

## **Town of Halfmoon Planning Board**

### **July 11, 2011 Minutes**

Those present at the July 11, 2011 Planning Board meeting were:

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

**Senior Planner:** Jeff Williams

**Town Attorney:** Lyn Murphy

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Mr. Watts opened the July 11, 2011 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the June 27, 2011 Planning Board Minutes. Mr. Roberts made a motion to approve the June 27, 2011 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

#### **New Business:**

##### **11.079 NB MovinAds/Embroidery & More, 1712 Route 9 – Change of Tenant**

Mr. Robert Potter, the applicant, stated the following: I own a sign shop in the Town of Halfmoon on Ushers Road where we do large format graphics and large banners. I'm partnering with an embroidery shop business that is currently located in the Commons in Clifton Park. We would like to occupy a location at 1712 Route 9 to offer a one-stop-shop for all our signage, promotional items and apparel. Mr. Watts asked how many employees are you going to have? Mr. Potter stated I have 1 full-time employee and myself. Also, the owner of the embroidery shop who has 1 part-time employee that comes in occasionally when she gets busy. So, there would be 3 full-time people and 1-part time person. Mr. Watts asked Mr. Williams if there is adequate parking at the site. Mr. Williams stated yes. Mr. Higgins asked are you going to be doing all your installations in the garage in the rear and would you be doing any of your work in the parking lot or anything like that? Mr. Potter stated the only time that would ever affect us is that the garage door is only 8 FT and occasionally we have large box trucks that we put graphics on and that would have to be done in the driveway because those large trucks would not fit in the garage. Mr. Williams stated the garage is actually physically located in the Town of Clifton Park. Mr. Higgins stated would the work be done in the rear of the building but just not in the garage? Mr. Potter stated the work would be done in the rear of the building in the driveway and that driveway is very large and very long. Mr. Roberts asked are you going to have a sign on the property? Mr. Potter stated currently there is an existing freestanding sign where we would be allowed to put both of our businesses names on. Mr. Roberts stated you would have to come back before this Board for a sign approval. Mr. Potter stated yes. Mr. Higgins stated we did have a problem at one time with that location having portable type signs and we want you to understand that that's not allowed. Mr. Potter stated I understand. Mr. Nadeau asked isn't there a condition that the Town of Clifton Park

needs to look at our approval? Mr. Watts stated they already have and they gave us lead agency status.

Mr. Roberts made a motion to approve the change of tenant application for MovinAds/Embroidery & More. Mr. Berkowitz seconded. Motion carried.

**11.076 NB      Helen Ruchlicki Subdivision, 1878 Route 9 – Minor Subdivision/Special Use Permit**

Mr. Ruchlicki recused himself from this item. Mr. Drew Schauffert, of Santo Associates, stated the following: We have a parcel of land that was conveyed to Mrs. Helen Ruchlicki by the Town of Halfmoon in 2005. It is the old location of Route 9 before it was realigned by the State in 1963. The proposal is to subdivide that property into 2 parcels. The northerly portion of 1.9-acres is going to be conveyed to Mr. Kisowski who has a small lot on which he is rebuilding a house that burned down about a year and a half ago. The second parcel is going to be combined with the existing Lands of Helen Ruchlicki despite what the note says because it was determined that it would be non-conforming or it would be too small in the Light Industrial/Commercial (LI-C) zone. So, these 2 properties are going to be combined after the subdivision is approved. Mr. Berkowitz asked does it make a difference that part of this is located in the Town of Halfmoon and part is located in the Town of Clifton Park? Mr. Schauffert stated there is a very small portion located in the Town of Clifton Park, which is probably less than 1,000 square feet and the Town of Clifton Park has already signed off on it. Mr. Williams stated we had correspondence with the Town of Clifton Park, they are okay with it and once again they have given us lead agency status.

Mr. Berkowitz made a motion to set a public hearing for the July 25, 2011 Planning Board meeting for the Minor Subdivision and the Special Use Permit. Mr. Higgins seconded. Motion carried.

**11.077 NB      Performance School of the Arts, 1503 Route 9 – Change of Tenant & Sign**

Mr. Terrence Cage, the applicant, stated the following: I am the sole proprietor of the Performance School of Music & Arts. Currently we have about a dozen part-time employees that come in on different days of the week. We typically operate between the hours of noon-1:00 pm to about 8:00 pm Monday through Friday and 9:30-10:00 am to 5:00 pm on Saturday and typically we are closed on Sunday. We have a music studio that is currently located in Clifton Park and we are looking to move to a slightly larger location. We are looking to come to the Town of Halfmoon, which is where more of our core constituency comes from anyway. We do music lessons; primarily piano, we have voice, guitar strings and woodwinds as well. We do have recitals and they typically happen on Sunday's when we are closed and that is a lower traffic time as well. The majority of our business is drop off; meaning parents like to bring their children in for a half-hour/45 minutes/hour lesson and then return to pick them up. I would say that over 90% of our current business is drop off and currently we have about 200 students on a weekly basis. At our current Clifton Park location we only have 4 chairs in our waiting room and with our Halfmoon location we are going to keep the waiting room the same size. It's really not even a waiting room; it's a little tiny hallway with 4 chairs and some magazines. So all the parents are encouraged to do drop off because I know everyone always has parking concerns. The other thing that we are doing to mitigate that is that we are going to go from 6 rooms to 10 music rooms. We're going to have half of the lessons start on the :00s and :30's of the hours and we're going to have the other half of the rooms during the :15's and the :45's. That way there's not a glut coming in all at once. We have addressed that with the landlord because that was his only minor concern upon us signing a lease with him last month. The landlord was very pleased with that resolution and hopefully the Town will find the same. Mr. Watts stated this could be good for the

businesses in the plaza where the parents can stop in the other establishments at the plaza while their children are at their lessons. Mrs. Murphy asked Mr. Williams if the application detailed the drop off times? Mr. Williams stated yes, they did state that in their narrative. Mr. Watts stated the following: Our write-up states that the applicant wishes to place a 60 SF wall sign over the entrance to the storefront as well as replace the tenant panel sign in the monument sign at the front of the site. Total allowed signage for this site is 298 SF. All existing and proposed signage will be at the maximum of 298 SF. Mr. Roberts asked Mr. Williams if the owner of the plaza was aware that there is no more signage available at this site. Mr. Williams stated yes, I talked to Mr. Weiss to let him know that this is the last tenant allowed at the plaza. Mr. Roberts stated I'm concerned because this sign application is larger than the other tenants so, other tenants would not be able to increase their signage. Mr. Nadeau asked is all the tenant space leased out at this plaza? Mr. Watts stated the following: Yes. When you advertise, please advertise that your business is located in Halfmoon. Mr. Cage stated absolutely.

Mr. Berkowitz made a motion to approve the change of tenant application for the Performance School of Arts. Mr. Ruchlicki seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for the Performance School of Arts. Mr. Nadeau seconded. Motion carried.

**11.078 NB      Stewart's Shop #127, 454 Route 146 – Concept-Commercial Site Plan**

This item was removed from the agenda per the applicant's request.

**11.081 NB      Frankie C's Family Pub, 46 Route 146 – Change of Tenant & Sign**

Mr. Sal Coluccio, the applicant, stated the following: I have an opportunity right now to take over a family owned pub that has been in the family for over 30 years. Currently, the pub is called Mr. C's Pub located at 46 Route 146. My brother opened up Mr. C's in 1980 and passed it on to his son in 2005 and my nephew notified me that he wants to get out of the bar business. I currently own a bar in Watervliet that is also a family owned bar business that has been open for 30 years. I'm proposing to take over this family owned bar turning it into a family pub. The business would be open 7 days a week from 11:00 am and try to cater to the business area and the business people for lunch and also cater to the folks living in the area after work. We have a setup inside the bar now that we can utilize for a dining area that is currently being used for a private party type room. We would like to open that up to a dining area for families that want to come in. We are also going to have a game room for kids to play games. I would like to keep this family pub operational. I agreed to a 5-year lease at this location with your approval. I would like to take it to the next step and have a nice family type pub. We would like to stay open to about midnight during the weekdays and 1:00 am on weekends at the latest. We would like to offer a karaoke night; a trivia night and we would also like to have a DJ. We would also like to offer Quick Draw and lottery. Mr. Watts asked have you submitted a liquor license application? Mr. Coluccio stated I have it with me and yes I will. I want to wait to make sure that I was approved for this business before I submitted my application for a liquor license. Mr. Watts asked so do you operate on the old liquor license? Mr. Coluccio stated the following: His license expires at the end of July and then the business would be closed. So, once I get an approval for my application, I was going to submit my liquor license tomorrow and then hopefully I will receive my temporary license within 30 to 40 days. Mr. Watts stated so there may be a period of time where you would be closed. Mr. Coluccio stated yes. Mr. Higgins asked did you say that this is going to be a family oriented type of business? Mr. Coluccio stated yes. Mrs. Murphy stated with regards to some of the activity at the other establishment; Halfmoon has stricter requirements with regards to the apparel

worn by the employees. Is this business intended to be like that? Mr. Coluccio stated no, not whatsoever. Mr. Coluccio stated the following: Currently there are 2 signs at this location; a 6 FT x 4 FT freestanding sign, double-sided and it is lighted. Also, there is a roof sign that is 3 FT x 12 FT, one-sided and it is lighted. The only thing that I want to do is to replace the panel on the freestanding sign with "Frankie C's Family Pub" and then I want to get an overlay to cover the current sign that is above the roof that currently says "Mr. C's Pub" and that sign would say "Frankie C's Family Pub" also. Once we open, I would like to also have a "Grand Opening" sign that would say "Frankie C's Family Pub – open 7 days a week". Mr. Watts stated the following: Our write-up states that you would be replacing the panel and the wall-mounted sign to reflect the new name. The wall-mounted sign is placed above the roofline of the building, which does not meet the Town's current ordinance. The sign is considered pre-existing, non-conforming and due to the fact that the applicant is not proposing to enlarge the sign, it is considered permissible to replace the existing panel. Mrs. Murphy stated the following: Just so the applicant is aware, this Board doesn't approve Grand Opening signs. There is a section in our ordinance that permits them to be hung for a certain period of time in a certain area of the building. So, just make sure that you are familiar with what those restrictions are. Mr. Coluccio stated okay, I think that it is for about 30 days.

Mr. Roberts made a motion to approve the change of tenant application for Frankie C's Family Pub. Mr. Berkowitz seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Frankie C's Family Pub. Mr. Nadeau seconded. Motion carried.

**11.082 NB ACME Vending LLC, 4 Enterprise Ave. – Change of Tenant**

Mr. Scott Earl, the applicant, stated the following: I represent ACME Vending at 4 Enterprise Ave. in the industrial park. What we are proposing to do is to relocate a business currently operating in Clifton Park into this area. We bring in about 6 tractor-trailers a week, disassemble the trucks contents, place them into smaller vans and distribute them. The contents are snacks, chips, soda and things of that nature and it is a true vending company. We are asking for a tenant approval at 4 Enterprise Ave. and we would have about 40 employees. Our parking requirements conform to the Town's requirements and the space utilization is excellent. We would occupy about 16,000 SF of space. Mr. Roberts asked would you be making sandwiches or anything like that at your site? Mr. Earl stated the following: No, not at this time. If we decide to do that, we would come back to the Board and ask for that. Currently we do have a commercial kitchen in the Town of Clifton Park. At some point we would like to relocate it to Halfmoon but that's not a consideration at this time. Mr. Nadeau asked is this just a distribution point? Mr. Earl stated yes, it is similar to Bobrow two doors down. Mr. Nadeau stated okay.

Mr. Ruchlicki made a motion to approve the change of tenant application for ACME Vending LLC. Mr. Higgins seconded. Motion carried.

**Old Business:**

**11.054 OB Garden Time, Inc., 1467 Route 9 – Commercial Site Plan & Sign**

Mr. Roger Keating, Chazen Companies, stated the following: I'm here tonight on behalf of Garden Time, Inc. I would like to update you on a revised plan that we have been working with the Town on. The project is located at the old Hair Hut facility along Route 9 near the intersection of Stone Quarry Road. The existing site is approximately 7-acres in size. Again, we are looking to keep the development in and around the area where the existing Hair Hut was previously operating. We are proposing to redevelop the front portion of the property for the sales of the sheds and gazebos that

Garden Time sells and they are looking to have approximately 2 full-time employees and 1 part-time employee at this site. The existing gravel parking lot that was there for the Hair Hut is going to be improved and expanded upon. The balance of the site improvements include clearing of the areas for the display of the sheds and gazebos. Also, we have been working with your Town engineer on the comments that he had regarding the site plan application and we have made some revisions to the plan based upon your comments and the Town's engineer's comments. One comment was in regards to the display of the sheds along the Route 9 corridor. Previously we had located a larger number of sheds along the Route 9 corridor there and what we have done is we have reduced that number of sheds in front along the right-of-way directly in front of where the Hair Hut is now. We also reduced the amount of clearing that we previously proposed. We had a large area of trees that we proposed to be removed going towards the corner of Stone Quarry Road and we've worked with the Town's engineer and we found that we could leave that area alone so we wouldn't necessarily need to have all that clearing in that area. Some of the other improvements that we worked out with your engineer was providing a paved apron to the Stone Quarry Road access so it would be approximately 30 FT in to the site. We have proposed some landscaping along the front of the property in and around that area that is for display of sheds. We have also provided some landscaping in and around the new proposed sign and there would be a large landscaped island that would go around the proposed sign. That area in the front of the property would be maintained more in a lawn condition verses what we had talked about previously. So, that area would be in a lawn condition and it would soften the look of the display of the sheds along the front. The one item of note is that the way we had it laid out before we would have had a lot of the sheds just lined up in a row in the front. We tried to kind of cluster those a little bit to make sure that all the orientations of the sheds would be forward facing so that the doors and windows of the sheds would be facing Route 9 so you wouldn't see the backs of the sheds. That was one of the things that we heard from the Board for us to work out. Basically, that's what we have made for the changes based upon the comments we heard from you folks and your engineer. We asked the Board to consider the project for approval and we would be happy to answer any questions. Mr. Higgins asked what is the right-of-way; it shows the paved area and then it shows the New York State Department of Transportation (NYSDOT) right-of-way that is approximately 23 FT? Mr. Keating stated the following: What we were trying to identify there was in regards to one of the comments that one of Board members had the last time, which was how far would the sheds be setback from the roadway. So, that line identifies the distance of the sheds from the right-of-way and also from the edge of pavement. So, from the edge of the pavement, you would have over 40 FT of distance from the edge of the roadway to the sheds and then you have approximately 20 FT from the property line to the sheds. Mr. Higgins asked is that going to be a minimum? Mr. Keating stated yes, that is how it is identified. Mr. Higgins stated it doesn't say that on the drawing as a minimum. Mr. Keating stated that is the intent. Mr. Higgins stated as far as the entrance onto Stone Quarry, it's going to be paved and then there is going to be a 20 FT wide gravel access and are you just assuming that it is going to be for customers and not for delivery trucks or anything like that? Mr. Keating stated that is correct and that is one of the items that we worked out with the Town's engineer. Mr. Watts stated you have to check with the Town's Highway Superintendent also to make sure that you get the appropriate permit. Mr. Keating stated yes, we will certainly do that. Mrs. Murphy stated the Board's approval should be conditioned upon the comments set forth in the Town's engineer's letter together with the proper permits for the curb cut. Mr. Higgins stated and the notes on the drawings for a minimum of 40 FT from the road pavement and a minimum of 20 FT from the property line. Mr. Watts asked are you proposing a freestanding and a wall-mounted sign? Mr. Keating state yes, that is correct. Mr. Watts asked the applicant to please advertise that they are located in Halfmoon.

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

Sign – Garden Time

Sign #1-Freestanding

Sign Size: 128 SF (64 SF per side)

Sign Dimensions: 8ft x 8ft (2)

Total Height: 12 ft

Sided: ☐ one-sided ☒ Two-sided

Location of Sign: at entrance off to Rt 9

Lighted: ☒ Internal ☐ Flood

Sign #2-Wall Mounted

Sign Size: 24 SF

Sign Dimensions: 2ft x 12ft

Sided: ☒ one-sided ☐ Two-sided

Location of Sign: On old Hair Hut building—Garden Time office

Lighted: ☐ Internal ☐ Flood—No Lighting

Mr. Nadeau made a motion to approve the commercial site plan application for Garden Time, Inc. contingent upon CHA's June 30, 2011 comment letter being addressed, a note on the plan stating the display sheds will be at a minimum of 40 FT from Route 9 pavement and/or 20 FT from front property line and a Town Highway permit is obtained for the curb cut on Stone Quarry Road. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application conditioned on no exposed neon and the freestanding sign is not placed in the New York State right-of-way. Mr. Berkowitz seconded. Motion carried.

**11.056 OB      Power's Irish Pub (Giffy's Inc.), 130 Meyer Road – Change of Tenant**  
**(formerly the Old Dublin Inn)**

Mr. Bryah Gifford, the applicant, stated the following: We are Bryah Gifford and Randy Gifford with Giffy's Inc., also known as Giffy's Barbeque. We are looking to take over the building, which was once the Dublin Inn and the Old Dater Inn and re-open as a family Irish pub. We have met with the Zoning Board of Appeals (ZBA) for a use variance in the Agriculture/Residential (A/R) zone and now we back before this Board to try and get an approval for opening up as an Irish Pub. We are back looking to open up as "Power's Irish Pub" and we would be open 6 days a week; Tuesday through Sunday. We would open at 11:00 am, our plan right now is to close the kitchen at 10:00 pm and we would keep the bar open until no later than 12 midnight on the weekends. We are looking to be very much of a casual family pub as with our other identity Giffy's Barbeque; we are all about families and kids. We have paper towels on the tables and we are very casual. We are looking to be very much of an Irish version of that and have a nice family Irish Pub. We're not looking for big bands, loud music, late night crowds or the college scene. We are looking for families and business cliental to come in and have a nice meal and a drink. Mr. Nadeau asked would you be utilizing the outside deck area? Mr. Bryah Gifford stated yes, we would utilize the deck in the summer with tables and umbrellas. Mr. Nadeau stated we have discussed the parking layout and that it is just a gravel lot and is there anyway of delineating the parking spots? Mr. Bryah Gifford stated the following: Yes, we discussed that and it does have to be lined so we know how many spots that there is going to be. There is supposed to be room for 58 spots there so we would line it so that way you could actually see where the spots are, see where the handicap spot is and make it look a little more organized because it is very unorganized right now being an open lot. Mr. Berkowitz asked would you have any entertainment on the outside deck? Mr. Bryah Gifford stated none whatsoever. Mr. Ruchlicki stated we had talked about the entrance on Farm

to Market Road. Mr. Bryah Gifford stated yes and right now we did label one-way in from Farm to Market Road. Mr. Ruchlicki stated the following: We're not really sure that that ever accomplished what we thought it was going to do. We had a discussion on this and what really happens there at around 5:00 pm or rush hour traffic is people come down the hill to the traffic light and they block the driveway and if it was an in, people coming from the traffic light up the hill, now they can't cross over traffic. So, I mentioned that perhaps we could put something there that says, "do not block drive". Mr. Bryah Gifford stated that would serve as a better purpose than the one-way sign. Mr. Ruchlicki stated right, I'm not so sure that it wouldn't be beneficial to have two-way traffic in and out of there. But when the traffic is heavy and there are people coming down, they stack up at the traffic light, now your entrance is blocked and people coming off of Route 9 load up waiting for a car to crossover traffic and they load back up into the intersection and that's when it gets crazy. Mr. Randy Gifford stated the following: How did that one-way sign get there to begin with? I spent 6 hours there today; tractor-trailers and school buses came in and turned around and that corner is so dangerous. Mr. Ruchlicki stated the following: Because of all of those issues and not understanding how to correct the issue at the traffic light when the traffic stacks up, that's where we decided on the one-way in. I know there was a reason why it couldn't be a one-way out because now everybody has to go all the way up Kennedy Lane to come in to get in there and we didn't want that. But people do use that as a thoroughfare and that is the worst of it. This past winter when we had a lot of snow, that wasn't plowed and the snow had to be a foot and a half deep and it wasn't plowed through that area that they use as a thoroughfare. A car came down in there, got stuck and they must have had 5 different vehicles trying to get it out of there and then I think another vehicle got stuck trying to get it out. Mr. Bryah Gifford stated I think your idea of "do not block drive" might clear that up. Mr. Ruchlicki stated just simplify it and make it that much easier. Is the width of that wide enough to allow two-way traffic in and out of there with the way the fencing is? Mr. Bryah Gifford stated it is wide enough but it would be tight. Mr. Nadeau stated maybe you could take that out and that would give you more room there. Mr. Bryah Gifford stated there is a line of pavement that goes down and then the other half is gravel. Mr. Ruchlicki stated make it simple to say, "do not block entrance" because it's all local traffic anyway and the people would realize it. Mr. Bryah Gifford stated yes, it is the same folks going up and down to their homes so hopefully they will catch on. Mr. Nadeau asked are you going to stripe the gravel? Mr. Bryah Gifford stated we would yes and you can paint over the gravel. Mr. Higgins stated the other lot that they built needs to be cleaned up. Mr. Bryah Gifford stated yes, that would be cleaned up as well. Mr. Higgins stated the following: On the approved site plan there was supposed to be a stockade fence around the dumpster and they never did that so that would need to be done. Also, as I mentioned at the ZBA meeting, regarding the St. Patrick's Day parties and all the traffic because if it says "Irish" people are going to come. Mr. Bryah Gifford stated the following: Of course and we'd rather be proactive with it and help control it because you're not going to avoid it. We've been talking about it since that meeting. Obviously you cannot avoid an Irish St. Patty's event because of this being an Irish nature. So, we would rather be proactive with it and have either rent-a-cops or pay for police officers to be there to help control the traffic. Mr. Watts stated in the past they had a tent and we were concerned about cars parked all over Route 9 and up and down the side streets. Mr. Bryah Gifford stated we are very familiar about the parking problems. Mr. Watts stated understanding that it's St. Patrick's Day too; we are concerned about what's the best way to not to have the parking problems. Mr. Bryah Gifford stated the following: But if we have somebody there controlling the traffic and telling people that they can't park there and to please drive down the road, then people are going to still fill it up somehow. It's has to be more controlled. Mr. Watts stated yes, we wound up putting signs up on the side street that say "no parking". Make sure that you check with our office when you are getting your plans together and we will work with you. Mr. Higgins stated the only item was the septic, which was discussed. Mrs. Murphy stated because you didn't have a map in front of

you that showed all those things that we talked about, you're going to just have to detail it in the resolution. I believe that included striping the parking lot, putting the cement barriers at the front of the lot of each parking space and making the entrance off of Farm to Market Road both an in and an out and signing it so that entrance is not blocked. The stockade fence is on the site plan and the do not enter is on the site plan. Mr. Higgins stated so the other entrance would be 2-way also on Meyer Road. Mrs. Murphy stated right now that is only a one-way out. Mr. Bryan Gifford stated that entrance is currently a two-way entrance. Mrs. Murphy stated I don't know how the Board wants that entrance but we should just make it clear on the record if you are okay with the way it is.

Mr. Nadeau made a motion to approve the change of tenant application for Power's Irish Pub conditioned on two way traffic allowed at the Farm to Market Road and Meyers Road access, a stockade fence enclosure is placed around the dumpster and the parking lot is striped with concrete parking barriers delineating the parking spaces. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the July 11, 2011 Planning Board Meeting at 7:42 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary