

Town of Halfmoon Planning Board**Meeting Minutes – June 23, 2014**

Those present at the June 23, 2014 Planning Board meeting were:

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

Planning Board Alternates: Margaret Sautter

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski

CHA Representative: Mike Bianchino

Mr. Ouimet opened the June 23, 2014 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the June 9, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the June 9, 2014 Planning Board Minutes. Mr. Ruchlicki seconded. Vote: 7-Aye, 0-Nay. Motion carried.

Public Hearing:

14.060 PH Anna's Place Subdivision, Lot #20 & Lot #13 Kelly Lane – Major Subdivision/Lot Line Adjustment

Mr. Roberts recused himself from this item. Mr. Ouimet opened the Public Hearing at 7:01pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Jeff Williams from Bruce Tanski Construction & Development stated the following: I'm here tonight to present several lot line adjustments that kind of revolve around Lot #20 of Anna's Place and it also involves Lot #13 of Anna's Place. Also, there are two existing lots 83 Werner Road and 85 Werner Road. Regarding 83 Werner Road; currently the Lands of Taylor have a maintenance shed that crosses over the lot line of Lot #20 and in order to amend that we are proposing to annex 1,750 SF from Lot #20 and give that to the Lands of Taylor to get their shed on the right side of the fence. Regarding 85 Werner Road; they actually have their access driveway, a parking lot and a shed that crosses over onto the property of Lot #20 and in order to fix that we're proposing to annex 7,375 SF of land and give that to 85 Werner Road. Due to that; that causes our original road frontage along Werner Road for Lot #20 and we had to give up some of that in order to amend that and create a compliant flaglot for Lot #20. So, we're taking a 2,014

SF from Lot #13 and giving that to Lot #20. So, at the end of the day, 83 Werner Road will be 31,363 SF and 85 Werner Road 21,780 SF and it's actually bring that lot more into compliance with today's standards. Lot #13, which is located on the corner of Kelly Lane and Werner Road, will have a lot area of 22,392 SF and Lot #20, after the give and take, will be 29,768 SF. We're also proposing to utilize the existing driveway access that 85 Werner Road has been using throughout the years and then through an easement to share the access point and then breakoff to do an individual driveway to Lot #20 to access onto Werner Road. Originally, it was approved to go between Lot #13 and Lot #14 of Anna's Place and access off of Kelly Lane. We felt that we would present this here tonight because it sort of creates a marketing issue for us to market the three lots that are involved because no one wants a driveway between their side yards. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the Public Hearing at 7:06pm. Mr. Higgins stated the following: We had a committee go the site and we looked at the sight distance on that existing driveway. I think the consensus of the committee was that the existing driveway does not have adequate sight distance if the driveway was being installed at this time. Since it is a pre-existing condition, we can't do anything about the driveway at the existing house. However, since the applicant has requested that we look at adding the other house to utilize the same unsafe condition; we talked to Mr. Williams about moving the driveway west and when we left the site, Mr. Williams said he would talk to Mr. Bruce Tanski about it and we'd see. Then we received an email saying that they had decided to come tonight and request an approval utilizing the unsafe driveway and that's where we are at this point. Mr. Nadeau stated I was under the understanding that we were going to try and move it further west and that we were in agreement with that. Mr. Ouimet asked Mr. Nadeau if he saw sight distances there also? Mr. Nadeau stated yes, that is an issue. Mr. Ouimet asked Mrs. Sautter if she agreed with Mr. Higgins and Mr. Nadeau? Mrs. Sautter stated yes, there were absolutely sight distance issues and we spent quite a bit of time there and as the others have stated and Mr. Williams also said "I don't know what we were looking at so, let me get back to you on this and maybe we'll come back out for a visit and see it" and that was the last that we heard until tonight. Mr. Ouimet stated it's my understanding that at the first presentation at the last meeting when we set this for a Public Hearing, there was a representation made that you had done a sight distance review and that the sight distance from that driveway met minimum standards, is that correct? Mr. Williams stated the following: That's correct and I talked to Mr. Duane Rabideau who is our surveyor who did the actual sight distance measurements and to this day he still says that is the most optimal point at the existing driveway. I explained to him what the committee was suggesting to move it further to the north and he said that there are going to be issues with meeting those standards that we showed today. When we were out in the field I will admit that I had kind of a skewed technique of distance from the road and the height of the road. I also didn't make clear that when you're looking down the road, you're looking at least a 4.5 FT object coming up the road. So, that helps your sight distance too. There seemed to be a little berm with a tree that was the biggest impediment of that sight distance, which we kind of talked about that maybe we would shave that down if that is what the Board would want, but I'm kind of stuck in a rock and a hard place because my surveyor is saying that the existing driveway is the optimal spot for that driveway to come out. Mr. Ouimet asked Mr. Bianchino if he had looked at that sight distance. Mr. Bianchino stated we haven't looked at it yet because we didn't get a chance to do a site visit out there, but we can go and look at it if the Board wants us to. Mr. Bruce Tanski, the applicant, stated the following: Mrs. Daignault is here. Mrs. Daignault's husband has lived at that house for almost 50 years and she has been there for 15 years and they've never had a problem there and they've never had a problem with sight distance or anything else. Can I suggest to the Town that maybe we passed everything else except that,

table it and have CHA look at it? Is that a possibility? Mr. Ouimet stated I don't know if there's anything else to pass and I think that's all we have. Mr. Tanski stated there is also a lot line adjustment. Mr. Williams stated what I would suggest is that maybe we could do the lot line adjustments as I don't think anyone has any issue with what we're trying to do with getting everything on the right side of the property lines. So, what we could do before the stamping of the plan is to bring in the original driveway with the way it lays out and the way it is approved today for Anna's Place going between Lot #13 and Lot #14 out to Kelly Lane, but then representing the lot line changes that we're doing. Meanwhile, we could bring in more information for Mr. Bianchino to look at and try to get a proper sight distance and get a proper placement for that driveway for everyone to be happy. Mr. Ouimet asked what's the Board's pleasure? Mr. Nadeau stated I don't have a problem with the lot lines. Mr. Higgins stated I don't have a problem with the lot lines either, but what you're saying is if the engineer's evaluation is that it doesn't meet standards, what are you going to do then? Mr. Williams stated the following: It depends because we want to bring that driveway out to Werner Road for marketing and if that doesn't work out, we'll stick with the original plan. However, if we get a spot where engineering and everybody can agree to where is the safest place to get a driveway, then that's where we will bring the driveway. Mr. Higgins asked at that point would you combine the two driveways? Mr. Williams stated it depends on what the sight distance is and what Mr. Bianchino looks at and where we come to agreement. We would bring it back before the Board and it would be more of a site plan type of review for you guys. Mr. Higgins stated I don't have a problem with changing the lot lines; it's just the driveway location that was the major thing that the committee saw out there. Mrs. Murphy stated if the Board so choses, it's my understanding that you're going to approve the lot line adjustment contingent upon an agreement being reached subject to the review of our engineer is upon proper placement of the driveway. Mr. Tanski stated no. Mr. Williams stated I think what we want to do is to approve the lot lines with the original driveway location for Lot #20 between Lot #13 and Lot #14 and then bring in another application for site plan for the driveway location for Lot #20. Mr. Ouimet asked is that your understanding, Mr. Tanski? Mr. Tanski stated yes.

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

Mr. Nadeau made a motion to approve the Major Subdivision/Lot Line Adjustments with the following condition: (1) The applicant submit a revised plat eliminating the proposed share driveway and maintaining the Kelly Lane driveway for Lot #20 as approved for the Anna's Place Residential Subdivision. Mr. Higgins seconded. All-Aye. Motion carried.

New Business:

14.065 NB Oakcliff Bed & Breakfast, 78 Church Hill Road – Special Use Permit

Mr. John Szemansco, the applicant, stated the following: I'm the owner of 78 Church Hill Road and I have a proposed application for a Bed & Breakfast (B&B) at 78 Church Hill Road. I'm here tonight with Ms. Susan Ruckdeschel and she's going to present the project to the Board for me. Ms. Ruckdeschel stated the following: We proposed a bed & breakfast offering three rooms and Mr. Jon Szemansco is the primary resident and I'll be assisting him in this effort. We have three bedrooms that are located on the second floor of the home and they are in a separate wing and there are two bathrooms. There will be no exterior displays or signs will be placed anywhere on the property. Parking will be provided off-street in back of the barn so that it does not obstruct any views of the house, the street or otherwise and there is room for three cars there. The

driveway is stoned, the garage is used to house a car right now so, there is a path that goes from the driveway to the back of the barn for those three vehicles. So, that's the off-street parking. The overnight guest will get a continental breakfast and we plan to make the B&B available throughout the entire year although we primarily want to focus on racing season especially getting started. So, that would be in July/August. We want to capitalize on overflow from Saratoga for people wishing to attend the racing season. We will also have the B&B available for the rest of year. The house is listed and has been since 1999 on the National Historic Registry and it's called Oakcliff. It was a carriage house and I think it is still considered to be a carriage house. There is a lot of history to the home and were hopeful that people who rent the B&B will be interested in the history of the house and not just the home, but the home is lovely. So, there is a great history to it, which we'll make available to the people who stay there as well. It also does meet the requirements of the New York State Fire & Building Code. Mr. Ouimet asked how many bedrooms are there in the entire house? Mr. Szemansco showed the Board a floor plan and stated the following: I use this as a master bedroom, I have a guest bedroom and these two bedrooms were previously my two children's bedrooms. This room that is marked as a bedroom is not really a bedroom as I use it as an office and this is any office. So, I guess the simple answer is there are four bedrooms in the house and I will be occupying one of the bedrooms and there will be three other bedrooms that will be available. Mr. Ouimet stated I assume that there is one bathroom for one of the bedrooms and the other two bedrooms would share one bathroom. Mr. Szemansco stated that is correct. Ms. Ruckdeschel stated there is a third bathroom in the house as well. So, when there are guest in the house, we would use the third bathroom and they would have full access to the two bathrooms. Mr. Ouimet asked is that bathroom on the same floor? Mr. Szemansco stated no, it's on the first floor and that would be off the kitchen, but we're not planning on having access to any of the parties that would be staying there to the kitchen or to that part of the house so, that will be private. Ms. Ruckdeschel stated there's a common area that the guest will use and it's about three rooms. Mr. Szemansco stated there would be a library that would be a common room, there would be a living room and a family room and that would be the main part the guest would be coming to plus these two bedrooms and they would also have access to the two bathrooms that are upstairs. Ms. Ruckdeschel stated the kitchen flows directly into the dining room where the continental breakfast will be served. Mr. Nadeau asked are the bathrooms full or half bathrooms? Mr. Szemansco stated the bathrooms are all full bathrooms. Mr. Higgins asked do you have sewer or a septic system? Mr. Szemansco stated this is sewer. Mr. Higgins asked do you have Town water? Mr. Szemansco stated correct, Town water. Mrs. Sautter stated did you say that there would be no exterior signs? Mr. Szemansco stated there will be no sign. Mrs. Sautter asked how are people going to know that you are a B&B, just by the plaque? Ms. Ruckdeschel stated the following: A website as I'm an instructional designer by profession so, we'll use search optimization and we'll join the Chamber of Commerce. Hopefully, when people look for B&B's in Saratoga and when they put in Saratoga, B&B will come up. So, it would really just be by website. Also, getting networking in Saratoga Proper letting current B&B owners know that we're available and that we can take their overflow, but that's really it on the advertising. Mrs. Sautter stated I'm not saying advertising, I'm saying a sign at the residence because there must be something. Mr. Szemansco stated the following: I'm not going to put up a sign. I'm really a purist and I like the historic nature of the house and I certainly wouldn't put a sign on the barn after doing the restoration that was done to it and they'll know the address so, they will know where to find it. We want to keep it low key and I don't want it to end up looking like a commercial establishment or a commercial property because that is not what the intent is. If that was ever done, I understand that there's another permit process to go through, but I wasn't

interested in doing that. Mrs. Sautter stated the following: So, you will live there year round and you said some of it was private. Will you ever do events there as some people rent B&B's let's say for a wedding. Mr. Szemansco stated I don't think so, no. Mr. Roberts asked what is the anticipated length of stay for the guest? Mr. Szemansco stated the following: I would suspect one or two days and maybe sometimes three or maybe a weekend. I think that's going to vary from guest to guest. Mr. Berkowitz asked would you rent for the month of July or August to one or two people? Mr. Szemansco stated the following: That would be nice. If someone wanted to rent one room and do it for the whole month of August, I don't see where that would be a problem because it would certainly be less wear and tear than having five different people through that time period come in and out. Mr. Berkowitz asked what if they want to stay for the whole summer for three or four months? Mr. Szemansco stated I don't think so because I think that would infringe too much on our personal lives. Mr. Berkowitz asked are there any guidelines that you have to follow for the State? Mr. Szemansco stated the guidelines that I followed were when we put the house on the Historic Registrar. Mr. Berkowitz stated no, I mean for becoming a B&B or a commercial enterprise? Mr. Szemansco stated no it went through the Saratoga County Review Board last week. Mr. Berkowitz asked are there any health requirements? Mr. Szemansco stated the following: As far as I know, no. Especially since it's less than three people that would be staying there and there are no health requirements from that? Mr. Berkowitz asked would you be classified as a restaurant? Mr. Szemansco stated absolutely not, no and we have no interest in that. Mr. Berkowitz asked even though you are serving food? Mr. Szemansco stated it's going to be mostly coffee and doughnuts. Mr. Berkowitz stated so does Dunkin Donuts and they still have to so, you might want to check on that if you have to follow any health codes. Mr. Szemansco stated I have checked on that, it was on the website and also there were some papers that I got from the Town that had criteria for it and we meet the criteria. Mr. Berkowitz stated the following: The State of the Town? The State might have different regulations for B&B's in residences. Mr. Szemansco stated I did check the State and there were no requirements for it. Ms. Ruckdeschel stated because it was on a County road, we had to fill out another document and I can't remember the name of that document, but we did fill it out in its entirety and submitted it. Mr. Szemansco stated if I remember correctly, it has to be over a certain amount of people that are going to be in the house that you're serving that the State requires that you have special permits for that and we were under that and that's why we limited it to three. Mr. Berkowitz asked where exactly are you located on Church Hill Road? Mr. Szemansco stated across the street from St. Mary's Church. Mr. Higgins asked is it three people or three rooms because your application says three rooms with two people per room, which is a total of six people? Mr. Szemansco stated it would just vary and if there were three couples that came in, there are double beds there. Mr. Higgins stated I think what Mr. Berkowitz is questioning is to make sure that you meet whatever standards there are whether it's Town or State if it is based on the number of people. Mr. Szemansco stated it was based on the number of rooms. Mr. Ouimet asked Mrs. Murphy if this was a permissible use in the zone. Mrs. Murphy stated it is, so long as you go through the Special Use process, which involves a Public Hearing. Mr. Ouimet stated the following: So, we'll have a Public Hearing at our next meeting where you will have to do your presentation again. At that time, we'll hear from the public and we'll hear from your neighbors if there are any issues and we'll go from there.

Mr. Nadeau made a motion to set a Public Hearing for the July 14, 2014 Planning Board meeting. Mr. Roberts seconded. All-Aye. Motion carried.

Mr. Matt Stephenson, the applicant, stated the following: I'm here to ask for an approval for a Prudential sign at 21 Executive Park Drive. The sign is 6 inches x 24 inches for a total square footage of 1 SF that will just have the Prudential logo and will be on the freestanding/monument sign that has flood lighting. Mr. Ouimet asked would this just be a replacement of a panel? Mr. Stephenson stated yes. Mr. Roberts stated I have looked at the proposed sign and it looks fine.

Mr. Roberts made a motion to approve the Sign application for Prudential Office. Mr. Berkowitz seconded. All-Aye. Motion carried.

14.070 NB Verizon Wireless Co-location, Elizabeth St. Ext. – Addition to Site Plan

Mr. Dave Brennan from the Law Firm of Young/Sommer in Albany stated the following: With me tonight is Mr. Rob McCabe from Pyramid Network Services and we're representing Verizon Wireless.

We are proposing to add antennas to an existing cell tower located on Elizabeth St. Ext. that is located in the M-1 Industrial zone and it's an existing 180 FT tall monopole. We're seeking an approval to co-locate antennas on an empty centerline at 156 FT up on that monopole and install a 12 FT x 30 FT equipment shelter at the base. Mr. Ouimet asked are you planning on expanding the footprint of the base right now? Mr. Brennan stated no, we're not. Mr. Ouimet asked is it all within the fenced-in area? Mr. Brennan stated that is correct; this one is all within the existing fenced compound. Mr. Higgins asked are the antennas that you are installing going to be below the existing antennas that are on the pole now? Mr. Brennan stated the following: Yes. This is the monopole and the antennas that we're proposing and it looks like there is an existing antenna mount that is empty so, we'd be in the fourth position on this existing tower.

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

Mr. Roberts made a motion to approve the Addition to Site Plan application for Verizon Wireless co-location at Elizabeth St. Ext. Mr. Nadeau seconded. All-Aye. Motion carried.

14.071 NB Verizon Wireless Co-location, 7 Vosburgh Road – Addition to Site

Mr. Dave Brennan from the Law Firm of Young/Sommer LLC in Albany stated the following: This proposal is off of Vosburgh Road directly north of the Stewart's on Vosburgh Road and Route 146.

This is a 150 FT tall existing monopole and we're proposing to add antennas at 121 FT antenna centerline that would also include a 12 FT x 30 FT equipment shelter at the base. This one does include a proposal to expand the fence compound by 20 FT x 39 FT to allow room for that expansion. On the plan the circle is the existing monopole where there are two carriers in one location and a third carrier in another area. So, with that, there is no space to allow access through the existing gates to get to the monopole so, we're proposing to expand it in this way and come off with an existing small piece of driveway and add a double swing gate at the base. On this pole it's 150 FT and there are the three existing carriers and we're dropping it to the fourth position at a 121 FT centerline for these antennas that we're requesting an approval on. Mr. Higgins asked is the expansion of the fenced-in area still within the property boundaries? Mr. Brennan stated yes, it's within the 100 FT x 100 FT lease area that is leased by American Tower from the property owner. So, it is within the lease area, but typically we lease or the carriers lease 100 FT x 100 FT and typically the fenced area is 60 FT x 60 FT and in this case it is a little

bit smaller and rather than being a square it's a triangle so, it requires a little bit of modification, but we don't fence the entire leased area. Mr. Higgins stated but is within the leased area, correct? Mr. Brennan stated yes. Mr. Ouimet asked is there any existing vegetated screening around the existing buildings? Mr. Brennan stated I don't know the answer to whether there's existing screening out there. Mr. Ouimet asked Mr. Harris if he knew. Mr. Harris stated the following: There is overgrowth and I don't know whether it actually blocks the view of the shed. The property owner is here and he may be able to answer that question. Mr. Bruce Tanski from Clifton Park stated the following: You can hardly see it from the road as it's probably 600 to 700 FT off the road. So, there is really no need for screening plus the natural vegetation screens the whole thing.

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

Mr. Roberts made a motion to approve the Addition to Site Plan application for Verizon Wireless co-location at 7 Vosburgh Road. Mr. Nadeau seconded. All-Aye. Motion carried.

14.072 NB Fairways of Halfmoon Accessory Building, Raylinsky Lane – Addition

to Site Plan & Special Use Permit

Mr. Jeff Williams from Bruce Tanski Construction & Development stated the following: I'm here tonight to present a Special Use Permit application and a Site Plan application. Fairways of Halfmoon has been in existence for close to 14-years and the lot that is adjacent to it has been used as a maintenance area for the golf course use and back in the late 90's Fairways of Halfmoon gained Planning Board approval through a Special Use Permit. All the lands that I'm talking about tonight are zoned A-R Agricultural-Residential. What we're proposing tonight is that the adjacent lands never really formally got an approval from this Board to be me utilized for the maintenance part of the golf course. So, what we want to do is; there is actually two property lots; one is .28-acres and the other one is 1.52-acres and we want to combine those two lots and then consolidate that all into the Fairways of Halfmoon lot, which would be a total of 158.08-acres. On the lot itself there are several improvements; there is a 1,440 SF maintenance shed; there is a 2,240 SF maintenance shed, there is a dumpster bin enclosure and there is also a material bin that holds stone, mulch, sand and topsoil. Also, with that there is a transformer enclosure with a NYSEG power easement going through it. So, like I said, it has always been used as a maintenance facility for the golf course and it's an accessory use to that use. So, I'm here tonight to ask for the consideration of the Board setting a Public Hearing. Mr. Ouimet stated it is my understanding that you going to consolidate these lots before the Public Hearing, correct? Mr. Williams stated yes, I talked to Mrs. Murphy and she suggested that so, we will be working with our attorney to get that done right away. Mr. Ouimet stated okay, because we would then be having the Public Hearing on is whether or not to expand the use for the accessory buildings to the golf course, correct? Mr. Williams stated yes. Mr. Ouimet stated in order to do that; those lots will have to be combined. Mr. Williams stated the following: Okay. I didn't realize that and I thought that we would have to propose that we had to combine everything before. Mr. Ouimet stated or else you would be asking for a Special Use Permit for the 2-lots if you don't combine it the golf course because it's not part of the golf course until you combine them. Mr. Williams

stated yes, I understand. Mrs. Murphy stated for them to consolidate the deeds shouldn't be a lengthy process so, if they say they can do it within three weeks, then you can schedule the Public Hearing for three weeks and if they don't have it done, then obviously it would be their issue. Mr. Williams stated I can have conversation with our attorney and get a timeframe from him and be able to notify the Planning Department before they have to send out the notices. Mr. Ouimet stated we can either set it for the July 14, 2014 meeting or the July 28, 2014 meeting. Mr. Williams asked that the Public Hearing be set for the July 28, 2014 meeting.

Mr. Nadeau made a motion to schedule a Public Hearing for the July 28, 2014 Planning Board meeting contingent upon the applicant consolidating the existing lots prior to the deadline for the Public Hearing notice. Mr. Higgins seconded. All-Aye. Motion carried.

14.073 NB Cutting Edge Barber Shop, 1602 Route 9, Suite 3 – Change of Tenant/Use

Mr. Joshua Belleville, the applicant, stated the following: I'm seeking an approval for my barbershop called Cutting Edge Barber Shop at 1602 Route 9, Suite 3. This space is obviously already zoned for C-1 Commercial. The space is about 760 SF. I'll be the only employee there at the time when I open up because it is new to me. Where the front window is located I will put a station there. When you walk in to the right, there will be three stations in the shop, one of each wall. The left wall as you walk in will be the waiting area and there is a back office area that will be 162 will be storage and office. It's plain and simple as it is just a barbershop. Mr. Ouimet asked how many chairs? Mr. Belleville stated there will be three chairs. Mr. Ouimet stated three chairs, but only one barber? Mr. Belleville stated yes, for now and once I get busier, then obviously I'll hire somebody in there to take the overflow from me. Mr. Roberts stated if there are three barbers, will he still be okay with parking? Mr. Marlow stated the following: The way we calculate parking for something like a barbershop is that we are required to have three spaces per employee. Right now, and over the years with different tenants; they have allocated eight spots in that parking lot for that particular space that you are looking to rent. So, if you go to that third employee, you are going to have inadequate parking by our standards. Mr. Belleville stated I have permission from my landlord that I can utilize the side lot also, which is parking down towards the pool hall. Mr. Marlow stated just keep in mind if you have more than two people; you will have to let us know because we will have to evaluate that because that adds up. Mr. Belleville stated yes. Mr. Ouimet asked do you have a Sign application? Mr. Belleville stated not yet as I haven't designed a sign yet and I was waiting for the Change of Tenant/Use approval before I apply for the sign. Mr. Ouimet asked are you moving your barbershop. Mr. Belleville stated no, actually I currently work for somebody and now I'm going out on my own. Mr. Roberts stated if you are going to have a sign, you will have to come back before the Board for that approval. Mr. Belleville stated yes, I have the application and I just haven't designed it yet because I was waiting for an approval on the Change of Tenant/Use application before I submit my Sign application. Mrs. Murphy stated the following: I'm hearing the Planning Department, and maybe I'm incorrect; as saying that they are okay with two chairs because you have an allocation for eight parking spots. However, if it expands to three chairs and a third employee, the applicant is going to have to come back before this Board. Mr. Harris stated the code says employees; so, the applicant said he was going to have three chairs, but possibly soon a second employee and if he gets a third employee he ends up being one parking space shy. Mr. Belleville stated yes, I will do that.

Mr. Roberts made a motion to approve the Change of Tenant/Use application for the Cutting Edge Barber Shop. Mr. Higgins seconded. All-Aye. Motion carried.

14.074 NB Capitaland Services/Capital Roof Coating, 457 Route 146 – Change of Tenant/Use & Sign(s)

Mr. Jeff Williams from Bruce Tanski Construction & Development stated the following: I'm here tonight for a Change of Tenant/Use and a Sign application for 457 Route 146. The tenant will be Capitaland Services and Capital Roof Coating and this business has actually been in Town since 2007. They were previously known as Capital Home Improvements and Capitaland Services and Capital Roof Coating is owned by the same owner, Mr. Bob Davis. The proposed location at 457 Route 146 has 1,312 SF office building and the former tenant was Li Health Spa. Capitaland Services and Capital Roof Coating offers pretty much every aspect of home renovation from roofing, siding, windows, door replacements, flooring, bathroom, kitchen, decking and building additions and is a one-stop shop for home improvements needs. The office building itself will have two full-time employees; the owner and an office manager at this location. There will also be a showroom display of their products. Working hours are Monday through Friday 8:00am to 5:00pm, Saturday 8:00am to noon and closed on Sunday. There are also seven contractors with the business and these contractors go directly to the worksite from their home and very rarely do they visit the office. Office visits might consist of a vendor here and there and cliental visiting the showroom. There are 11 parking spaces allotted for this building and at any one time there is a possibility that the site may hold a work van, a dump truck, two pick-ups, an enclosed trailer plus the two full-time employees and leaves four open spaces for visitors including one handicapped parking space. The proposed signage; one sign is a double sided freestanding that is internally lit and it is proposed to be in the western corner of the site. The sign would be 7 FT in total height basically because you have to see underneath these trees to see it and the sign would have a total square footage of 62.28 SF. The second proposed sign would be wall-mounted placed on the right side of the building and the total square footage of that sign is 28.46 SF. The total sign package is 90.74 SF and there is another business on-site known as Jay's Auto and the total signage for the entire site would be 154.74 SF. Mr. Ouimet asked is this the same business that was located on Route 9 over at the Prestige building? Mr. William stated exactly, thank you. Mr. Ouimet stated did they also used to be over at Abella Tile? Mr. Williams stated that I don't know and the last that I know is that they were at Prestige. Mr. Ouimet asked would there be any exterior storage of materials. Mr. Williams stated no, there won't be except for the enclosed trailer that might hold material in it or their work trucks, but there is no storage outside. The parking is located in the back and on the sides and it's all screened, but again, there will be no outside storage. Mr. Ouimet stated it's no secret that there are some issues with the parking over at the garage and everybody is aware of that, right? Mr. Williams stated yes, we understand those issues. Mr. Ouimet stated and I would assume that you are going to do whatever you can to rectify that problem so people can park in designated spots as best you can. Mr. Tanski stated the following: Yes. Also, I have instructed Jays; and if you noticed on the weekends when you drive by that most of those cars are cleared out by the weekend. So, at least on Friday afternoon, Saturday and Sunday there might be six to eight cars there, but most of them are cleaned out and we have a designated area for these people where Jay's can't park over there. So, he's either got to send the people home or have them come back when somebody else leaves. Mr. Ouimet stated the following: Okay. With respect to the Capitaland folks, there are 11 spots and you think they are going to permanently use seven or eight spots? Mr. Williams stated the following: Like I said, if you include both the worker's; the two full-time staff and then you numbered up the work trucks that possibly could be stored there, it would leave four vacant

spaces for visitation with one of them being a handicapped spot. Once again, those work vans are in and out and if they are at the site, they are at the site. So, all of those five work vehicles being there all at one time is going to be very rare. Mr. Ouimet stated and if there are any materials being stored, they would be inside the box trucks and they're not hanging around or anything like that, correct? Mr. Williams stated I would think so and I don't think they would want any of the materials stored outside. Mr. Ouimet stated and as far as you know it's not their intent to actually park a truck there and never move it and to just use it for storage in and out? Mr. Williams stated no, not at all because these are all work vehicles. Mr. Ouimet asked are they all licensed vehicles? Mr. Williams stated the following: Yes. I think they are specialty vehicles so if there is a certain job, they'd go to that site. Mr. Ouimet stated should the permanent signage be approved tonight as there are temporary signs that are currently found all over the lawn out there now are going to be removed, right? Mr. Williams stated yes, they will. Mr. Tanski stated I have already had them remove those signs. Mr. Ouimet stated thank you Mr. Tanski. Mr. Roberts stated regarding the freestanding sign; it says the total height is 7 FT and there is a photo here showing a guy standing under the sign and it looks a lot higher than 7 FT. Mr. Williams stated the following: That's a photo of the last place where the sign was. It's the same sign so; they have the box all ready and stuff like that, but they would need it at 7 FT. There are actually two large maple trees out front and you can't see the sign because you would have to look underneath them. Mr. Roberts asked so; the sign is going to have a total height of 7 FT, correct? Mr. Williams stated yes. Mr. Tanski stated just so the Board knows; we had a situation there that we got resolved and the people there took some walls and stuff down so; we had to put it back the way it was. Also, we did have some stuff there for a couple of days until we used it up, but trust me; there will be no outside storage. Mrs. Sautter stated the small portion of the building that is designated as retail display space; who is that for? Mr. Williams stated did I write "retail" because I meant that that is supposed to be for a showroom. Mrs. Sautter stated okay.

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

Number of Signs: 2

Sign 1

3' x 9.92' = 29.76 SF (59.52 SF Total)

Two-Sided

Internal Lighting

Free-Standing/ Monument

Height = 7'

Sign 2

5.43' x 5.25' = 28.50 SF

Wall-Mounted

Internal Lighting

Mr. Nadeau made a motion to approve the Change of Tenant/Use and Sign application for Capitaland Services/Capital Roof Coating with the following condition(s): (1) No outside storage of materials and/or equipment; (2) No permanent on-site parking of box trucks containing products; and (3) Removal of all temporary signs. Mr. Berkowitz seconded. All-Aye. Motion carried.

14.075 NB
Tenant/Use

Dental Care Services, 1407 Route 9, Bldg. 2 – Change of

Mr. Nicholas LaFountain from Garner Holdings, LLC stated the following: I'm here tonight representing Garner Holdings and Dental Care Services. This is a new tenant coming into Building #2, Suite #7. This proposal is for Dental Care Services who are a full service dental company that provides its clients with dental care including; cleanings, cavities, root canals, etc. They have four employees including the dentist. They would have two clients at the most on-site at one point so; that would be six people. We have allocated them seven parking spots and they would share the building with Rutnik and Company and Northern Funding. This space was previously occupied by Demansys Energy. So, Demansys Energy has moved on and this proposed tenant would like to take their place. Mr. Ouimet asked the Planning staff if they had looked at the parking situation at this site? Mr. Marlow stated yes, we have and this particular tenant is required to have five parking spots and there are 88 specifically designated for that particular building and an accumulative of 132 parking spots for the entire parcel as it stands. Mr. Ouimet stated did you say five parking spots because there are four employees? Mr. Marlow stated yes, five spots and that is based off of square footage. Mr. Ouimet asked would they have sufficient parking even if they had more? Mr. Marlow stated yes. Mr. Ouimet asked Mr. LaFountain if there was going to be a sign. Mr. LaFountain stated there will just be a sign on the directory board. Mr. Ouimet asked so, there's no exterior signs? Mr. LaFountain stated no.

Mr. Berkowitz made a motion to approve the Change of Tenant/Use application for Dental Care Services. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Old Business:

13.044 OB

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13.045 OB

Regency Park Planned Development District, Route 9 – PDD Recommendation

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

14.009 OB

Oak Brook Commons LLC PDD, Route 9 – Addition to Site Plan

Mr. John Gay from Northeast Consultants stated the following: We've been before the Board at a number of different meetings for both legislation change and now for site plan. The project at hand consists of construction building #5A, which is a 4-unit apartment building with the same exterior as all of the rest in Oak Brook Commons and a 4-car garage for that building and an additional 3-car garage for nearby residents who require parking inside. The next part of our request was to take down the present office building and construct a 4-unit building there and that would have underground parking access from the rear of the building and that is known as 10A.

The final part of this would be to construct a new office building, which is located in Clifton Park, but the parking for it is in Halfmoon and that has been shown on the plans. That is a summation of where we are so far. We have received comments from Mr. Bianchino for engineering items and they have all been addressed and I think Mr. Bianchino has given a letter regarding that back to the Board. Also, I've been in contact with Mr. Mike Valentine at Saratoga County Planning Board and he has sent me a copy of the final decision of that Board and I believe that the Town also has a copy of it at this point. Mr. Ouimet asked Mr. Bianchino if all his comments have been addressed to your satisfaction? Mr. Bianchino stated yes, they have. Mr. Ouimet stated the following: I have a couple questions about timing for this project; if you take the existing office down, where are you going to conduct business? Are you going to build a new office first? Mr. Gay stated the following: We have to go through Clifton Park for the site plan approval for the

office and we have submitted that. We have not been in front of the Board yet, but our plan was that if they grant us the right to build an office there; at that time we would take down the existing office and construct the new office first and then take down the existing office and start construction on the 4-unit apartment building. Mr. Ouimet stated I think one of the questions that was raised by the Board was that you're not going to conduct office business out of the apartment building after you reconstruct it and after you have taken the old office down; reconstruct that as a 4-unit apartment and then use part of it as an office, that's not your intent, correct? Mr. Gay stated the following: That is not the intent. We would be building the new office building and that would be the first thing that would happen and when that is completed, then we would go to the demolition of the existing office and start construction on the 4-unit building there. Mr. Ouimet stated okay, but that's all contingent on Clifton Park on whether or not they approve it. Mr. Gay stated absolutely. Mr. Ouimet asked Mr. Harris if he had heard from the County and asked if the County was okay with this? Mr. Harris stated yes, they had no concern regarding the project and they had no concern regarding any impact Inter-Municipal or Inter-County. Mr. Nadeau asked where is the current building to be removed because I don't see it on the plan. Mr. Gay stated the 4-unit apartment building sits over the top of it so; you kind of see it in ghost underneath. Mr. Higgins stated it's the 10A location. Mr. Gay stated correct, that will be in 10A. Mrs. Sautter stated you said the demolition of the office building; I remember at some point in time that you were going to give that building to Habitat for Humanity, is that no longer the case? Mr. Gay stated the following: We are going to offer it them and unfortunately, I don't know how much of it could be moved intact. It might have to be taken down and then sections rebuilt. At this point, we don't have an answer to that one. Obviously, we would like to give it to give it a group like that and if that does work out, that's the direction we'll go. Mr. Higgins stated I would also like to mention at this time that at a previous meeting Mr. Chuck Hoffman made a promise to the Board that on both 5A and 10A he would try and minimize the amount of trees that were taken down and he would try and keep as many of the existing trees and he would also provide some additional trees once the buildings were up. Mr. Gay stated you're absolutely correct.

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

Mr. Higgins made a motion to approve the Addition to Site Plan application for Oak Brook Commons LLC PDD. Mr. Ruchlicki seconded. All-Aye. Motion carried.

14.058 OB VRS Sales (Morrissey's), 183 Ushers Road – Addition to Site Plan

Mr. Geoffrey Morrissey, the applicant, stated the following: This is old business and I think I had to go before the County on this 478 SF addition. So, I'm here tonight to find out your findings on that. Mr. Ouimet stated the following: Okay. So, it's the presentation that you made at the last meeting and we were waiting for the County referral approval, is that correct? Mr. Morrissey stated that is correct. Mr. Ouimet asked the Planning staff if they had heard from the County. Mr. Marlow stated we did hear back from the County and they found no significant County wide or Inter-Community Impact. Mr. Ouimet stated so, was this approved by the County? Mr. Marlow stated yes, it was approved by the County.

Mr. Roberts made a motion to approve the Addition to Site Plan application for VRS Sales. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the June 23, 2014 Planning Board Meeting at 7:59pm. Mr. Berkowitz seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary