehicles there but, a lot of our loaders are stored on site because we do just commercial. Mr. Berkowitz asked do you load the salt trucks in an area in the back of the site? Mr. Therrien stated we do now but, we think we want take that to our parking area and move the salt in and mix it in the bins and bring the other brings up front closer toward the middle. Mr. Address stated the following: We did add into the narrative that we did have as part of the proposal for the small paver and the 2 asphalt dump trucks. We were looking to add those into the list that was already approved by Board previously. I don't believe we noted it on the plans and we will obviously have to note it on there. We just have use by Clifton Park Landscape for the area and when you do go out there, all the vehicles are stacked over in this area. We can certainly put the stacking area on the plan. Mr. Higgins asked now instead of 17 you now want 20? Mr. Therrien stated I don't believe I need any more because I don't have 17 now. Mr. Address stated he doesn't have 17 now, but as part of those, we would have these 3 items that would be in there. Right now I think there are 8 vehicles there. Mr. Higgins stated the following: As long as there isn't more than 17 pieces of equipment; trucks, trailers and loaders. I think that's the way the original approval was. Mr. Address stated I don't think we have an issue because there are nowhere near 17. Mr. Therrien stated the paver is going anyway so, the paver is not going to be there. Mr. Higgins stated as long as it is under 17 pieces of equipment and that is what your original approval was and that's what we're basing that on. Mr. Ouimet stated and none of these commercial pieces of equipment would be parked in spaces designated 1 through 6 on the plans. Mr. Address stated right, those are only for customers. Mr. Ouimet stated and that's the way it's going to be, right? Mr. Therrien stated that is correct. Mr. Polak stated it seems like the whole site has been redesigned so, we would need a revised site plan. Mr. Address stated we don't have a problem with a revised site plan if we could have an approval with a condition because Mr. Therrien would like to get started with this proposal.

Mr. Berkowitz made a motion to approve the addition to site plan and change of use application for Clifton Park Landscape conditioned on the applicant submitting a revised site plan that shows no storage or display containers in the front of the property along Route 9, no more than 17 vehicles/pieces of equipment, nothing can be done on the site until we have the revised site plan and it is accepted and signed, and the site plan has to comply with the Town's Building Code. Motion also includes a determination that this project is an Unlisted Action under SEQR, will have no negative impact on the environment and that a Negative Declaration be filed. Mr. Roberts seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Clifton Park Landscape conditioned on a height limitation of 12 FT from road level as part of the approval, all signs and phone numbers related to an outside paving company must be removed from the paving equipment that is intended for use by Clifton Park Landscape. Mr. Nadeau seconded. Motion carried.

13.050 OB Auto Answers, 143 Plant Road – Commercial Site Plan

Mr. Michael Savoca, the applicant, stated the following: I own the property located at 143 Plant Road, which is behind Stewart's on Route 146. I met with a couple of the Board members about

a week ago and we discussed about 4 different things of concern. One of them being a handicap parking spot and I have a sign up for that 10 FT x 20 FT parking space. We also talked about how many other parking spots I felt that I needed and on the site plan you'll noticed that they're all marked off and I think there are 4 additional parking spaces in addition to the handicap parking space for a total of 5 parking spaces. We talked about trimming the lilac bush that was near the road and the driveway corner and I trimmed that back about 4 FT for better visibility for cars pulling in and out. Lastly, I have a repair shop application from the Department of Motor Vehicles (DMV) and aside from a lot of yes and no question on my part, they need a Certificate of Occupancy (C.O.) or a local license stating that I may operate a motor vehicle repair shop at the said location and of course that would be from the Town. Mr. Berkowitz asked do you have a bathroom? Mr. Savoca stated yes I do. Mr. Ouimet stated on the site plan that you submitted, I wasn't able to discern which one is the handicap spot. Mr. Higgins stated it is marked HC on the site plan. Mr. Higgins stated so, it's only going to be the 5 parking spots; 1 handicap and 4 designated parking spots and that would include your own personal vehicle, right? Mr. Savoca stated I didn't quite understand that because are these like an overnight parking spots or all the time parking spots? Mr. Higgins stated these are parking spots that would be designated for use either during the day or at night. Remember we talked about that you can't have the boat storage in back. Mr. Savoca stated correct. Mr. Higgins stated these are parking spots where a customer who comes in would park and your vehicle would use one of these parking spots. Mr. Savoca stated the following: Okay but, I originally thought that these were parking spots for overnight parking. That's why I wasn't thinking of my own vehicle. I don't know if it would be wise to put an additional parking spot on there somewhere maybe and what would that entitle? Mr. Higgins stated yes it would be and you can add it on to one or the other for a total of 1 handicap parking spot and 5 additional parking spots that could be utilized by either you or a customer to park their vehicle. Mr. Savoca stated okay. Mr. Higgins stated and you are limited to that number of parking spots and that's it. Mr. Savoca stated right. Mr. Ouimet stated that would also include any vehicles that you're working on where work has to continue from one day to the next that would not be parked in the garage. Mr. Savoca stated yes. Mr. Berkowitz stated but you could also keep that one car in the garage. Mr. Savoca stated okay. Mr. Ouimet stated the following: Regarding the issue with the lilac bush; I think it is going to be critical that we get an agreement from you that you will keep that lilac bush trimmed back because it will grow and it will start to impede the sight distance again. At some point in time you might even think about removing that lilac bush completely. Mr. Berkowitz stated with the straightening of Plant Road, that will give them a lot more sight distance with the addition of 20 to 30 FT of sight distance but, that lilac bush will still need to be trimmed. Mr. Savoca stated I was told that the road will also be widened so I don't know if they will ask for the lilac bush to be removed. Mr. Ouimet asked are you going to have sign? Mr. Savoca stated no, we're not going to have a sign and we would just have a simple sign on the mailbox itself but, not a sign on the building. Mr. Nadeau asked where are you going to put your "repair shop" sign? Mr. Savoca stated the "repair shop" sign would be on the building and I think that is required. Mr. Higgins asked did you say that you're not going to do inspections? Mr. Savoca stated correct. Mr. Nadeau asked could you explain the mailbox sign again? Mr. Savoca stated it would have the 143 as the address and maybe above that in small letters the "Auto Answers" sign just to identify the location. Mr. Higgins stated that would be just like putting your personal name on a mailbox. Mr. Savoca stated yes. Mr. Nadeau asked are you doing retail or auction work? Mr. Savoca stated just retail. Mr. Higgins stated when Mr. Berkowitz, Mr. Casper and I were there for the site visit, these were the items that we discussed and also he showed the septic location on the site plan, which we also requested.

Mr. Higgins made a motion to approve the commercial site plan application for Auto Answers conditioned on the applicant submitting a revised site plan showing a total of 6 designated parking spaces, which includes one handicap parking space. Other conditions include: the auto repair shop performing no oil changes or New York State inspections on the site and periodic trimming of the lilac bush at the entrance to the auto repair shop in order to maintain good sight distance entering Old Plant Road from the auto repair shop and a Negative Declaration to SEQR. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 28, 2013 Planning Board Meeting at 7:51 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary