

Town of Halfmoon Planning Board
Meeting Minutes – October 22, 2012

Those present at the October 22, 2012 Planning Board meeting were:

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

Director of Planning: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the October 22, 2012 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they had reviewed the October 9, 2012 Planning Board Minutes. Mr. Roberts made a motion to approve the October 9, 2012 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried.

Public Informational Meeting:

12.013 PIM Fairway Meadows Phase III, Dormie Avenue & Timothys Way – Major Subdivision/Zim Smith Trail Extension

Mr. Roberts recused himself from this item. Mr. Watts opened the Public Informational Meeting at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm here tonight with the applicant for the project, Mr. Bruce Tanski and also Mr. Jason Kemper from Saratoga County Planning to help us out with questions related to the Zim Smith Trail extension. Overall the Fairway Meadows project is a 3 phase project and we are here tonight for Phase III. Phase I and Phase II have been previously reviewed, approved and are under construction. Phase III has been in front of the Planning Board for some time. Phase III does have preliminary approval and we have gone to the various agencies. We are here to request the Board's consideration for final approval for Phase III of the project. Phase III is approximately 58-acres and there are 62 lots proposed within Phase III. All of the lots are proposed to meet the zoning, which is Agricultural-Residential (A-R) and they do meet the area requirements, setback requirements and things of that nature. All the roadways in the projects are proposed to meet Town standards and they would be proposed for dedication to the Town once complete. As I mentioned, we have been in front of the Board before and the

project does have preliminary approval. The only difference in the project since the last time the Board has seen this project and provided an approval for the project is the addition of a trail within the project, which is the Zim Smith Trail. The Zim Smith Trail follows along back by the Anthony Kill and the railroad, comes through the project and then goes out through Phase II to connect back up to an area by the Anthony Kill. I would now like to ask Mr. Kemper to go through some of the history on the trail and how it came about that the trail has been implemented into this project. Mr. Watts stated the following: Before we get to Mr. Kemper, I have the same questions that we had at the last meeting regarding old and revised. There was an approval given to Phase II with a trail and I presume part of this is a different place for the trail to be in Phase II and then some new things in Phase III, is that correct? Mr. Lansing stated the following: That is correct and from that question at the last meeting, we did prepare a map of the overall project. The overall project is approximately 254-acres that includes Phase I, II and III. In yellow on the map; we have the old trail location that is located near Staniak Road and Johnson Road. On the previous plans the trail did start at the intersection of Johnson Road and Staniak Road, it then comes through the project behind Bentgrass, around through between Dormie Avenue & Timothys Way and then back down Camber Court back over towards the Fairway Estates project to the west. The new location of the trail would mean the elimination of this trail that was previously proposed and the trail would be located along the northern boundary of the project coming in along the railroad by the Anthony Kill, coming down south and then towards the east along Dormie Avenue, following Dormie Avenue and then going off towards a vacant piece of land towards Fairway Estates. So, it would be the elimination of the previously proposed trail and implementation of the trail in the northern section, which is my understanding it would coincide with where the County would like to see the trail and their pathway for the overall Zim Smith Trail. Mr. Watts stated make sure you explain what's proposed to come out, what's proposed to come in and what was previously approved in Phase II. Mr. Lansing stated okay. Mr. Jason Kemper, Director of Planning for Saratoga County, stated the following: We're here tonight to discuss the possible expansion of the Zim Smith Trail in the Town of Halfmoon. A quick overview on the Zim Smith Trail; the trail currently extends from Coons Crossing in the Town of Halfmoon all the way to the Village of Ballston Spa on Oak Street. It is a combination of stone dust and asphalt surface over that trail. It is currently a little over 9 miles in length from Coons Crossing to the Village of Ballston Spa. About a year and a half ago the County undertook a feasibility study to look at extending the Zim Smith Trail from Coons Crossing east to the city of Mechanicville. There were a number of different routes that were evaluated and it was determined at that point in time, partly because of the previous approval that the Town of Halfmoon granted with the railroad, to explore the option on the south side of the railroad track. So, we performed that feasibility study in June 2011 and we identified a possible trail corridor and since that time we've been slowly working with landowner's along that trail corridor to try and acquire the necessary right-of-way to construct the trail. In October 2011 the County Board of Supervisors authorized up to \$180,000 of County money to further pursue acquisition and preliminary design costs for this section of the trail. Earlier this year we had a meeting with New York State Electric & Gas (NYSEG) at the request of the Town of Halfmoon because I know at the same time they were looking at possibly a new power line corridor to serve the new railroad station. So, at that time we met with NYSEG and Mr. Tanski and it was determined at that point in time that NYSEG would work with the County and we would try to use the same utility corridor that they were going to use and in exchange they were going to do some clearing and grubbing for us. Unfortunately, in the middle of this summer the County was notified by NYSEG that they would no longer be pursuing that utility corridor. So, at that point in time the County began discussions with Mr. Tanski because we knew that he obviously had a project that was probably most of the way through its approval process with you. There is a steep ravine in the northern part of project and

the cost to span that ravine and the engineering necessary was several hundred thousand dollars. So, we met with Mr. Tanski and developed a possible route through the center of the subdivision. We are looking for a 5 FT off road sidewalk within that section of the subdivision for pedestrian use only and bicycles would use the existing subdivision streets. Other than that, there are letters of support from the Saratoga County Board of Supervisors, the County Economic Development Committee, and the Towns of Malta and Stillwater and the city of Mechanicville. So, I know there were a couple of questions at your last meeting about maintenance, snowmobiles and some other things. The County would undertake all maintenance and liability for this trail and we have no problem putting that in as part of the approval if that is okay with the Board. Snowmobiles were never proposed for this section of the Zim Smith Trail. There is snowmobile use from Coons Crossing north but this section of the trail is for pedestrian use only and that's what we are proposing to the Town of Halfmoon. I would like to thank the Town of Halfmoon and the Town of Halfmoon Planning Board, Mr. Tanski and Mr. Lansing because they've provided a lot of engineering detail that will significantly help the County project. I'm here tonight with Mr. Ed Kinowski who is the Supervisor from the Town of Stillwater and also the chair of the County Trails Committee. Mr. Watts asked if anyone from the public wished to speak. Mrs. Henrietta O'Grady, stated the following: I'm a member of the Halfmoon Trails Committee and former chair of the Trails Committee. I just want to bring forth and remind the Board that this extension, connection and linkage to the Zim Smith Trail would be an asset to the Town. This is part of the larger plan that connects the Heritage Trail and the Champlain Canal Trail with the Zim Smith Trail. This has been discussed in our trails master plan, which the Town adopted. We are very happy to see something like this occurring. It has been a long time and we definitely support it. Mr. Watts closed the public hearing at 7:13 pm. Mr. Higgins stated the following: I know you said that this would not be a snowmobile trail. Doesn't the County get money from the State for operating and maintaining the present snowmobile trail? Mr. Kemper stated the following: The County acts as a conduit to the snowmobile clubs. Yes, the current Zim Smith Trail from Coons Crossing to just south of Underpass Road does receive County funding. The section from Underpass Road up to Oak Street in the Village of Ballston Spa does not; snowmobiles are not allowed on that section of the trail and that is what we are proposing for this proposed section of the trail. Mr. Higgins stated on the northern side of the Anthony Kill there's a trail that goes over and then goes up the hill into Saratoga Lake through the industrial park, is that correct? Mr. Kemper stated yes. Mr. Higgins stated I remember years ago there was discussion about extending that trail on the northern side of the Anthony Kill down past the railroad to try to get an avenue to get snowmobiles from Waterford/the old canal up through there, correct? Mr. Kemper stated the following: I'm not aware of those discussions. I've been involved with the Zim Smith Trail for almost 7 years now and there have not been any discussions in that time about bringing snowmobiles through that corridor. Mr. Higgins stated the following: I believe it was at the same time that the railroad was in before this Board talking about giving property to the County for use of the Zim Smith Trail. Mr. Kemper stated the following: Yes, I was aware of that but I didn't hear any snowmobile discussions at that point in time. We administer the snowmobile grant program out of the Planning office at the County and we have not applied for additional mileage nor do we have any intent to allow snowmobiles on this section of the Zim Smith Trail. If you look at the rest of the Zim Smith Trail, mainly we are dealing with backyards and a utility corridor. This is a different scenario where obviously you're going to be in someone's front yard and I'm not a proponent of having snowmobiles in someone's front yard in a residential development. Mr. Higgins stated I agree and I snowmobile myself. Mr. Kemper stated so do I and we fully support the program but this is not the place. Mr. Higgins stated the following: The problem we're going to have here and I mentioned it at the last meeting, is that some of us that live right in that neighborhood now see

snowmobiles routinely going along the roads trying to get over to Coons Crossing. My fear, as an individual, is that what's going to happen is once the snowmobiles know that this trail is there, they're going to start using it. Unless the County is going to have the Sheriff there or State Police there patrolling this; because there are some nights when we get the first snow along Cary Road and Mr. Tanski will tell that by his golf course there are 80 or 100 snowmobiles going through there and you can't catch them all. That's the only concern we're having is that once this is there, they are going to start using it. Mr. Kemper stated the following: Understood. We had this similar issue from Underpass Road north to Oak Street and we worked in combination with the Sheriff's Department and our Department of Public Works (DPW) and we no longer have snowmobiles on that section of the trail. That was a main connection from the Village of Ballston Spa into the Zim Smith Trail so that is a very similar scenario. Also, because of a lease arrangement that we have with the railroad, we could not allow snowmobiles on any of those 3 miles of trail. So, we've done very well administering that. I'm not going to say that you won't have an issue; I'm saying that the County will do everything they can to keep snowmobiles off of that section of trail. We have a removable bollard system and we go around in mid November and we put up a barricade across the trail that still allows pedestrian access around it and we monitor that on a very regular basis. Mr. Watts asked how do you monitor it? Mr. Kemper stated the following: The Sheriff's Department and myself. I'm out 2 days a week as well as the DPW. We have a full-time staff person now in the DPW that is solely assigned to the trail system and that has worked out well for not only maintenance but also for enforcement issues. I have had 2 complaints all summer of motorized vehicles on the trail from Coons Crossing to the Village of Ballston Spa compared to maybe 50 or 60 in the summer when we first started. Mr. Watts stated the following: I know there has been difficulty getting enforcement activity at various times on some of the trails in Town. People have other work to do too and I noted in a letter from the Chairman of the Board of Supervisors that indicated they would be cooperative with enforcement activity with the County crews. Mr. Kemper stated the following: This trail is our responsibility and we are not looking for the Town of Halfmoon to either maintain or enforce the trail. As we have had issues in other Towns, we'll work to resolve those issues. Mr. Bruce Tanski, the applicant, stated the following: Also, if you look up near Curtis Lumber and different places like that, I think the County has done a good job with the bollard system as Mr. Kemper has recommended with some fencing and that type of thing and they can put something up in the fall where just a bicycle and a pedestrian could get through and not snowmobiles. So, I think the bollard system and some type of fencing put up in the fall and taken down in the spring would deter anyone from coming along with any kind of a motorized vehicle or snowmobile. Mr. Higgins stated the following: At the pre-meeting there was a discussion about whether or not there was a possibility of coming through in the area of either 27 or 28 Dormie Avenue in Phase III and cutting over. Is the reason you went the other way because of the ravine and is there a steep ravine back there? Mr. Tanski stated the following: That is basically the understanding that I had with talking to my engineer and with Mr. Kemper and it was just going to cost too much money. So, I'm giving up some of that land to the County to help facilitate the connection to Mechanicville. Mr. Nadeau stated the following: What was the subject of the letter that was sent out to the public regarding the public informational meeting? Was it just regarding Phase III or was it stated that they would have a trail in front of their home? Mr. Williams stated the letter described the title of the plan that included the Zim Smith Trail extension but it didn't specifically describe the location of the trail. Mr. Nadeau stated okay, so it didn't specifically tell them that the trail was going to go in front of their homes. Mr. Williams stated no, but there were twelve Dormie Avenue residents that were notified. Mr. Nadeau stated my question is do those people actually understand that a trail is going in front of their home? Mr. Tanski stated the following: I have talked to some of the people that were down there and basically most of

them understood it. Also, it is my recollection that the Town also has a similar situation on Grooms Road and I don't know if it is all located in Halfmoon or part Halfmoon and part Clifton Park where they have a trail in front of some of the homes and that doesn't seem to present any problems at all and I think this would just mimic that same situation. Mr. Ouimet stated the following: I can't really discern at this distance the old trail location and the new trail location. But before you point that out, what I'm concerned about are the homes on the northern side of Dormie Avenue in Phase II. Mr. Tanski stated these homes are not built yet. Mr. Berkowitz asked how many homes in Phase II are already constructed? Mr. Lansing stated there are 4. Mr. Tanski stated the following there are 4 homes that have been constructed but they're not living there yet. Mr. Berkowitz asked do they understand that there is going to be a sidewalk going through their front yard? Mr. Tanski stated the following: That is correct. I have talked to them and nobody has really had any issues with it. One guy asked if there were going to be go-carts or other things down there and I said no they are not going to be allowed to do that. Mr. Ouimet stated the following: My question deals with the new loop that is just in Phase II. I have counted six homes that have already been sold there and do the people who own those six homes know that you're now proposing putting a trail in front of their homes? Mr. Tanski stated I didn't talk to everybody but the Planning Department sent out the certified public informational meeting notices out so I would assume that they do know now. Mr. Nadeau stated that's my questions; the letter was sent but do these people actually know that a trail is going there? Mr. Berkowitz stated if the people are not living there, how would they receive that notice? Mr. Ouimet stated the reason why I raised the question is because the original design of the trail did not affect those homes, right? Mr. Tanski stated correct. Mr. Ouimet stated the following: So the trail didn't even come near Dormie Avenue. My concern to Mr. Watts and the other members of the Board is that we're now being asked to approve the location of a trail in front of homes already occupied or already sold in Phase II. Mr. Tanski stated but this is no different than a sidewalk in a city, it's the same thing. Mr. Ouimet stated the following: I understand the practical affect of it. What I don't understand is the notice part of it because people didn't understand that when they bought the homes and that's my concern. Mr. Nadeau stated that is my concern also. Mr. Higgins asked did any of the letters came back undelivered? Mr. Williams stated not to my knowledge but the receipt envelope is in the folder. Mr. Berkowitz asked if one of the newly constructed homes or one of the current homeowner's objected to the trail going in front of their house, what recourse would they have? Mr. Tanski stated I would just give them their money back. Mr. Kemper stated the following: I think the important thing to remember too is we're dealing 100% within a public right-of-way and I have dealt with trail construction around the County. Mr. Berkowitz stated but the person who bought that house didn't know what was going in there at that time and that's my one concern. Mr. Tanski stated the following: I just don't understand it because it's no different than constructing a sidewalk in front of your house. People with bikes and pedestrians are allowed to walk on these sidewalks. If you go to Saratoga or Malta, they are required to put sidewalks in the front of their homes and some of them are even forced to put sidewalks in after the homes have been constructed. I don't understand why we are delaying ourselves in focusing on something that is meaningless here because we're not going to have any motorized vehicles. Mr. Watts stated the following: I don't know that it's meaningless. I think that our Planning Board members are raising legitimate concerns. As you know, we exercise a fair amount of caution, introspection and everything else when we look at some of these things. We sometimes try to put ourselves in the shoes of the person. We've heard various stories in the past about projects in other parts of Town where someone might say, "well, had I only known". So, we are trying to get a comfort level here as to what is it. A couple of weeks ago we didn't know if there were going to be snowmobiles or four-wheeled vehicles out there or not and that is relevant to enforcement activities. So, we're just kind of making sure in our minds that the people who live

there are aware of this. Every one of the certified public informational meeting notices that were mailed out were signed and returned to the Planning Department. So, everyone got them but the notice could have had a little more information regarding the trail. Mr. Tanski stated the following: I have my realtor here tonight and what I can do for the Board is that I will have my realtor notify everybody and get something in writing that the people are okay with it and if they're not, we will let them know that we will buy back their house and give them their deposit back. I have no problem with that and that should take any constraints off that the Board may have. Mrs. Murphy stated the following: That is very good for Mr. Tanski to say that. So, that this Board is clear, there is no way that this Board could enforce that. You cannot force a private entity to break a contract with somebody else. It is great and honorable that Mr. Tanski is saying that he's going to do it, but just understand that you cannot enforce that promise. Mr. Tanski stated the following: I would like to think that my track record would speak for itself. If I say we're going to do it, we're going to do it. My realtor, Mr. Tironi, will contact everybody there. I'll get a written statement that says that they don't have a problem with it and anybody that does, we'll be more than willing to give them their money back. Mr. Polak stated the following: As a Town Board member, I would like to see that letter just to protect the Board. Just like with the intermodal site that came in after the fact and people packed this place and the phone rang off the wall. It's just not like a sidewalk in a neighborhood because you're inviting people outside of that neighborhood to use that sidewalk. So, through a Board's perspective, I want to make sure that those people that are going to be involved with that trail going in front of their house that they are aware of it and that they are okay with it. If not, it's up to Mr. Tanski to work it out with them. I don't want to sit here in a Board meeting and then have somebody come in and say that that's not the way I interpreted that letter. I want to make sure that letter is clear and that they sign off on it. Mr. Lansing stated the following: If the Board is comfortable with the trail location, perhaps we could suggest the final approval of the project conditioned on letters back from those residents prior to any signing or stamping of the plans from the Planning Board. Mr. Bill Sumigray, of 43 Timothys Way, asked will the old trail remain forever wild? Mr. Tanski stated the following: Where the old trail was going to go won't be touched. In other words it will remain forever wild. We're not going to cut it and we're not going to do anything with it. Mr. Watts asked if there were any further comments or questions from the public. No one responded. Mr. Watts then stated that this connection was a good opportunity for this trail connection; however, the Board would like to see a copy of the letter notifying the current and future homeowners. Mr. Tanski stated that they could do that. Mr. Kemper stated the following: They could also show the trail on the plot plans for each lot as well. From this point forward on those houses that haven't been sold yet, on the individual plot plans maybe there could be something in the deed just to protect the Board a little further. Mrs. Murphy stated right, they will have to do that in Phase III. Mr. Kemper stated okay.

Mr. Ouimet made a motion to approve the Fairway Meadows Phase III Major Subdivision/Zim Smith Trail Extension application condition on the applicant gaining a sign-off letter from contracted purchasers of property where the proposed Zim Smith Trail extension will traverse in the Town right-of-way in front of their prospective homes. The applicant has agreed to return any monies of down payment if a prospective buyer is unwilling to sign-off on the trail location. Mr. Berkowitz seconded. Motion carried.

Public Hearings:

12.092 PH Spring Brook Mobile Home Park, Dunsbach Road – Major Subdivision

Mr. Watts opened the Public Hearing at 7:35 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Joe Dannible, of the Environmental Design Partnership,

stated the following: I'm here tonight with Mr. Tom O'Brien, from Garden Homes Management Corporation and on behalf of their application for an expansion of Spring Brook Mobile Home Park. The property itself is 31.3-acres and is located on Dunsbach Road just north of Crescent Road in the Town of Halfmoon. The property is located within the R-2 zone, which is zoned for a Mobile Home Park. The 31.3-acres would have an allowable density for mobile homes at around 186 lots. Currently there are 134 lots within the mobile home park and we are looking to expand that for 3 more lots on Nathan Lane to bring the total up to 137 mobile home lots. Again, this is well below the allowable 186 lots. The site that we are looking to put the 3 lots in is currently an open lawn area with a small pump station. One lot would be north of the pump station and two lots below the pump station. That pump station will be fenced off with a 6 FT high vinyl white stockade style fence that would block the entire view of that pump station. We are here tonight looking for a positive recommendation to the Town Board so we can continue. Mr. Watts asked if anyone from the public wished to speak. Mr. Leo Bouleris, of 8 Red Maple Lane, stated the following: I'm not sure where the expansion is planned. My only concern is where the expansion is heading and would it affect my property. Mr. Dannible pointed out the expansion location to Mr. Bouleris. Mr. Bouleris stated okay. Mr. Dannible stated the following: I think it would be about 100 to 150 FT from Mr. Bouleris' property line and there is probably 200+ FT of wooded land that will remain that way to your property. Mr. Bouleris stated so you are saying that there would be at least 100 to 200 FT of buffer? If you go through there, there is a existing grassed area and all we're proposing to do is put 3 more lots in that grassed area and it would not extend into the wooded area in the back. Mr. Watts closed the public hearing at 7:38 pm. Mr. Higgins asked is the existing grassy area going to have to be filled at all to level it out to put homes on there? Mr. Dannible stated the following: No, I don't believe there is going to be any earthwork there. There is actually drainage behind there and that land drops off in the back corner and there is no proposed filling or grading associated with that. We will come in and put the pads in and connect to the public sewer and water. Mr. Higgins stated as we mentioned at the previous meeting, those lots are all going to be singlewide mobile homes. Mr. Dannible stated that is correct. Mrs. Margaret Bouleris asked with those 3 trailers that you're planning to put there, you mentioned the drainage with the piping everything, how far is that going to come in to our section? Mr. Dannible stated the following: The map shows a blowup of that area where there is an existing sanitary pump station and the sewer lines would be running directly in front of there. The drainage would all be in the back so no sewer would be near the drainage and we're putting the waterline behind the lots to an existing water main located in that area. Mrs. Bouleris stated the following: When we are looking out our back yard will I see 3 trailers. Right now at nighttime, I can see one light.? Mr. Dannible stated the following: I understand. Again, from your existing residence in that location you stated you see one light. If you've been to the property, all of these pads are approximately at the same elevation and they wouldn't be elevated any higher the rest of the trailers. Again, there is a very large buffered area with vegetation. Mrs. Bouleris stated the following: How about some trees or big Christmas trees instead of the small little trees so there would be a buffer or something so we definitely wouldn't see those trailers. In the wintertime everything loses it's leaves and I don't see anything but now I may see something. Mr. Dannible stated in order to plant larger evergreen trees around the rear perimeter of the lots they would actually have to clear more of the existing large vegetation. Mr. Watts stated seeing as there is a 100-150 FT natural buffer that is to remain, that seems sufficient. Mr. Nadeau stated this is a residential use to residential use transition and the Board does not require buffering between two of the same uses. Mr. Watts stated I know that the Code Enforcement Office has performed the annual inspection on the park and there are no outstanding violations.

The Planning Board passed a positive recommendation to the Town Board stating the proposed three-lot expansion meets the Town's Mobile Home Ordinance standards.

Mr. Roberts made a motion to approve the major subdivision application for Spring Brook Mobile Home Park. Mr. Nadeau seconded. Motion carried.

12.093 PH Fitch Subdivision, 31 & 33 Smith Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:43 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Drew Schauffert, of Santo Associates, P.C., stated the following: I'm here tonight representing Pamela Fitch for a minor 2-lot subdivision located at 31 Smith Road. Currently the parcel is 5.2-acres with an existing house and garage. The proposal is to subdivide the parcel into 2 lots. The new lot would be 2.7-acres in area, which would be located in the rear of her existing residence. There would be a flaglot that would have about a 400 FT long driveway and there is a strip that is 50 FT to encompass that. There is municipal water on Smith Road so we would hookup to municipal water to service the new house. Unfortunately, there is no sewer in that location so this would require an in-ground septic system to be designed. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:45 pm. Mr. Higgins stated I took a ride by this site and are you going to be able to get that driveway in without affecting the property to the north? Mr. Schauffert asked what do you mean by that? Mr. Higgins stated the following: It looked to me like that you're going to have to do some building up on that driveway area. Maybe I was looking in the wrong area but it looked to me like it drops off in order to get that driveway in there. I just wanted to make sure that you were not going to go over onto the other people's property doing the grading to put the driveway in. Mr. Schauffert stated the following: No, I don't think so. It does drop off from west to east where there is slight grade. The existing driveway to the existing house has somewhat of a pitch to it as well. I don't think that there would be any necessary side slopes. The driveway is only going to be 12 to 15 FT wide and any banking that would be necessary would be minimal. Mr. Nadeau stated it looks like it would be approximately the same as the original driveway.

Mr. Nadeau made a motion to approve the minor subdivision application for the Fitch Subdivision. Mr. Berkowitz seconded. Motion carried.

New Business:

12.097 NB Hiretech North America Inc., 164 Ushers Road – Change of Tenant

Mr. James Staalesen, President of Hiretech North America, stated the following: We have been a tenant in the building located at 164 Ushers Road since 2009. Just last month we were advised that a change in tenancy application needed to be submitted to the Planning Department. Mr. Watts stated that is correct. Mr. Staalesen stated I met with Mr. Williams and took care of that a couple of weeks ago. Mr. Watts stated your narrative stated that you are open 8:30 am to 5:00 pm and you have 2 full-time employees, is that correct? Mr. Staalesen stated yes, that is correct. Mr. Watts asked do you have plenty of parking? Mr. Staalesen stated yes. Mr. Watts stated your business consists of wholesale distribution of floor sanding machines, parts, and accessories. Mr. Staalesen stated that is correct. Mr. Watts stated your shipments are received approximately once a week by tractor-trailer. Mr. Staalesen stated yes. Mr. Watts stated you've been there a while so I guess you don't have any issues with the tractor-trailers getting in and out of the site. Mr. Staalesen stated the tractor-trailers get in most of the time with no problems. Mr. Watts stated if you advertise; make sure you say that you are in Halfmoon. Mr. Staalesen stated actually our

mailing address is Round Lake and in any of our promotional literature we use Round Lake. Mr. Watts stated you can always say that you're in Halfmoon.

Mr. Roberts made a motion to approve the change of tenant application for Hiretech North America Inc. Mr. Higgins seconded. Motion carried.

12.098 NB Northeast Controls, 3 Enterprise Ave. – Addition to Site Plan

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: This is the first building that we designed in the industrial park 17 years ago and Northeast Controls has been the same tenant since that time. On a recent fire inspection it was discovered that the pallets that they use for both shipping and receiving were a little closer to the building than fire code permitted. The fire inspector wanted them to move the pallets 15 FT away. So, we are back before this Board proposing a 12 x 18 FT covered shed that would be 15 FT away from the building so the pallets can be stacked neatly inside that shed so they are protected from the weather. Obviously, there is a value to the pallets that they use and the proposed shed storage would force them to stay 15 FT away from the building for fire protection. The dumpster was located close to where the proposed shed would be located; so the dumpster is just going to be moved a little further away and that is a chain-link enclosed dumpster.

Mr. Roberts made a motion to approve the addition to site plan application for Northeast Controls. Mr. Ruchlicki seconded. Motion carried.

12.099 NB Richard Holland, 1471 Route 9 (Crescent Commons) – Change of Tenant

Mrs. Murphy recused herself from this item. Mr. Mike Klimkewicz, owner of Crescent Commons, stated the following: I'm here tonight on behalf of Mr. Richard Holland. Mr. Holland is renting a single office at the Crescent Commons. Mr. Holland is a writer and he also has a multi-level business in herbs and lotions. Mr. Holland will not be seeing clients or customers at the facility. The applicant expects to receive 2 deliveries a month of product and he would then deliver that to the customers. No signage is required for this proposal. Mr. Higgins asked would people be coming to the site to pick up materials? Mr. Klimkewicz stated no, everything would be shipped out.

Mr. Berkowitz made a motion to approve the change of tenant application for Richard Holland. Mr. Higgins seconded. Motion carried.

12.100 NB Superior Data, 1471 Route 9 (Crescent Commons) – Change of Tenant

Mrs. Murphy recused herself from this item. Mr. Mike Klimkewicz, owner of Crescent Commons, stated the following: I'm here tonight on behalf of Superior Data. Superior Data is a division of Fidelity. It is a backroom operation that they do research for municipal tax and research for title companies. There will be 5 employees and no signage is required for this proposal. There will be no clients coming to the location; everything is done by computers and telephone. Mr. Watts asked if there is adequate parking at the site. Mr. Klimkewicz stated yes.

Mr. Roberts made a motion to approve the change of tenant application for Superior Data. Mr. Ruchlicki seconded. Motion carried.

12.101 NB Chauvin LLC Subdivision, Farm to Market Road & Smith Road – Major Subdivision/GEIS

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I have provided larger photos to the Board. The larger photo is a footprint and on that photo there are larger numbers with arrows that corresponds to the photos of where these photos were taken just to give a streetscape view of the project. I'm here representing Chauvin LLC in their request for a concept review of a 14-lot subdivision. The parcel is located on the southerly side of Farm to Market Road that also adjoins Smith Road. The applicant is proposing to subdivide the existing 22-acre parcel into 14 single-family residential lots. These lots would be serviced by public water and public sewer. The parcel is located in the Northern Halfmoon Generic Environmental Impact Statement (GEIS) area. The parcel does have zoning and environmental constraints. Being in the GEIS there is a 100 FT setback along the entire front of each of these lots. There is also environmental constraints from the Cary Road intersection back towards the Kingsbrook Subdivision that has a topography constraint that ranges anywhere from the road down to where these houses are from 20 to 30 FT. Also, the parcel has a New York State Department of Environmental Conservation (NYSDEC) wetland along the rear portion of the parcel between there and the Harvest Bend Subdivision. As far as the layout; we are proposing two common driveways for access for these 14-lots. With six of the homes, we are proposing to use the existing curb cut onto Smith Road. We would be creating a new curb cut just north of the Kingsbrook Subdivision for the other eight lots. The driveways would be established with a common ingress/egress easement with utilities also within this proposed common driveway area. The drives would also be setup with a common maintenance agreement between all lot owners for maintenance of the driveways. The driveways would have to meet and will meet the sections 503 and 5011 sections of the New York State Fire Code. What that does is it guarantees that it must meet certain requirements for public safety and fire truck access with the load bearing of the driveway with turnarounds and things of that nature. The reason why we are proposing a common driveway here is because you have your traditional subdivision with Harvest Bend and this parcel here is sort of like a transition between the more standard subdivision and going north into more of a rural setting. So, we feel that it's kind of transitional in the fact that a typical subdivision with streets doesn't quite fit there so we would like to get the Board's comments on that. We feel that this layout with 2 common drives lessens the environmental impacts of this parcel and also lessens the impact to the view shed when you're driving down the road going towards Mechanicville or back towards Route 9. We are proposing in the 100 FT strip in the front up by the field area a Land Preservation Area (LPA) and also in the rear of the lots to protect any encroachment into the NYSDEC wetlands also with a LPA. What the common drive does is it actually narrows up the developmental impact of the parcel with the constraint of the 100 FT front building setback. Also, if you have a street through here you have to deal with a 60 FT right-of-way then a 50 FT building setback. This way by having a common ingress/egress along the drive, the front of the lot is still along Farm to Market Road. So, the houses could be physically closer to the driveway. Photo #1 was taken from the intersection of Smith Road and Farm to Market Road looking toward the existing driveway on Smith Road that accesses the farm buildings now. Photo #2 was taken on more of an angle as you are looking across the field toward the subdivision. Photo #3 was taken looking at the field. Photo #4 was taken from Cary Road. Photo #5 was taken looking down Farm to Market Road both ways looking towards Cary Road and Route 9. The photos are pretty much what you see as you're driving the road. We feel by having this layout we're able to retain as much of that streetscape as possible uninterrupted and that's the intent of this layout. Mr. Berkowitz asked how long is that driveway? Mr. Rabideau stated probably 1,000 FT. Mr. Higgins stated I have wonderful pictures of that whole area being under about 3 FT of water if you would like to see them sometime. Mr. Rabideau stated

as a matter of fact, yes I would. Mr. Higgins asked how are you going to run the sewer because you said it was all going to be sewer and the pump station is over on Smith Road. Mr. Rabideau stated it would be a force main from here along Smith Road through the drive right-of-ways that would be a common ingress/egress utility easement so we would have sewer, water and a driveway within that and connecting in another area. Mr. Higgins stated so in other words; you are going to cross the wetlands with your sewer and water. Mr. Rabideau stated that is correct. Mr. Higgins asked why can't you cross the same wetlands and put a Town road through the whole thing? Mr. Rabideau pointed out the wetland that they would be crossing. Mr. Higgins stated the following: Right and that's why I asked why can't you just put a Town road through the whole thing and not have to worry about people arguing over who is going to plow and who is going to maintain and everything else? Are you going to have some kind of Homeowner's Association (HOA)? Mr. Rabideau stated the following: Whatever it takes for this subdivision; whether it's an HOA or not but there would be a driveway maintenance agreement. Everybody will know upfront that this is not a Town road and that it's a private driveway. Some people like this setup and other people like a more rural setup even though you have lots. By doing this you kind of retain more of that rural feeling. We feel that they would much rather be looking at a larger driveway than a typical street. Mr. Higgins stated the following: Those houses there are going to be looking right over the top of those houses because the elevation is higher. Also, what's the pitch of the driveway coming in off of Farm to Market Road because you have a 30 FT elevation difference there? Mr. Rabideau stated it needs to meet the fire code and if it meets that, I believe it has to be under 10%. Mr. Higgins stated the following: So you're going to get 10% from Farm to Market Road down and make that 90 degree turn in a couple hundred feet, okay that was just one of my questions. Have you done any traffic studies at that point seeing about this traffic trying to get out on to Farm to Market Road? Mr. Rabideau stated that really shouldn't be an issue because there is 1,000 FT each way with sight distance. Mr. Higgins stated the following: I disagree. If you're heading down Farm to Market with all the vegetation and the sumac that has grown up there for years, you have to be almost on to Angle Road and on that intersection to make the turn. You cannot see the cars coming the other way. If you're heading towards Mechanicville and the cars are coming the other way, you can't see those cars until they round that curve where Cary Road and Angle Road meet. Mr. Rabideau stated yes and that's over 1,000 FT and that's well over the sight distance. Mr. Nadeau stated the following: It's an optical illusion because as the foliage builds up there; and we had talked with Mr. Chauvin and I think Mr. Chauvin asked the County one year and they trimmed it and at that time it was good and since that time it has grown out. What happens is, as you know, it's a long gradual turn there and when that vegetation comes up, you can't see the cars coming west until you're right into that intersection. The other question that I have is regarding the next intersection at Smith Road. When you're coming from Smith Road at this point now to see the traffic coming from the east direction or Mechanicville, you need to look over your shoulder. Now when the first development was developed, I thought the Town was going to try to configure that, there was talk of it, and obviously it didn't happen. I had talked to Mr. John Pingelski, the Town's Highway Superintendent, since then and when they were doing some work up there and I asked him just to possibly make a slight turn there to allow the cars from Smith Road to be at a 90 degree angle because it is a very difficult turn and there is a lot more traffic now then there was 10 years ago and it's becoming very difficult to cross there. Also, the 45 mph speed is okay but the point is that in that area people are driving 55 mph. Mr. Higgins asked where is the 20% quality greenspace that is required by GEIS? Mr. Rabideau stated that would be up in the land preservation area. Mr. Higgins asked is that 20% of the total? Mr. Rabideau stated we could make it 20%. Mr. Higgins stated the following: How are you going to make it 20% and still have room to put the houses in? You're asking for our observations and this is the first time

we're seeing this. Mr. Rabideau stated I believe we can make the 20% and from what I know out there and that should be fairly easy to do. Mr. Higgins stated I know you're hesitant to put a Town road into that site but my own personal opinion is; with that number of houses and trying to go through there with those entrances, you'd be much better off putting a Town road in so that if they find that they can't get out onto Farm to Market Road, at least they could go the other way and come out onto Smith Road to Farm to Market Road where it's a little more of a useable intersection. Mr. Rabideau stated the following: Well it's a situation where the reason we went with this is because we feel that the Town road a huge visual impact. This would lessen it plus what it does by having the private drive we're able to push the houses back farther and all of the improvements farther away from here to retain that view shed as you're going west or east because that's the first thing that sticks out of you mind because it's just a visual aspect of that wide sweeping curve. Mr. Berkowitz asked how wide is the driveway? Mr. Rabideau stated whatever the 503 State codes are. Mr. Berkowitz asked which is what? Mr. Rabideau stated it can vary and I believe it's around 20 FT wide. Mr. Berkowitz asked are the people going to be parking their cars in their driveways? Mr. Rabideau stated yes. Mr. Berkowitz asked so what if you have somebody coming into the development and going out of the development at the same time, you would need room for 3 cars going by at the same time. Mr. Rabideau stated people do that all the time and it's kind of a self-policing. Mr. Berkowitz stated people don't share these driveways. Mr. Rabideau stated yes, but it's one of these things where something like this is really more of a community than something like this because there's a uniqueness to living here verses here. Mr. Berkowitz stated all you need is one person to upset that community. Mr. Rabideau stated right, you'd have that in every community. Mr. Berkowitz stated and with 8 homes, you'll get 1 person. Mr. Rabideau stated whatever the acceptable width would be. Mr. Ouimet stated I think you're leaning too heavily on the esthetic value of your design. Mr. Rabideau stated it is a very important aspect. Mr. Ouimet stated I think it's very important too but I also think safety of cars moving in and out is even more important and you may have to compromise some of your esthetics for increased safety. Mr. Rabideau stated okay. Mr. Ouimet stated the following: Putting that many houses on a shared driveway is troubling to me as well and where it comes out. You're going to have sight distance issues. Mr. Rabideau stated the following: If you look at the photos, you can see quite a ways. It would meet the sight distance that is almost probably double of what the required sight distances is. Mr. Ouimet stated the following: The other thing that you need to consider is how are you going to deal with garbage trucks coming in to pick up trash and delivery trucks coming in the shared driveway. They may not be servicing all of the homes. What's going to happen with school buses if they need to pickup kids? How are you going to deal with all of that? Mr. Rabideau stated again, it boils down to that with these driveways; they have to meet the fire code. Mr. Ouimet stated I understand that. Mr. Rabideau stated and by essence of getting a fire truck in, you could get any other vehicle in. Mr. Ouimet stated I understand what you're saying but you have to really consider that when you put in that many lots on a shared driveway. Mr. Rabideau stated correct. Mr. Berkowitz asked where is a garbage truck going to turn around in there? Mr. Ouimet stated yes, there are no turnarounds. Mr. Rabideau stated this plan is only concept and the State fire code requires turnarounds and I believe that answers all of these questions. Mr. Watts stated the following: Well, you may think so. I have the same kind of questions about the turnarounds. Just looking at this it seems to raise questions. I think we've asked a lot questions and we do refer this to CHA for our engineering reviews based upon what questions we've asked and that's how it works. So, we're going to look at it and we're obviously not voting tonight. Mr. Nadeau asked is the existing farmhouse being subdivided off? Mr. Rabideau stated no, I believe that is being taken down. Mr. Nadeau stated there is a "for sale" sign there now and I just wondered if they were selling that. Mr. Rabideau stated I don't really know

the details but as far as I know it's not in the plans. Mr. Ouimet stated that's interesting because on the sketch plan Lot #1 is the existing house. Mr. Polak stated the following: One thing about isolating the two areas is it keeps residents coming out onto Smith Road. With 5 houses there you might get 2 people coming out at the same so that would limit the 2 accesses. People who would be coming up Farm to Market Road might try to cut through there. Mr. Watts stated the following: I think it's certainly unique and that's why we raised a lot of questions. I did witness a unique backup job by one of the sanitation companies' trucks in another Town where the guy whipped around so he could back down an 800 FT driveway. There's what's out there that looks good and then there is the reality of how people drive and park their cars. Mr. Nadeau stated to go back to that vegetation; if that vegetation were taken out of there, there would be no sight problem because it's mostly just brush. Mr. Rabideau stated okay that can be addressed.

This item was tabled and referred to CHA for their technical review.

12.102 NB Sears Home Town Store, 215 Guideboard Road – Change of Tenant & Sign

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here representing Mr. Richard Hardy in his request for a change of tenant application. Mr. Hardy wishes to occupy the tenant space that was previously occupied by the Army-Navy Store located in the Country Dollar Plaza to the Sears Home Town Store. The proposed Sears Home Town Store would sell home appliances, electronics, tools, and lawn and garden items that you would normally see in Sears. The size of the retail space is 8,100 SF. They intend to have 3 full-time, 1 part-time, and 1 seasonal employee. Their hours of operation would be Monday through Friday, 9:00 am to 7:00 pm, Saturday 9:00 am to 6:00 pm and Sunday 11:00 am to 5:00 pm. There will be no outdoor displays at this time. If they feel that they want to have outdoor displays, they will come back separately before the Board for that but at this point in time they don't feel that's necessary. As far as the number of customers; they expect it would probably be about the same as when the Army-Navy Store was there. So, there would be no impact as far as parking and things of that nature. They also are proposing a sign. The Army-Navy Store sign was 75 SF and the proposed Sears sign is going to be 61 SF with LED interior lighting. Mr. Higgins stated the following: You mentioned that they're not looking for outside displays at this time. At our pre-meeting we discussed that and with the nature of that plaza, the size of the sidewalks and everything, it would be very difficult to allow displays on the sidewalk because people would actually have to walk out into the traffic in order to get around the displays. So, we just want to make note to the applicant that although he realizes that he does not have that option at this point, it would be something of a safety concern that the Board would have to consider if and when he comes back before this Board for an outside display. Mr. Rabideau stated okay, understood. Mr. Berkowitz asked would they be selling refrigerators and washers and dryers from this site? Mr. Rabideau stated the following: Yes, things of that nature. It's almost like a mini Sears Store. Mr. Berkowitz asked would they be delivering products from that site? Mr. Rabideau stated no. Mr. Berkowitz asked how would they deliver products to that site? Mr. Rabideau stated I would assume tractor-trailers, small box trucks or mid-sized box trucks. Mr. Berkowitz asked is there enough room in the back of the site to get a tractor-trailer in there? Mr. Rabideau stated I believe so. Mr. Watts stated there is a loading dock in the back of the site. Mr. Nadeau asked is that similar to the store that was in Rotterdam years ago? Mr. Rabideau stated I'm not familiar with that. Mr. Higgins stated the following: If you go there and buy a lawnmower, are they going to deliver it from somewhere else? The reason I'm asking is because I know a lot times when you pick up a lawnmower you can have it prepped for you with gasoline and oil and they would actually run it there. So, I would just have concerns

about gasoline storage within the building with the other buildings attached. Mr. Rabideau stated I don't know for sure but I would doubt it because of the limited space he has. Mr. Higgins stated okay, just as long as the applicant is aware of that concern and that limitation. Mr. Rabideau stated okay. Mr. Roberts stated regarding the sign; you said it's going to be LED lit. Mr. Rabideau stated interior lit. Mr. Roberts asked is it going to be any brighter than the Salty's or any other sign there, right? Mr. Rabideau stated no. Mr. Watts stated please advertise as "Sear's of Halfmoon".

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

Sign- -Sears

Sign Area: ~61 SF

Sign Dimensions: 4 ft x 15.25 ft

Sided: ☒ one-sided ☐ Two-sided

Location of Sign: over entrance to store

Lighted: ☒ Internal ☐ Flood

Mr. Roberts made a motion to approve the change of tenant application for the Sears Home Town Store. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for the Sears Home Town Store. Mr. Nadeau seconded. Motion carried.

12.103 NB Santoro Warehouse Facility, 45 Route 146 – Commercial Site Plan/GEIS

Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm also here tonight with the applicant of the project, Mr. Victor Santoro. We are proposing a conceptual layout plan for an expansion of an existing use. The parcel is located on the north side of Route 146 and on the south side of Farm to Market Road; right at the point where these two roads come together. There is an existing warehouse on the site that is approximately 6,600 SF and the zoning for the parcel is Agricultural-Residential (A-R). Also, I would like to mention that the parcel is located within the Northern Halfmoon Generic Environmental Impact Statement (GEIS). The proposed conditions for the site include an expansion of the existing use. The applicant currently uses the existing building for the storage of potato chips and snacks and then the distribution out to various vendors. This would be an expansion of that use with a separate building that is approximately 14,000 SF in size. Water would be provided by public water. There are plans for a future water main to serve both the Pino and Clemente Planned Development Districts (PDD) and would be proposed to connect to that water main to serve the new building and the existing building as well. For sanitary sewer, there is a sewer main located along Route 146 and we would propose to connect into that sewer main. Stormwater would be mitigated on-site. As far as access for the site and traffic for the site; we are proposing one curb cut on Route 146 and this is in the location of the existing curb cut. We are proposing a one-way circulation around the site and we feel that works very well for deliveries to the buildings with tractor-trailers and also exporting from the site with the smaller single axle trucks. Again, we are here tonight for conceptual presentation to the Board and we'd like to note that we have two variances that we are required to obtain from the Zoning Board of Appeals (ZBA). The first variance is relative to the use itself and I did mention that this parcel is zoned A-R, which does not allow warehouse type uses so we would be asking for an expansion of a pre-existing, non-conforming use. The second variance would be relative to the front yard setback. We are proposing a 50 FT front yard setback to the right-of-way line on Route 146 where the zoning does require a 70 FT setback so we would be asking for a 20 FT offset from that setback. We would like

to note that we did position the 50 FT to coincide with the existing building and then also given the parcel constraints, we felt it was appropriate for the site. We are here for questions and comments from the Board and hopefully a referral to the ZBA. Mr. Nadeau asked would the existing building stay the same? Mr. Lansing stated the following: Correct, there would be no changes to the existing building. However, I would like to note that we are reconfiguring some parking and there is currently parking between Route 146 and the site. Mr. Higgins stated the following: I'm familiar with the site and they have done a nice job with it. What kind of frequency of truck traffic are we going to be talking about with the existing site verses the new site? With this expansion, are you looking at 4 or 5 times more trucks going in and out? Mr. Santoro stated the following: No, we doubled in size since February of this year and we need the new building to accommodate the growth that we already had. I don't see us getting much bigger in truck volume. We may get another tractor-trailer or two a week but not much more than that. The routes that pickup from us; we have 13 now and I don't see it going much more than 15 or 16. So, we're not talking about much higher volume in truck traffic. Mr. Higgins stated because obviously you're aware of the amount of traffic that's going along Route 146 now and that's why we're a little concerned about that. Mr. Santoro stated the following: I understand that and that's why we're not asking for any more curb cuts. We want to control everything within the site. We also had a lot of problems with people cutting through to Farm to Market Road and we haven't been able to use that driveway in the back for years. We want to keep that to a minimum and because we don't want to have any problems with that. Mr. Higgins asked are you going to eliminate the Farm to Market Road and there is nothing there now. Mr. Santoro stated there is a driveway there now and we keep it closed off and only use it occasionally. Mr. Nadeau stated the following: I think on our past approval we asked that that be cut off. I travel that area daily and I haven't seen any issues with the tractor-trailer trucks. Mr. Higgins stated the following: I agree. If they were tripling the amount is the reason why I asked about how much more truck traffic there would be. I'm glad to hear that it is not going to be appreciable because the traffic there is increasing all the time. Mr. Santoro stated the following: Correct, it has been. I think my father built the building in 1975 and it has always been a dangerous road. I would like to see the speed limit go down to 45 mph and that end also. Mr. Watts stated well we were successful in reducing the speed going up through Sheldon Hills and believe me that took a lot of work and cooperation with the New York State Department of Transportation (NYSDOT) to get that reduced and I think that has had a good affect. Mr. Higgins stated the following: I know you are talking about tying into the water main when and if it ever comes in. In the meantime, is your existing well system sufficient to also provide sprinklers? Mr. Lansing stated the following: I'm not sure about sprinklers. If it is something where sprinklers are needed, as far as the architecture and construction of the building, that's not my thing and I would have to consult with an architect on that. If that is something where sprinklers are required, the applicant would have to wait until that water line is installed to construct his building. As far as the domestic supply, the wells are adequate for the minimal domestic use that would be on of the building. Mr. Watts stated the following: All we could do at this point is to deny the applicant. Basically, the Board has no major concerns for the use because it does make sense. It's just bumping up against some old zoning which is what it is. Mr. Nadeau stated in that area there is a residence in the back but other than that it's mostly Commercial (C-1) and there is large area across the street. Mr. Watts stated all we can do at this point is to deny the application and then it would be up to the applicant to go to the ZBA for a variance.

Mr. Roberts made a motion to deny the commercial site plan application for the Santoro Warehouse Facility on the basis that the Zoning Board of Appeals (ZBA) needs to grant a special extension for

the pre-existing, non-conforming use and that the proposed warehouse does not meet the minimum front yard setback from Route 146. Mr. Ouimet seconded. Motion carried.

12.104 NB Billie's Barber Shop, 2 Hayner Heights – Change of Tenant & Sign

Ms. Billie Jo Carl, the applicant, stated the following: I'm proposing to open a barber shop located at 2 Hayner Heights. My hours of operation would be 8:00 am to 9:00 pm with 5 full-time employees during the day and 5 part-time employees at night; not to exceed 5 employees at any time. The sign would be the same dimensions, same color, and there is just a little difference in the design. Mr. Roberts asked is the sign going to be lit? Ms. Carl stated yes, the sign is going to be lit with the existing illumination. Mr. Roberts asked is the sign going to be flood lit? Ms. Carl stated no, it comes from behind. Mr. Roberts stated so; it would be the same lighting. Ms. Carl stated yes and I won't be doing any structural change, just the sign facing. Mr. Watts asked are you going to have 5 daytime people? Ms. Carl stated yes, there would be 5 working stations. Mr. Watts stated so; there would be a maximum of 5 people at any time. Ms. Carl stated yes, that is correct. Mr. Watts asked is there adequate parking at the site? Mr. Williams stated yes. Mr. Higgins asked is Finally Free Electrolysis still going to be in that building? Mr. Williams stated yes, and that's a part-time business with one employee. Mr. Higgins asked what does our code call for as far as parking per station? Mr. Williams stated 3 parking spaces per employee for barber shops. Mr. Higgins stated okay, so that would be 15 parking spaces. Mr. Williams stated yes, 15 parking spaces and then there would be 2 parking spaces leftover for Finally Free Electrolysis; one for the employee and one for the customer. Mr. Watts asked does the site plan show the handicap parking spaces? Mr. Berkowitz stated yes it does. Mr. Watts asked would there be enough handicap parking spaces based on code? Mr. Williams stated one handicap parking spaces is required for every 50 parking spaces. Mr. Watts is that one handicap parking space right near the door? Mr. Williams stated yes. Mr. Watts stated please advertise that you are located in Halfmoon. Ms. Carl stated absolutely.

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

Sign #1-freestanding-Billie's Barber Shop

Sign Area: 29.3 SF one side x2 = 58.6 SF

Sign Dimensions: 65 in x 65in

Sided: ☐ one-sided ☒ **Two-sided**

Total Height: 11 ft 10 in.

Location of Sign: front of the site

Lighted: ☒ **Internal** ☐ Flood

Sign #2 Wall Mounted

Sign Area: 16 SF

Sign Dimensions: 2ft x 8 ft

Sided: ☒ **one-sided** ☐ Two-sided

Location of Sign: front entrance of the site, perpendicular to the road

Lighted: ☒ **Internal** ☐ Flood

Mr. Roberts made a motion to approve the change of tenant application for Billie's Barber Shop. Mr. Berkowitz seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Billie's Barber Shop. Mr. Berkowitz seconded. Motion carried.

12.105 NB Midland Auto Sales & Service, 1534 Route 9 – Change of Tenant & Sign

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: We are representing DeNooyer who owns the property. This change of tenant application is for Midland Auto Sales & Service located at 1534 Route 9. The last use was EEZYCREDIT.com. This proposal would be very similar and in fact almost the exact same use as EEZYCREDIT. The operator of Midland Auto Sales & Service is currently located in Schenectady and he is going to be moving his operation to 1534 Route 9. The applicant works with the auction so he will be buying wholesale cars from the auction here and he also buys from some other auctions out of the area. They will have 2 full-time employees and 1 part-time mechanic. This would be the same use as the previous operation. They would prep the cars for sale and if they provide a warranty on the car, then those people would be able to bring that car for minor warranty issues. So, it would almost be exactly the same as the previous use was. Mr. Roberts stated I know it was mentioned in the comments but I want to just reiterate for the record that no car carriers can unload on Route 9. Mr. Andress stated that is correct. Mr. Watts asked is DeNooyer going to continue ownership of this site? Mr. Andress stated yes, this would be just a lease of the property. Mr. Ouimet asked didn't we have an issue in the past with cars being displayed in the right-of-way? Mr. Williams stated actually it does have the display of vehicles in the State right-of-way but the State is aware of that. Mr. Ouimet asked is it clear that any repairs to the vehicles would either be owned by the dealership or sold by the dealership and repairs would not be offered to the general public? Mr. Andress stated that is correct and they won't be advertising at all for repairs. Mr. Ouimet stated okay because we had an issue with that with a couple other tenants in days gone by. Mr. Higgins stated I agree with Mr. Ouimet that the new applicant realizes that he has to abide by all of the regulations from the previous tenant. Mr. Andress stated I think that was mentioned on his list and I don't see the applicant having any problem with that. Mr. Higgins asked is the applicant going to put a sign up? Mr. Andress stated yes. Mr. Roberts asked are they just going to replace the previous sign that is already there? Mr. Andress stated yes. Mr. Roberts stated please make sure that that sign is not in the State right-of-way. Mr. Andress stated it shouldn't be.

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

Sign-freestanding-Midland Auto Sales

Sign Area: 110.4 SF

Sign dimensions: 4.6 ft x 12 ft = 55.2 SF (one side)

Sided: ☐ one-sided ☒ **Two-sided**

Total Height: 15 ft

Location of Sign: front of the site

Lighted: ☒ **Internal** ☐ Flood

Mr. Roberts made a motion to approve the change of tenant application for Midland Auto Sales & Service condition on no car carriers off loading on Route 9 and only cars to be sold from the site are to be serviced. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Midland Auto Sales & Service. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the October 22, 2012 Planning Board Meeting at 8:42 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary