

Town of Halfmoon Planning Board**Meeting Minutes – July 28, 2014**

Those present at the July 28, 2014 Planning Board meeting were:

Planning Board Members: John Ouimet – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
John Higgins
Lois Smith-Law

Planning Board Alternates: Margaret Sautter
Robert Partlow

Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobný

Town Board Liaison: John Wasielewski

CHA Representative: Mike Bianchino

Mr. Ouimet opened the July 28, 2014 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the July 14, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the July 14, 2014 Planning Board Minutes. Mr. Higgins seconded. Mr. Nadeau and Mrs. Smith-Law abstained due to their absence from the July 14, 2014 Planning Board Meeting. Vote: 6-Aye, 0-Nay, 2-Abstained. Motion carried.

Public Hearing:**14.072 PH Fairways of Halfmoon Accessory Building, Raylinsky Lane – Addition to Site Plan & Special Use Permit**

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 a Special Use Permit along with an Addition to Site Plan request. The property that I'm referring to is zoned Agricultural-Residential (A-R) and it's a 158-acre parcel. The main use on this parcel is the Fairways of Halfmoon with the 18-hole golf course located in the northern part of the Town. We came in earlier this Spring to put a pole barn up and we realized that this area that is mainly used for maintenance of the golf course has been used since the late 1990's/early 2000 since the golf course has been in use as a maintenance area. We wanted to put a pole barn up and we realized that this maintenance area did not get formal approval from the Planning Board so; we're here tonight to resurrect that. The maintenance area is basically about a 2-acre parcel that's off of the end of Raylinsky Lane. The improvements on it are two maintenance sheds. One maintenance shed is 1,440 SF and the

other maintenance shed is 2,240 SF. There is also a dumpster enclosure and a four-bin landscape bin that holds sand, topsoil, mulch and stone for the golf course. The maintenance sheds are basically used to house equipment that is comparable to what you would use for a golf course; being the mowers, the trimmers and some of the sprinkler head equipment and things like that. Also, on the parcel there is a New York State Electric & Gas (NYSEG) transformer enclosure that was approved by this Board in the early 2000's. There is also a NYSEG Corporation easement that cuts through this area. Once again, I'm here to ask for an accessory use as these buildings are integral part of operating a golf course and they're used to maintain the golf course. Mr. Ouimet asked Mr. Williams to talk about the consolidation of the lots. Mr. Williams stated yes, basically this piece was consolidated into the Fairways of Halfmoon and we finished that up a couple of weeks ago and I think we're all set. Mr. Ouimet stated so; the property that you're talking about tonight is part of the Fairways now, correct? Mr. Williams stated yes, it is all one parcel. Mr. Ouimet stated and it was not before, correct? Mr. Williams stated correct, it was not. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the Public Hearing at 7:03pm. Mr. Higgins stated on the one portion on the west side of the property it says "Lands to Be Annexed To Fusco & Grignon" and on the other one it says "Lands of Fusco & Grignon". Mr. Williams stated I'm not 100% sure, but I would say that it was probably done back when the NYSEG transformer happened. Mr. Higgins stated the following: I remember that because I was on that committee, but doesn't the road go through here? Where's the road in relationship to the property line. Mr. Williams stated to get to Fusco & Grignon, Raylinsky Lane turns more into a driveway type road into their single-family home there. Mr. Higgins stated and then it feeds the two Russell's in the back, correct? Mr. Williams stated exactly and I just think it might be like an old inlay and that they just didn't pick up on "To Be Annexed", but I can look into it. Mr. Higgins stated I was just curious because if that involved another transfer of property, we just wanted to be aware of it. So, Raylinsky Lane actually ends at the beginning of this property, correct? Mr. Williams stated yes, I think that's a terminal end of the old Raylinsky Lane and it did bend around after the Fairways Estates was placed. Mr. Higgins asked where is the pole barn going to be placed on this piece of property? Mr. Williams stated the following: We haven't got to the pole barn yet because there is a question of the Lands of Russell down there on the southern side and whether that is in and who is the actual owner of that and we need to talk to Mr. Russell and get that clarified. Once that's done and we figure that it is our piece of property, we'll bring in a pole barn and go through this process again at that point and we'll be back if we are going to put a pole barn in.

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

Mr. Berkowitz made a motion to approve the application for a Special Use Permit and Addition to Site Plan to include the existing structures on Lot #2 as part of the Fairways of Halfmoon. Mr. Nadeau seconded. All-Aye. Motion carried.

New Business:

14.080 NB Kivort Steel, 380 Hudson River Road – Addition to Site Plan

Mr. Dan Tompkins from the Environmental Design Partnership stated the following: This is an application for an addition to Kivort Steel. Some of the Board might recall that in 2006 there was an application that was approved for an addition that would have happened over on the north side of this building and that was abandoned. Subsequent, there was another application that went well into the preliminary/final stage for a much more ambitious addition, which would have

involved enclosing a crane structure and adding to the footprint of that building for a net gain of a little bit over 28,000 SF. Then the result of the recession happened and they put that on ice for a while and realized that they didn't have to have quite such an ambitious addition. This time around what they are looking to do is; on the back of their warehouse their building here, which is enclosed, is to put an addition just under 7,700 SF. What that would do is cause to bridge between the crane structure, which has a roof on it, but is not enclosed and the main building. Right now that area is a paved area and so, what we're looking at is essentially no net impervious surface, but there would be the benefit of enclosing it and creating some extra space inside the building. They do mostly steel distribution, but there is some fabrication that takes place in some cutting and shaping and that just simply gives them more floor area. It also solves the problem in the winter as apparently this area ices up a little bit and it doesn't get a lot of sun being in close proximity to both buildings so, it has that added benefit. Right now there is approximately 25 employees and they don't expect that there will be any real increase in the employee base as a result of this addition. I did figure the parking based on two extra employees for a total of 27. There is plenty of existing parking in the front and on the side and we are proposing re-striping this area because right now it's not striped, but the fact is, I think the requirement was in the neighborhood of 18 spaces and they exceed that plus some of the employees will park in the back area, which is gravel surfaced already in its existing condition. There are two curb cuts that serve this site and they would remain, the traffic pattern would remain and trucks come in on the north curb cut and they circle around the crane structure and they actually go through it and they go through a set of overhead doors in the back of the warehouse and out of the front. This just simply would serve as an addition to that back area and there would be an overhead door here and the trucks would continue to circulate in the same way that they do now. There is plenty of greenspace and it's in excess of 40%. The only wrinkle here is; during 2008, at the time of that application, they did have to get several variances for setback. One of which was the setback off of Briggs Lane. This site is actually bordered by three Town roads; the main road of course is Hudson River Road, but also Myrtle Street and Briggs Lane. Also, when the crane structure was constructed on or around 2000, that was missed. So, that setback is closer than the normal 50 FT and when we were going through the business of 2008 where this structure was going to be enclosed and expanded, we had to actually get a variance to firm that up. The variance allows us to be as close as 27.5 FT and that works just about the way we got it here with 27.5 FT off of this corner. So, we should be in compliance with that even though the variance was for another project as I understand variances; they do go with the parcel. The building is served by Town water, there is an on-site septic system that supports the parcel and because there is not going to be any additional employees, we're set and there is no need to bring in a heavy main for this addition as the water service is adequate as it is. Mr. Higgins stated the following: I was here back then as well as several of the other Board members and I remember some of the neighbors on Briggs Lane were questioning how much truck traffic there was going to be and things like that. What you just presented was that there is no traffic at all that comes out onto Briggs Lane? Mr. Tompkins stated the following: That's correct and that previous application was going to utilize Briggs Lane as a way for the trucks and it's going to be quite a bit different. They were going to go through here and they were actually going to come out onto Briggs Lane and then they were going to exit onto Hudson River Road. In fact, there was a lot of discussion about paving Briggs Lane. The fact is, the only utilization of Briggs Lane right now that they use is occasionally a propane truck will come in and deliver propane and with this addition, that's not even going to happen. The only reason we're proposing to just keep what's kind of a roughly formed graveled driveway there is that there is a door here and there will be a pass door here and it just seems that we'll keep it, but the fact is; what truck traffic there is, it's going to drop

right down to nothing. Mr. Higgins stated and the employee traffic doesn't utilize that exit? Mr. Tompkins stated no, there is no utilization there now other than that propane delivery. Mr. Higgins stated as far as the existing warehouse, does that have sprinklers now or no? Mr. Tompkins stated no, it's not a large main that comes into the site and I think it is a 2-inch service or there about. Mr. Higgins stated I was just curious whether it had sprinklers now. Mr. Tompkins stated no. Mr. Higgins stated in the last question you mentioned 27.5 FT, but if you look at the drawing, the existing building and I don't know what the scale is, but it's definitely further away from Briggs then where the present addition is going to be. Mr. Tompkins stated that's correct. Mr. Higgins stated so, what you're saying is even though you have a variance for 27.5 FT, the existing building actually was more than 27.5 FT away? Mr. Tompkins stated the following: That's right and that was in anticipation of an addition that would come down here and also enclosing the walls. So, frankly it would have ended up scaling 28 or 29, but as you know when you get a variance, it's awkward to come back a second time. Mr. Higgins stated yes, but Mrs. Murphy would have to comment on whether or not that variance is pertinent to this application or not because I don't know if it is. Mrs. Murphy stated once you have a variance and I'll look at it, but it travels with the property. Mr. Higgins stated okay, because I wasn't sure whether they had to go again, but that answers the question. Mr. Berkowitz asked is that concrete pad in the back closer than 27.5 FT? Mr. Tompkins stated what concrete pad? Mr. Berkowitz asked what is that structure in the back with the cross-hatching; is that an open structure? Mr. Tompkins stated that is a crane structure and it has a roof on it, but it's open on the sides and they call it a crane structure because there are two huge horizontal cranes that move back and forth. It is a steel business so, that's how you get something on a truck. Mr. Berkowitz stated how much closer to the other buildings is it going to be? Mr. Tompkins stated at this point, the addition will be closer than the crane structure. Mr. Berkowitz stated the earlier your proposal was that you were just adding a roof on the area that you're already using. Mr. Tompkins stated the following: It's going to be enclosed and it's going to have walls, but yes, it's a paved area that they want to enclose. Some of the steel products are temperamental with weather and not everything can sit out exposed to the weather and that has something to do with it also. Mr. Nadeau stated the following: I'm familiar with this site and basically what Mr. Tompkins is stating is that it's just going to fill that gap in and basically it's already there and that's not a big issue. Mrs. Smith-Law stated the following: I was on the Zoning Board when you got the variance and I recall that you were going to enclose this steel structure and that actually was going to come over farther. So, I think the new thing that you're proposing is even less intrusive. Mr. Tompkins stated I think that was part of the concern of the neighbors as a lot of folks did show up not only for Briggs Lane, but also Myrtle and there was some discussion about that. We did get the variance obviously, but there was some concern and yes, it would have wrapped around the back of the crane structure and also it was just more work was going to occur here so, there was concern. Mrs. Smith-Law right and I think what you're proposing actually is less intrusive than what we gave a variance for. Mr. Tompkins stated I won't disagree and it's literally about a fourth of what they were looking for in that area. Mr. Ouimet stated the following: I think we have a couple issues here; one is that we have to refer this to the County and County won't meet until August, is that correct Mr. Marlow? Mr. Marlow stated yes, the County will meet the week before our August 25, 2014 meeting as they meet the third Thursday of every month. So, we cannot take action until we hear back from the County on that. They're scheduled to be on and we have submitted a package to the County and I believe the County will meet on August 21, 2014. Mr. Ouimet stated so; this has already been referred to the County, correct? Mr. Marlow stated correct. Mr. Ouimet stated the following: Okay. The other issue that we have is that we're asking for referrals to the local fire districts for comment. Not that there is

a potential problem as it's just that we give the fire districts the opportunity to give us their opinion as to this proposal. Mr. Tompkins asked does the Town handle that or am I responsible for approaching the County? Mr. Ouimet stated yes and has this proposal been referred to the Waterford-Halfmoon Fire Department? Mr. Marlow stated yes, we have submitted that to the fire district. Mr. Ouimet stated the following: So, those two referrals have been submitted to the County and the fire district. I think while they're out, we can't take any action until we hear back from them. I think what I'm going to do subject to disagreement by the Board, is to also refer to CHA to do a technical review to go on at the same time that the referrals are taking place. Mr. Tompkins stated okay, I appreciate that. Mr. Ouimet stated so; we will refer this to CHA and await the response from the County and the fire district. Mr. Tompkins stated okay, thank you.

This item was tabled and referred to CHA and the Saratoga County Planning Board for further review.

14.083 NB Miranda Real Estate, 1482 Route 9 – Addition to Site Plan

Mr. Brian Cooper from M J Engineering stated the following: I'm here representing Miranda Real Estate Group. The project is located at 1480-1482 Route 9, which is just north of Route 236 on Route 9. Both parcels are owned by Wilfredo Miranda and the property is zoned C-1 Commercial. Currently 1480 Route 9 is occupied by Allstate Insurance Agency and 1482 Route 9 is occupied by Miranda Real Estate Group, which is their headquarters. The project proposes a 699 SF addition to the northwest quadrant of the existing building in addition to two parking spots. The addition itself is slated for commercial office space and some basement storage. The parking required based on the existing square footage of the building; 1480 Route 9 requires 11 spots based on its size and it currently does have 11 spots and 1482 Route 9 requires 13 spots based on its size and the addition and it currently has 16 spots allocated to that business. However, nine of those spots are crossed used or shared by both parcels. So, what we're proposing is a common use cross or right-of- access easement between both parcels so, we can allow a right-of-access for 1482 Route 9 to park in that spot and also for 1480 Route 9 to park in that spot as well in case the properties ever changed hands. We are requesting a bunch of variances based on existing conditions and I will note that none of the variances are based off the proposed condition. Some of the variances for 1480 Route 9 are front yard and side yard setback, parking space size, lot size area and lot width. For 1482 Route 9 has similar front yard and side yard setback, number of parking spaces, dimensions and the lot size area again based on existing conditions. The existing water utility wise is municipally connected and there is no proposed change to that. The existing sewer; each parcel has its own absorption area and currently the existing absorption areas are failing and not in good use and in disrepair and they're old and they need to be replaced immediately. We are pursuing a building permit and an approval from the County to tie in to the County Sewer on Birchwood Drive across the way. There are no wetlands located on the property, however, there are wetlands in the stream behind the property and those will not be affected by the project. It is not located in the flood zone area and as far as the State Historic Protection Preservation Office (SHPPPO) is concerned, we're outside the buffer zone for that so, there should be no impact as far as that's concerned. Mr. Ouimet asked are you showing any greenspace on your proposal? Mr. Cooper stated no, I'm not showing the greenspace, but there is quite a bit of greenspace behind the existing buildings. Mr. Ouimet asked is there anything between the Route 9 corridor and the building that's green? Mr. Cooper stated the following: It is mostly parking lot except for the sides of the building and most of its parking lot. There are a few planter areas, but they are not really planted and they're just curb islands. Mr. Ouimet stated now all your parking spaces for both buildings are less than what the Town requires so, are they

less than 9 FT x 20 FT? Mr. Cooper stated they are 9 FT x 18 FT. Mr. Ouimet asked are all the parking spaces all 9 FT x 18 FT? Mr. Cooper stated they vary, but the average is 9 FT x 18 FT. Mr. Ouimet stated and you're proposing some new spaces as well? Mr. Cooper stated we are proposing two new spaces that are 10 FT x 20 FT. Mr. Ouimet stated now these lots are not consolidated so, they're two separate lots and there are two separate sets of variances that you would need, correct? Mr. Cooper stated that's correct. Mr. Ouimet stated and one of the variances, if I understood you correctly, is to share parking between one parcel and another? Mr. Cooper stated yes, on the south side of 1482 Route 9 there are nine spots and the property line goes pretty much almost right down the middle of the parking spots so, they are shared by both parcels. Mr. Ouimet stated I understand that, but is there sufficient parking around either of two parcels standing alone? Mr. Cooper stated the following: No and that is why we are asking for the variance and we asking for a common use easement or a right-of-access easement so that 1482 Route 9 property will have rights to the 1480 Route 9 property to gain access to that. Right now, obviously it's owned by the same person and it's not an issue, but that easement will use cross-common use right-of-access for both parcels in case the parcels change hand. Mr. Ouimet stated a lot of what you're suggesting you find based on existing conditions, correct? Mr. Cooper stated yes. Mr. Ouimet stated but what you're proposing is to expand the non-conforming use by expanding one of the buildings, is that correct? Mr. Cooper stated yes, the headquarters of the Miranda Real Estate Group is looking to expand their business based on their economic growth and the need for additional space. Mr. Ouimet stated the following: So, that's not an existing condition. So, I don't know how bound we are by existing conditions. Mr. Cooper stated yes, I just wanted to identify all the site elements and on the proposed scenario here it does not require any variances as we have the correct setbacks for the proposed addition except for the parking would be the only issue. Mrs. Murphy stated yes, but once you start expanding on a pre-existing, non-conforming use you lose your status as pre-existing, non-conforming. Mr. Cooper stated correct, that's understood. Mr. Nadeau stated looking at your map, why is this parcel over on Birchwood high-lighted in black and what's the reason for that as you are showing your two parcels black? Mr. Cooper stated it was just the limit of our survey and just an existing condition. Mr. Nadeau stated okay, so it has nothing to do with your parcel. Mr. Cooper stated no. Mr. Higgins stated to tie in to sewer on Birchwood are you going to have to crossover the wetlands? Mr. Cooper stated yes, the current plan is the directional bore and it's not touching any of the wetlands and pursue some easements from the property owners to get to that location. Mr. Higgins stated as far as the addition; you mentioned it's going to be a basement storage area, correct? Mr. Cooper stated the following: If you look on the back sheet there is kind of a rendering of the addition. The top part of the addition is going to be for office space and the bottom part, which is like a walkout type basement, is similar in use and what it has now is a garage door to this basement and it would just be an expansion of that. Mr. Higgins stated so, there is going to be no access from upstairs to downstairs and you're going to have to go outside? Mr. Cooper stated I don't believe so at this point, but we didn't get that far yet. Mr. Berkowitz stated if there is a garage door back there, is there going to be pavement going back there? Mr. Cooper stated there is existing pavement there right now. Mr. Ouimet stated well I guess the bottom line is that this Board doesn't have the authority to grant the easements that you're requesting so, can I have a motion to send this to the Zoning Board of Appeals.

Mr. Berkowitz made a motion to deny the Addition to Site Plan application for Miranda Real Estate due to the need for multiple variances from the Zoning Board of Appeals. Mr. Roberts seconded. All-Aye. Motion carried.

- 14.002 NB 1615 Retail/Commercial Facility, 1615 Route 9 – Commercial Site**
& Plan
14.085 NB 1615 Retail/Commercial Facility, 1615 Route 9 – Minor Subdivision/
& Lot Line Adjustment
14.095 NB 1615 Retail/Commercial Facility, 1615 Route 9 – Special Use Permit

Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant for the 1615 Route 9 Commercial Site Plan. The project site is located immediately north along Route 9 from the existing Halfmoon Sandwich Shop. Out there right now is an asphalt parking area that is being utilized by the Halfmoon Sandwich Shop. The parcels are zoned C-1 Commercial and for the proposed project the applicant would like to construct a 5,600 SF retail building. The retail building will be for multiple retail type stores. In order to accommodate the construction of the building a Lot Line Adjustment will be required. The southern lot line will be shifted to the north and encompass an area of approximately .59-acres, which would then be annexed onto the properties to the south to allow for the construction of a new building. The parking for the proposed building is in accordance with the Town's requirements. We are required to have 28 stalls and we're also proposing an additional 10 stalls for employee parking and on top of that the requirements for that would total 38 parking stalls. However, we're proposing 43 so; we are proposing a couple additional stalls. The proposed parking for this facility will not impact what was required as part of the site plan approval for the Halfmoon Sandwich Shop and as part of that site plan approval 40 parking stalls were required for the project at that time and the 40 stalls will remain for the project. The proposed project and Lot Line Adjustment will result in approximately 21% greenspace, which still exceeds to required 20% greenspace. Water for the project will be supplied through a connection to the municipal system located along Route 9 and sanitary sewer will be provided to the project by an extension of a force main; either north or south along Route 9 and we would have to work through that with the sewer district to see their preferred route. However, we do know that there is capacity in either direction. Stormwater will be managed on-site through required New York State Department of Environmental Conservation (NYSDEC) methods. We're also proposing a monument sign for the facility on the northern end of the project. We're here tonight to present the project to the Board and to advance the project however the Board sees fit. Mr. Ouimet stated so, the monument sign that you're proposing is not facing Route 9 and it's facing that side road? Mr. Dell stated the following: We would work that out as part of the detailed plans and have a sign manufacturer provide a sign showing what it would look like. It's in the general location of where we would like it whether it is perpendicular or parallel with Route 9. Mr. Roberts asked do you have a rendering of the proposed building yet? Mr. Dell stated at this time we do not have a rendering yet. Mr. Roberts stated I think that it's important that we see a rendering of the building since they are so close to Route 9 and I would like to see that before we get too far along. Mr. Berkowitz stated also, since there is going to be more than one tenant in the building, would you consider putting an extra handicapped parking spot in front of another door location on the south side of the building? Mr. Dell stated sure. Mr. Higgins stated the following: You're consolidating two lots and the original lot basically went through the southern part of the building. So, the sandwich shop is on a different piece of property and where is the parking for the sandwich shop? Mr. Dell stated as part of the sandwich shop project, the parcel in the middle was required to be consolidated with the sandwich shop and that has since been done. So, the parking for the sandwich shop is currently within that parcel. Mr. Higgins asked where is the new property line then? Mr. Dell stated the following: The new property line comes over, comes up, over and down. The current configuration of the property comes up, over through here and down. Mr. Higgins stated so; this new building is going to be on the same site as two existing buildings; one

building that is being built now and then this future building. Mr. Dell stated yes. Mr. Higgins state so; it is all the same site? Mr. Dell stated yes. Mrs. Smith-Law asked how many retailers do you expect to have in this; is it two or three? Mr. Dell stated the following: Right now the way we proposed it in the narrative and what we would like to have the flexibility for would be up to five retailers. So, it would be for smaller kind of shops. Mrs. Sautter asked on the north side; are those large trees that you're showing or is that something different or is it landscaping? Mr. Dell stated yes, that's landscaping. Mr. Higgins asked would both buildings use the same dumpsters? Mr. Dell stated correct. Mr. Ouimet stated that's quite a hike to the dumpsters. Mr. Higgins asked how tall is the building, is it two stories? Mr. Dell stated right now the square footage that we're showing is 5,600 SF and it is for a single-story building. Mr. Higgins asked would they have basement storage or no basement? Mr. Dell stated at this time we don't have any plans for basement storage and I don't know if they want to do that in the future. Mr. Higgins asked is there going to be a basement? Mr. Dell stated right now, no. Mr. Higgins stated so; it's on a slab, correct? Mr. Dell stated correct. Mr. Ouimet stated the following: Let's go back to the trash removal. Are you going to have a site to collect the trash closer to the building? Mr. Dell stated no, the dumpster is where it is now. Mr. Ouimet stated the following: I know where it is, but it's not in close proximity to the building is what I'm saying. If you have five tenants in there, is each tenant going to be expected to traverse the parking area to the dumpster site? Mr. Dell stated the following: Correct and that would be something that they would be made aware of. We originally had proposed the dumpster for further out and in the middle of the parking area and we were directed to pull it down closer to the sandwich shop. So, that is one dumpster location for all of it and we made it big enough to accommodate dumpsters for each one of the buildings. Mr. Ouimet asked for three commercial buildings or four actually? Mr. Dell stated correct.

This item was tabled and referred to CHA for further review.

**14.087 NB Campaign Office to Re-Elect NYS Senator Kathy Marchione,
1707 Route 9 (Shoppes of Halfmoon) – Change of Tenant & Sign**

Mr. Jeff Williams from Bruce Tanski Construction & Development stated the following: I'm here tonight for a Change of Tenant and Sign application for the Campaign Office to Re-Elect New York State Senator Kathy Marchione. Senator Marchione wishes to utilize 2,221 SF of office space in the Shoppes of Halfmoon located at 1707 Route 9. This office space has a history of being used as a campaign office. I think the last three tenants have been utilizing it as a campaign office and the second one to the last tenant was Senator Marchione's first time as she was running for the Senate in the beginning. There will be two full-time volunteer employees at the site and up to ten additional part-time volunteers will be utilized during the campaign period. There would be sporadic visitors throughout the working hours of 8:00am to 10:00pm Monday through Sunday. I believe there is sufficient parking for the office use. During the campaign and during some operations that might be going on at the office there may be a need for more parking and there is an overflow parking area adjacent to this building with 50 or more spaces. As I said before, there has been campaign uses at this site that have utilized the overflow parking and I don't believe there has been any incidents of any parking problems at that site. The proposed sign is a 2 FT x 8 FT one-sided sign and it will not be lit with a total area of 16 SF and it is uniform to the plaza. As a matter of fact, the same sign that Senator Marchione utilized before will be reused. Mr. Ouimet asked Mr. Marlow if he had an opportunity to review the parking at that site? Mr. Marlow stated yes we have and due to the fact that this has been used numerous times for offices of this nature, it's a similar use and it has similar requirements as far as parking

is concerned. Mr. Ouimet asked Mr. Marlow if there have been any complaints about parking at this plaza? Mr. Marlow stated we have not had any complaints about the parking at this plaza. Mr. Ouimet asked Mr. Williams if they were going to make any changes to the monument sign? Mr. Williams stated no, there are no plans to change the monument sign. Mr. Ouimet asked is there currently a sign for that space on the monument sign? Mr. Williams stated no, I don't believe so.

Mr. Higgins made a motion to approve the Change of Tenant application for the Campaign Office to Re-Elect New York Senator Kathy Marchione. Mrs. Smith-Law seconded. All-Aye. Motion carried

Mr. Roberts made a motion to approve the Sign application for the Campaign Office to Re-Elect New York Senator Kathy Marchione. Mr. Nadeau seconded. All-Aye. Motion carried.

14.088 NB Empire Exhibits & Displays, 131 Round Lake Ave. – Change of Use/Tenant & Sign(s)

Mr. Craig Koehler the owner of Empire Exhibits & Displays stated the following: We are here to apply for a Change of Use/Change of Tenant application and a Sign application. We are looking at 131 Round Lake Ave. that was formerly Crestline Manufacturing and currently DiSiena Showroom. You may recall that this is the building that was hit when the tornado came down in 1998 when part of it was removed. The existing structure was repaired and the furniture showroom is in great shape. We're proposing to move in as a Light Industrial Manufacturer of tradeshow and exhibits. Mr. Ouimet asked how many employees will you have and what would be your hours of operation? Mr. Koehler stated the following: Our shop is open from 7:00am to 3:30pm and the office is open from 8:00am to 5:00pm. There are eight full-time employees and one part-time employee and we will be open Monday through Friday. Mr. Ouimet asked will you be open on any weekends? Mr. Koehler stated occasionally if we have a rush project, but typically no, we're closed on the weekends. Mr. Ouimet asked do you have or are you planning to have a display area where the public is invited in to look at your products? Mr. Koehler stated yes, I think we're going to try and dedicate some space to a showroom. Mr. Ouimet asked would that be limited to the same hours? Mr. Koehler stated yes. Mr. Ouimet asked Mr. Marlow if he had an opportunity to take a look at this proposal? Mr. Marlow stated the following: We have. As far as the parking is concerned, there are 20 spots and they are only required to have six per Town code. Just so you applicant knows and I believe he has talked to Mr. Harris regarding this; if for any reason you do any modifications to the site, whether it be an addition, a subdivision or anything like that, your pre-existing, non-conforming status will no longer be applicable and you'll have to apply for variances. Mr. Koehler stated the following: Correct. They recent had it surveyed and they will be applying for a subdivision. Our intent is to purchase the property at a later date. The building that we're currently in has been sold and we've been told that the new owner may want to take possession as early as next month, but it could be as late as December. So, our intent is to try and move in now, move our business and then let the seller go through the motions of subdivision. I think they're on track to meet all the requirements and we don't plan any revision to the site at this time, other than the subdivision. Mr. Marlow stated the following: Well, the subdivision itself would eliminate the pre-existing, non-conforming use. Again, I don't know how you plan on subdividing at this point, but you may need variances and I know you have been talking to Mr. Harris about it so, continue to talk to Mr. Harris about that when you come to that point. Mr. Koehler stated yes. Mr. Ouimet stated the only question before this Board tonight is that you want to go in the existing building, run a new operation out

of the existing building with no structural changes, no external property changes, and no realignments of parking lots and no nothing. Mr. Koehler stated correct. Mr. Ouimet stated so, you'll just go in. Mr. Koehler stated that's right. Mr. Ouimet asked Mr. Roberts if he had a chance to look at the sign application. Mr. Roberts stated yes, and asked the applicant to explain the proposed signage. Mr. Koehler stated the following: The signage would be limited to the existing fascia and not exceed the height and we would actually try to attach it right to the top fascia as there looks like there was an old sign there. Also, we would like to have one freestanding sign on the corner as you enter the site just to denote where you are at. It's pretty straightforward. Mr. Roberts stated I have reviewed the sign and it meets Town code.

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

1. Sign 1:
 - a. 4'x 4'=16 SF
 - b. Flood Lighting
 - c. Wall-mount
2. Sign 2:
 - a. 4'x 4'=16 SF (total 32 SF)
 - b. Two-Sided
 - c. 8' Tall
 - d. Free-Standing/Monument
 - e. Flood Lighting

Mr. Nadeau made a motion to approve the Change of Use/Tenant application for Empire Exhibits & Displays. Mr. Berkowitz seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign(s) application for Empire Exhibits & Displays. Mr. Berkowitz seconded. All-Aye. Motion carried.

14.090 NB Angle Road Subdivision, 39 Angle Road – Major Subdivision

Mr. Nick Demos stated the following: I'm the owner of Hudson River Valley Engineers here in Halfmoon and I'm representing Mr. Ken VanWert. Mr. VanWert owns just over 20-acres or about 20.7-acres at the end of Angle Road. Angle Road is dead end road that ends at the VanWert property. The 20-acre property is located in between Rolling Hills, which is to the east, and the proposed Klersy Subdivision, which is to the west. We are proposing to subdivide this one 20.7-acre parcel into a total of 28 lots with one of those lots being the existing house lot. So, there will be 27 new lots. The zoning required is for 20,000 SF per lot and we expect to connect municipal water and municipal sewer. We would like to progress the project into two phases and the phases are marked out on your plans. Phase I will access from the Rolling Hills Subdivision on Ridge Road and Phase II will access the site from the end of Angle Road or a connection with the Klersy Subdivision to the west. We've had the wetlands delineated on the project and those are shown with a light dotted line that matches up well with the wetlands that were previously delineated for the adjacent subdivisions. We've had an archeological assessment because I know that the area could be archeological sensitive and we've had a Phase I-A and a Phase I-B assessment already completed by Harkin and Harkin found no significant archeological findings in the area. We propose to have two roads; one new road coming off of Rolling Hills to service Phase I and a second cul-de-sac coming down from the Klersy Subdivision to the south. Mr. Higgins asked are you conducting a traffic study on Cary Road as part of this? Mr. Demos stated we have not conducted a traffic study on Cary Road. Mr. Higgins stated I was just wondering

because somebody is doing a traffic study out there right now. Mr. Demos stated yes, I saw the lines out there right near Angle Road, but no that is not us Mr. Higgins. Mr. Higgins asked how are you handling the 20% quality greenspace that's required by the Generic Environmental Impact Statement (GEIS)? Mr. Demos stated the following: There is one corner of the property on the subdivision that is noted as Lot 6. Lot 6 is an area where we currently don't have any houses planned, which is 2.6-acres and we don't have it shown on here, but we're considering a buffer zone behind Lots 7 through 12 as necessary to gain our 20% of greenspace. Mr. Higgins stated those back up to what as I'm just trying to picture where Lots 6, 7, 8 and 9 and would they back up to Klersy? Mr. Demos stated the following: Yes and Valente is in the back. Valente is to the north side kind of behind Lot 6 and Klersy is like Lots 10, 11, 12 and down further. Mr. Higgins stated the following: What is that you're showing between Lots 6 and 7? Is that a road or is that a sewer access or a water access? Mr. Demos stated the following: Right now we're going to reserve that area in case we have an agreement with Valente and Mr. Valente may wish to connect with us too. So, at this point we have a tentative connection of the roads over there, but nothing is set yet. Mr. Higgins stated so, is that is big enough for a Town road? Mr. Demos stated it has a 60 FT right-of-way. Mr. Berkowitz asked how many homes do you propose coming out of Angle Road? Mr. Demos stated none will actually come out on Angle Road except for the one existing home that is there, which is Lot 28. Phase II to the south of there will exit through the Klersy Subdivision and we'll connect to his road. Mr. Berkowitz asked will Lots 19, 20, 27 and 26 all go through Klersy? Mr. Demos stated yes, that's correct. Mr. Berkowitz stated so, there is just one lot coming out on Angle Road. Mr. Demos stated that whole cul-de-sac goes through Klersy. Mr. Higgins asked is there any reason why you didn't make it a through road instead of having two cul-de-sacs? Mr. Demos stated the following: Yes, on the sheet that shows the topography, there is currently a hill in between those two areas. So, it didn't lend itself to connect those two as through street. So, our initial proposal was to make two cul-de-sacs. Mr. Ouimet asked where is the hill again? Mr. Demos showed the Board where the hill was located on the plan. Mr. Higgins stated but, you're building houses there. Mr. Demos stated we will be doing land grading there to level those out and that's correct. Mr. Higgins stated so, if you have to do land grading to build houses, what's the difference if you're do land grading to put a road through? Mr. Demos stated it could happen, yes. Mr. Ouimet stated you'd end up with fewer lots though. Mr. Demos stated that's correct, yes. Mr. Nadeau asked Mr. Bianchino; regarding the Klersy Subdivision, what is in that area where they're proposing to adjoin their property, do you recall? Mr. Bianchino stated I'm assuming that that was where we left the stub street. Mr. Demos stated yes, that's right. Mr. Bianchino stated the following: One of my comments to Mr. Demos was going to be that at some point in time we are going to need more detail on how that would tie together. Also, it would be helpful for the Board to see what part of the Klersy Subdivision and how that would work because I seem to recall that we left a stub street back there. Mr. Demos stated that's a good idea. Mr. Nadeau stated okay, that's what I was looking for. Mr. Berkowitz stated also where it goes into Rolling Hills would be helpful too. Mr. Demos stated where the road goes into Rolling Hills; I do have the lot sketched out there and Rolling Hills Drive over here on the edge. Mr. Bianchino stated that's the stub street that goes in right next to the water tower. Mr. Demos stated exactly, that's right. Mrs. Sautter stated you mentioned the delineated wetlands, but I don't see it on here or is that on the first map that you said was in dotted lines? Mr. Demos stated on sheet C1 there are the fingers that come in from the west. Mrs. Sautter stated so; they are the solid lines and not the dotted lines. Mr. Demos stated the following: You're correct, those are solid lines. So, the solid lines that come in are the delineated wetlands. Mrs. Sautter stated okay, so is #6 the area you showed us is that also delineated wetlands that you're using for greenspace? Mr. Demos stated I believe they are, yes.

Mrs. Sautter stated also, you mentioned the archeological review and you said they did a Phase II or a Phase B. Mr. Demos stated Phase I-A and Phase I-B. Mrs. Sautter stated was that corresponding to Phase I and Phase II of your project or did they do a Phase I and saw something else and needed to go back and do a Phase II? Mr. VanWert stated they did I-A and I-B and the reason they did the I-B is that in Mr. Henry Klersy's project they did find archeological areas that he could not touch and because we are in close proximity they said they are going to do a I-B and they did it on the entirety of property. Mrs. Sautter stated they did the test pit, but did they only do it near Klersy's project or did you do the entire whole site? Mr. VanWert stated no, they did the entire site. Mrs. Sautter stated so, they do about 50, but they wouldn't have done a Phase II on the entire project unless they found something. Mr. VanWert stated the only reason they did the second phase was because of Mr. Henry Klersy's land. Mrs. Sautter stated okay, I'll look at the report. Mr. Bianchino asked Mr. Demos when you were talking Lot 6 for greenspace, is that where you are proposing the stormwater? Mr. Demos stated yes, we would like our stormwater to end in the southern corner of Lot 6, which is one of the low areas of the project also. Mr. Higgins stated so, Lot 6 is not going to be built on then between stormwater, wetlands and greenspace and is it going to be owned by the Homeowner's Association (HOA)? Mr. Demos stated the following: That's still up in the air of how we would like to handle that. I really didn't want to start HOA. If Lot 6 can even be dedicated to the Town, we'd keep that open as open public space or we can form an HOA. I didn't want to form an HOA, but if we have to, we can. Mr. Nadeau stated a question about Angle Road; at one point there was discussion about how far it went and that the Town still had control of it and asked if anyone could refresh his memory on that or do you recall anything about that? Mr. Higgins stated I know there was discussion years ago. Mr. Nadeau stated I guess the question was; if it did, how does this interact with this crossing over into the Klersy project? Mr. Higgins stated I think it is past the end of Angle Road, because I think Angle Road ends at your house and then this is north behind the house where the intersection is. Mr. Bianchino stated I think where he's has the stub street shown, that goes into Klersy; that's Klersy's and that's where the parcels plug. Mr. Nadeau asked is that at the end of Angle Lane? Mr. Bianchino state it's near Mr. VanWert's existing house. Mr. Nadeau stated so, it did not go straight through is what I'm getting at. Mr. Bianchino stated no, I think there's an easement there, but it's for water. Mr. Demos stated right, there is Town waterline through there. Mr. Ouimet asked are you in discussions with the Town's Water Department about extending the water district, because I understand that you're outside the water district with this proposal? Mr. Demos stated we haven't started to talk with the water district yet. Mr. Ouimet stated but you know you have to do that, correct? Mr. Demos stated yes, the water district and sewer. Mrs. Murphy stated the Town doesn't have a separate water district and you just go through the Town's Water Department and we do an agreement with a contract basically to extend the district and that's down the road. Mr. Demos stated okay, thank you.

This item was tabled and referred to CHA for further review.

14.091 NB Ruby Scissors Quilt Shop, 1603 Route 9 #2 (Towne Center Plaza) – Change of Use & Sign

Ms. Jessica VanDenburgh, the owner of Ruby Scissors Quilt Shop, stated the following: I am looking to open a retail space in the Towne Center Plaza located on Route 9 in the second unit. It was formerly the Dolce and Biscotti Bakery and it's a 900 SF retail space. We sell fabrics, threads, notions and patterns. We also hold classes and on occasion we have special events and nothing that would too far into the night as we're not crazy like that. We have two employees

including myself. I would predict using about four to five parking spaces at any given time as quilters tend to be mostly women and travel in packs so, we might we have three coming at one time in one car. So, that's my prediction on the parking. There are no shops from Albany to Saratoga so; I thought that the Clifton Park/Halfmoon area would be a nice place to open a shop. We do have a large quilt guild that meets at the Shenendehowa Methodist Church with over 200 members and I know that a lot of them reside in the Clifton Park/Halfmoon/Waterford area. I'm proposing to have two signs, which I believe you have copies of. One sign would be on the monument sign out front that I believe already has two spaces available and we're also using the small marquee that's above the door that was previously used by the bakery. The proposed hours of operation would be Monday 12 noon to 5:00pm, Tuesday through Saturday 10:00am to 5:00pm and Sunday we would be closed. Mr. Ouimet asked Mr. Marlow if he had an opportunity to look at the parking situation in the plaza? Mr. Marlow stated the following: We did and this is a less intense use than the past occupant so; I believe they only require six parking spaces. So, there are no problems at this point in time. Mr. Ouimet asked what about the impact of a special event? Mr. Marlow stated I was not aware of the special events portion of this and I don't know to what magnitude your special events consists of. Mr. Ouimet asked Ms. VanDenburgh if she could talk a little bit more about the special events. Mr. VanDenburgh stated the following: It may happen and I'm going to guess anywhere from three to four times a year maximum. Sometimes at a larger sale we gather to do charitable events and at the most there usually about ten to fifteen people and it's usually either a little bit later or on the weekend. I don't see it being a problem with the parking because it's not an everyday thing and it's not something that's planned that I can tell you exactly what months or time of the year that it happens. I know I was thinking about doing something hopefully in September if I moved in and that may take up maybe ten spots just to have some people sewing. The space is limited on how many people can be in there to begin with so; we really wouldn't have anything too crazy going on with too many people at one time. Mr. Higgins asked are you going to be selling machines also? Ms. VanDenburgh stated no, I have a contract with another retailer that I have said that it's a non-compete contract so, I am not able to or looking to sell machines. Mr. Roberts stated both signs meet the Town ordinance.

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

Number of Signs: 2

1. Sign 1:
 - a. 24"x 38"= 8 SF
 - b. Internal Lighting
 - c. Wall-Mounted
2. Sign 2:
 - a. 9" x 120"= 7.5 SF/side; 15 SF total
 - b. Free-Standing/Monument
 - c. Two-Sided
 - d. Internal Lighting

Mr. Berkowitz made a motion to approve the Change of Use application for the Ruby Scissors Quilt Shop. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign application for the Ruby Scissors Quilt Shop. Mr. Nadeau seconded. All-Aye. Motion carried.

14.061 NB Ushers Road Properties, 60 Ushers Road – Addition to Site Plan

Mr. Darin DiNallo, the applicant, stated the following: I'm the owner of Ushers Road Properties. I currently operate an irrigation hardscape business out of this property and I'm basically looking to have some outside storage, which entails crusher run that we use for the base of patios, drainage stone, which we backfill retaining walls with, and sometimes a little bit of mulch that we use to do landscaping with. Basically I will be keeping it within the confines of those big block barriers that you see at all of the landscape supply houses. We are also proposing to put it in the back left corner of the property, which is tucked behind buildings and most of our equipment that's parked there because I know that whole idea of the Town is to keep lots esthetically pleasing from the road. So, we're just trying to mask it from the road as per the Town's request. Also, we're building a berm up in front to install some landscaping again, just to try to mask everything from the road. Mr. Higgins stated what's the setback going to be to the property line of Mr. Riley and is there any reason why you can't keep the same setback for the 25 FT that you have off the back of the building? Mr. DiNallo asked are you talking about with the barriers? Mr. Higgins stated yes. Mr. DiNallo stated the following: I could, but that brings that out from the cover of the buildings and our trailers and equipment and stuff, which makes it more visible from the road. We're trying to just tuck it back against the property line as far as we can again, to hide it. Mr. Higgins stated the following: I know and I understand that, but you're right up against Mr. Riley's property and it's not too visibly pleasing from him. I know that it's a pasture and there's not a lot back there. Mr. DiNallo stated the foliage is so thick you can't even see through to his property. Mr. Higgins stated the following: Well, that's one of the things. Obviously, you've been using the site now for a couple of years and you do realize that there is no burning in the Town and you had a huge fire going there either Thursday or Friday of last week because I smelled the smoke from my house, which is a mile away and I went looking for it to find out where it was coming from. So, I know you were burning and there is no burning in the Town and I don't know if you were aware of that. Mr. DiNallo stated I was not aware that, no. Mr. Higgins stated the following: Well, it is a law and you could have been cited. Also, you're storing a lot more outside than what you told this Board you were going to do and if you look at the original approval, there were a number of trucks and trailers that you were approved for and you've had a lot more there over the years. Mr. DiNallo stated well, my business has changed since then and I did not do hardscaping when I first got into that site and since then I have and we obviously need those materials to do the job. Mr. Higgins stated the following: Well, it's just not materials because it's also equipment, trucks and trailers. So, if you're changing the site, maybe you should also change your application of what of you're going to store there because there appears to be more there than what you had originally. Mr. DiNallo stated so, if I buy an extra truck, I would have to get approval from the Town to store? Mr. Higgins stated no, it's whatever the original approval was for. Mr. DiNallo stated it's to operate a business. Mr. Higgins stated I think if you go back and look at it there was a number listed as far as outside parking on the site. Mr. Ouimet asked Mr. Marlow what do we have in the file on the existing approval? Mr. Marlow stated I would have to look back at the file, but I remember from the last time, and this is why he's here, is that part of his approval was that there would be no outside storage. Mr. Ouimet stated right, and he's addressing that. Mr. Marlow stated yes. Mr. Ouimet asked are there any other issues with the approval as Mr. Higgins just brought up an issue with the amount of equipment. Mr. Marlow stated the following: I have not been to the site. I have talked with Mr. Steffen Buck, Director of Code Enforcement, and I know you have talked to Mr. Buck about this and this whole thing just came about because I think you had stuff outside in the front. You and I sat down and we had a meeting about this and this is what came of it; to move everything to the back and I think you talked about a berm and a fence. Mr. DiNallo stated the

following: Yes, off of the forward building we put in four sections of 8 FT fence basically over to the foliage, but it doesn't go to the property line and we took numerous pallets of extra stone and material that we had and we put them behind the building so, now they're no longer visible from the road. Mr. Ouimet stated alright so, you're proposal tonight is to fix the issue of outside storage and visibility from Ushers Road? Mr. DiNallo stated I'm asking to be allowed to have outside storage on the site. Mr. Ouimet stated as you have depicted on your plan. Mr. DiNallo stated yes. Mr. Ouimet stated so; you're not asking for additional approval to park additional trailers or trucks or anything so, whatever has been approved is still all that is approved for that site? Do you understand that? Mr. DiNallo stated yes. Mr. Ouimet stated so; all you're asking for us to do is to review, and approve or not approve your proposal for outside storage of materials. Mr. DiNallo stated yes. Mr. Higgins stated the following: But it's not just aggregate storage bins because you just mentioned pallets of material and that wasn't in the write-up, right? I just saw storage bins so; all I'm saying is if you're coming here for a change of the site, just let us know what you're doing with it so that it can be in the final approval. If you're going to have outside pallets of material, that's not aggregate storage and that's pallets stored outside and that's different. Mr. DiNallo stated okay, I left that out and I guess I overlooked that, but if you were to drive by the site, you wouldn't be able to see one pallet. Mr. Higgins stated the following: I understand that, but whether you can see it or not, it's how the site is being used is what this Board is reacting to and I'm not trying to give you a hard time. All I saying is if you're here to get an approval, let's get an approval for everything you need that you know of at this point. So, it's the aggregate plus pallets in the back area there and is there anything else that you know you need to store anywhere else on this time other than vehicles and trailers, which they can check into on what you were approved for originally. So, it's just the pallets and the bulk storage in the bins. Mr. DiNallo stated correct. Mr. Robert stated even though you said that the materials are not visible; you will do your best to make sure that it is neat and that it's not going to become a mess back there, right? Mr. DiNallo stated absolutely and I think if you were to ask Mr. Buck to drive by it now as compared to what it was last year, he'll say that it has been drastically changed. Mr. Roberts stated the following: Okay, because in the past we have burned. Mr. Higgins' points have been well taken because we got burned before as things start out this way then gradually they start drifting out to where it becomes a big mess and it is visible and we don't want that to happen. Mr. DiNallo stated the following: I know you don't me from Adam, but I'm a very neat individual and I don't want my property to look like crap. I understand you guys as a Town are trying to keep the Town esthetically pleasing and I don't want any problems so; he asked us to move everything and we did. Like I said, we're in the process of building a berm and I'm not going to lie as it's not something I'm going out tomorrow and spending thousands of dollars of dirt on to bring it in and landscaping. It's as we bring material back we're building it up and we'll eventually get the landscaping there because it all cost money as we all know. From when I bought the property from Mr. Stan Fronczek, within a year it already looked a lot better just by extending the driveway and making a nice crusher run driveway and taking down some overgrown trees. So yes, we're trying to keep it esthetically pleasing and as per Mr. Buck's request. Mr. Roberts stated okay, thank you. Mr. Higgins stated and no burning. Mr. Dinallo stated and no burning.

Mr. Roberts made a motion to approve the Addition to Site Plan application for Ushers Road Properties. Mr. Higgins seconded. All-Aye. Motion carried.

Old Business:**14.020 OB Adirondack Basement Systems, 4 Jones Road – Commercial Site Plan**

Mr. Kevin Koval stated the following: I'm the president of Adirondack Basement Systems. This is my second time here for this site plan addition. My application was initially rejected because of the setback requirements and we went in front of the Zoning Board of Appeals (ZBA) and that was addressed and now we're back to see what we can do to get this approved. Mr. Ouimet asked were the variances approved by the ZBA? Mr. Koval stated yes it was. Mr. Roberts asked can we get a better explanation on what he wants to do. Mr. Koval stated the following: We currently are asking to put an addition on the building on the eastern end of our building to create a meeting room for training purposes. We currently use a portion of the building that originally was a porch before I purchased the building and that was made into an enclosed room and it's just too small for our meetings. On Wednesdays we have a production meeting with our guys and with our installers and foremen and on Tuesdays we have a sales meeting with our salesmen and that is a lot of people to pack into what used to be a porch. So, that's why we are looking to expand it and to make it a better facility for better training to help improve our employees. Mr. Ouimet stated so; this addition that you're proposing is on the front of the building if you were going up the hill up Crescent Road going toward the Northway from the river and you would see it because it's in the front, right? Mr. Koval stated the following: Yes, you would see it and it's not on the Crescent Road side and it's a difficult lot to say what's the front, back and side, but going up Crescent Road you would be looking at it, but it wouldn't be towards Crescent Road and it would extended towards the points towards Bast Hatfield. So, it's just an extension of the building and it's not bumping in and out towards either road and it would be extended longitudinally. Mr. Ouimet asked what kind of construction are you proposing for that? Mr. Koval stated it would be stick built with the same construction that is there now. Mr. Ouimet asked would it be white sided like the existing building? Mr. Koval stated it will be sided as close as we can to the existing siding color and style and the roofing material would be the same. When it's done, you won't even know that it was an addition. Mr. Ouimet stated the following: Quite honestly, I passed your building almost daily while I was working, but I'm not working anymore so, it's not daily, but I pass it frequently and at various times the site looks fine and other times it looks very crowded and congested and this is one of the times that it looks crowded and congested. I don't know if you have added more equipment or have more people working for you or you have more supplies that you store out in the backyard, but it looks pretty congested there. Mr. Koval stated the following: Right now it is a very busy time of year for us as we are a basement and waterproofing company and obviously it's been a very wet year. We go through cyclical times of year and right now we are very busy and we have some extra people and we have two extra trucks right now that are being sold off and being replaced with one. I have eliminated some equipment from the lot that I have moved to my house as I have a large lot behind my house where you can't see it. Mr. Ouimet stated you did have a large yacht out front for a while a couple of years ago. Mr. Koval stated the following: I do have a large yacht as well and I just got back from vacation on, but yes, that boat is no longer there. So, I am taking steps and I am actively seeking other properties. I really want to stay in southern Saratoga County, but it's almost impossible to find a reasonable piece of property to move our location to. So, this is kind of a short term measure to give us a little more space. I will not be adding any more offices and this space is not intended to be adding more employees or anything like that. It's just to give us a little more space to be able to function properly as a short term measure until I can locate something to move into.

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

Mr. Berkowitz made a motion to approve the Commercial Site Plan application for Adirondack Basement Systems. Mr. Higgins seconded. All-Aye. Motion carried.

14.069 OB VALERO (Halfmoon Petroleum, Inc.), 1493 Route 9 – Change of Tenant & Sign(s)

Mr. Scott Shearing from Bohler Engineering stated the following: I'm here to request a Change of Tenant and Sign(s) application. We're trying to re-open the former Getty station that is located on the corner of Route 9 and Guideboard Road. We were before the Board at the June 9, 2014 meeting and we made our presentation and the Board seemed pleased with the reinvestment of the property. The Board had a comment that they were looking to have CHA do a review of the parcel. We also have posted an escrow fee and we offered up a stop bar based on the comments from CHA and we agreed and we did respond to CHA and we believe that they were satisfied with everything and we're excited to open up the new Getty station. I'm here this evening to answer any questions that you may have. Mr. Ouimet stated this was referred to Mr. Bianchino from CHA for an engineering review as well as a lighting plan review, correct? Mr. Bianchino stated the following: Yes and everything in our comment letter was addressed. We also looked at the lighting plan and that was adequate. Mr. Ouimet asked Mr. Bianchino if all of CHA comments were satisfied? Mr. Bianchino stated yes they have. Mr. Ouimet stated the following: At the pre-meeting we had a conversation about the road that goes through from the rear of your property to Guideboard Road and I was concerned about the width of that road and I know that you want to use it as a secondary means of exiting from the facility. I had that issued reviewed by CHA and CHA has advised me that the road is sufficiently wide enough for two-way traffic, but unfortunately there are a couple of problems with that road. One is the overgrowth of the willow trees to the south side of the road and also, there appears to be vegetation that's blocking sight distance looking south on Guideboard from the head of the parking area right where you enter the strip mall that's above your shop. I think should this Board approve your request for a Change of Tenant, I would suggest that those trees be trimmed and kept trimmed and that the visual difficulties be removed as best as possible so that the sight distance is as good as it can be. Mr. Shearing stated understood. Mr. Ouimet stated the following: Also, I would suggest that the road that you plan on using be striped so it looks like a two lane road and right now you can't tell. Then I believe that there was a discussion about the installation of a stop sign prior to reaching the rear of the shops. Mr. Shearing stated that's correct. Mr. Ouimet asked is that something that you're proposing to do? Mr. Shearing stated that's correct and as you come from Guideboard Road, just before it widens out for access to the fuel area as well as the convenient store, we are placing a stop bar right there as well as a stop sign to control the flow. Mr. Ouimet stated the following: I know we haven't talked about this before and I don't know if anybody on the Board is curious about this, but I'm kind of curious as to the fuel deliveries. Will all of the fuel deliveries be made on Route 9 off of Route 9 and will they fuel trucks have to exit onto Route 9? Mr. Shearing stated yes, we've done the traffic pattern for the delivery truck. Mr. Ouimet stated alright so, they won't use that side road going up to Guideboard, correct? Mr. Shearing stated no. Mr. Ouimet stated because I don't as if they could make that turn. Mr. Shearing stated that was the primary concern and there is a lot of access in an area that wide enough that's more conducive onto Route 9. Mr. Ouimet stated I think it's the only way that you can safely exit the site with a gasoline tanker. Mr. Higgins stated at the previous meeting I raised a question about if all the tanks are going to be underground. Mr. Shearling stated that's correct. Mr. Higgins

stated because previously on the site there was some existing above ground tanks, but everything is going to be underground and are you going to be selling propane at this site. Mr. Shearing stated no propane is proposed at this time. Mr. Higgins stated okay and what is that wood curb flush at the north end of the site? Mr. Shearing stated I believe it is just a wood timber like it was a retaining wall from the previous owner. Mr. Higgins stated okay, so nothing is going to be used there except maybe putting some plantings or something up there, correct? Mr. Shearing stated it will be cleaned up and that's the really the extent as we are really just anxious to open up the site as it sits. Mr. Higgins stated the following: At the pre-meeting I also mentioned about the southern part in that area that is presently being used as parking and I questioned; since it really isn't a benefit to the mini-mart and the gasoline; I asked about converting that back to greenspace and I don't know how the rest of the Board members feel, but I think that presently the way that it is setup that you're going to have more confusion with people trying to go in or out through that little area or driving across the grass. Mr. Shearing stated what I would like to propose is to eliminate that entrance because I think that was the primary concern if somebody was to come through that way. So, certainly closing that off wouldn't be an issue, but I would like to keep that as it sits for snow storage. Mr. Higgins stated well, even if it is greenspace, you can still use it for snow storage. Mr. Shearing stated I know what you mean and for safety concerns I certainly agree. Mr. Higgins stated and I think eliminating that entrance definitely will make a safer site. Mrs. Sautter stated out of curiosity, on the EAF mapper report it says that #12 is an archeological sensitive area and do you know what or where that is? Mr. Shearing stated the following: No, but in the sense that that's a difficult program because it's not as black and white, and it could be an archeological sensitive area and we are not disturbing anything else as the tanks are going right back where they were and there is no additional disturbance on the site. So, I can safely say that if there wasn't an issue previously, we certainly aren't taking it to the next step where it would be an issue. Mrs. Sautter stated I was just bringing it up now because out of curiosity if you were to do the asphalt and things, even though I agree, it would probably be better to make that a green area and you should know because they wouldn't put it on there unless it was a specific area and I know on that that you can't find it, but under the historic registration you can find it very easily. Mr. Shearing stated okay, thank you. Mr. Nadeau asked what is that concrete structure on the southeast portion of the lot as there is a circle there stating concrete up towards the exit road. Mr. Shearing stated that looks like it was just a concrete monument pole and it isn't a marking for anything, it's not a monitoring well and I know that it was picked up by our surveyor so, it does exist, but to me it doesn't have any value. Mr. Nadeau stated okay. Mr. Nadeau asked what do the hash marks represent toward the southern part off of your property? Mr. Shearing stated that represents the neighboring building. Mr. Nadeau stated okay. Mr. Ouimet stated so; the neighboring building is on your property? Mr. Shearing stated no. Mr. Nadeau asked is that his building or his lot? Mr. Shearing stated no, that should be his building. Mr. Higgins stated regarding the overgrown field; are you just going to clean it up and basically leave it that way. Mr. Shearing stated the following: We want to make it inviting for customers so it doesn't look neglected. So yes, cleaned up, absolutely. Mr. Higgins stated but it's going to remain as greenspace, correct? Mr. Shearing stated that's correct. Mr. Ouimet stated you aren't going to make that a picnic area there are you? Mr. Shearing stated it's a small convenience store and I think it is just over 600 SF and I don't know how the client would feel about creating a picnic area. Mr. Ouimet stated I'm not suggestion that I want you to as I was just curious. Mr. Shearing stated oh I'm sorry, that area was not intended to be a picnic area. Mrs. Murphy stated the following: Regarding the conditions for the Board's approval; I have the Board discussing and you can either agree or disagree; the elimination of the entrance that was discussed on the

record, striping of cut through road; removal of overgrowth and maintenance of overgrowth to increase sight distance as much as practical, a stop sign installed prior to reaching the rear of the shop and that all tanks would be underground. Mr. Shearing stated regarding the cleaning up the willow trees; I actually had the opportunity to go over to the site prior to coming and I think 90% of the problem can be solved by cleaning up the trees on our parcel and the overgrowth as you just feel like it's a little more restricted, but there is a small portion that isn't on our property. Mrs. Murphy stated you can't clean what's not on your property. Mr. Shearing stated understood. Mr. Higgins stated for the record; the entrance that's being eliminated is the southernmost entrance. Mr. Shearing stated thank you for the clarification. Mr. Roberts stated as we've discussed and I believe you are well aware of this, right? Mr. Shearing stated I am. Mr. Roberts stated the applicant has presented four signs and signs #1, #2 and #3, which are the wall-mounted on premise signs; they meet the code and they're fine. Mr. Shearing stated for the canopy; is what we were identifying and then we had one free-standing sign that was going to take place of the existing free-standing sign that is smaller in square footage that is right on Route 9. Mrs. Murphy stated mine shows signs #1, #2 and #3 as being wall-mounted, #4 as being a free-standing/monument, which is off-premises and #5 as being the free-standing/monument that I assume is existing. Mr. Shearing stated that's correct.

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

Number of Sign(s): 5

Sign 1: 2.25' x 2.9' = 6.3 SF

One-Sided

Internal lighting

To Read "V"

Wall-Mounted

Sign 2: 2.25' x 2.9' = 6.3 SF

One-Sided

Internal lighting

To Read "V"

Wall-Mounted

Sign 3: 1.75' x 10.3' = 18 SF

One-Sided

Internal Lighting

To Read "Valero"

Wall-Mounted

Sign 4:

4' x 8' = 32 SF x 2 = 64 SF Total

Two-Sided

Internal Lighting

Free-Standing/Monument

Sign 5-Existing:

7.14' x 8.3' = 65.4 SF x 2 = 130.8 SF Total

Two-Sided

Internal Lighting

Free-Standing/Monument

Mr. Roberts made a motion to approve the Change of Tenant application for VALERO (Halfmoon Petroleum, Inc.) with the following conditions: (1) All vegetation along the entrance road off of

Guideboard Road is to be cut back; (2) The entrance road off of Guideboard Road is to be lined; (3) A stop sign at the end of the entrance road off of Guideboard Road is to be installed; and (4) All fuel tanks are to be located underground. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign(s) application for VALERO (Halfmoon Petroleum, Inc.) for the three on premise wall-mounted signs, which are sign #1, #2 and #3 and sign #5, which is a free-standing/monument sign that faces Route 9. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to deny the Sign(s) application for VALERO (Halfmoon Petroleum, Inc.) for sign #4, which is an off premise free-standing/monument sign by Guideboard Road. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Higgins made a motion to adjourn the July 28, 2014 Planning Board Meeting at 8:29pm. Mr. Berkowitz seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary