

Town of Halfmoon Planning Board

September 12, 2011 Meeting Minutes

Those present at the September 12, 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
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the September 12, 2011 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the August 22, 2011 Planning Board Minutes. Mr. Roberts made a motion to approve the August 22, 2011 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

Public Hearing:

11.095 PH Forino Subdivision, 14 Upper Newtown Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here tonight representing John and Donna Forino for a minor 2-lot subdivision. The parcel is located at 14 Upper Newtown Road. The Forino's request is to subdivide the overall Lot #3, which was created in 2007 into 2 parcels. Lot #3 would be consisting of approximately 12-acres and Lot #3A, which is located by the CP Rail tracks would be about 3.2-acres. That lot is being created around the existing barn and our request tonight is for the action of the subdivision. Mr. Watts asked if anyone from the public wished to speak. Mr. Darren Farrell, of 796 Hudson River Road, asked what are the future plans for this? Mr. Rabideau stated the future plans are for Mr. Forino to potentially run his business out of that barn. Mr. Farrell asked is this going to lean towards the esthetics of the same place up on Route 67 with scrap metal hanging out everywhere and it looks like a scrap yard? Mr. Rabideau stated no, because Mr. Forino is going to need a use variance and the use variance would require certain requirements of the parcel to make sure that the storage is inside. Mr. Farrell asked who is going to enforcement that? Mr. Rabideau stated the Town. Mr. Watts stated this is going before the Zoning Board of Appeals

(ZBA) for a use variance. Mr. Rabideau stated that is correct. Mr. Watts stated and then when the use variance is created, then they will come back to the Planning Board. Mrs. Murphy stated the following: Yes, they would have to come back to the Planning Board for site plan review. This Board does not control what the ZBA does; they may or may not grant a use variance. But, this Board would have the ability to control what is going on this site itself when it comes before the Board for operation. Mr. Farrell asked would I be notified once again when that happens? Mrs. Murphy stated the following: There will not be a public hearing for the site plan, so you would have to look at the Planning Board agendas. But, there will be a public hearing held by the ZBA so you would be notified if you are an adjoining property owner. Mr. Watts stated the ZBA meeting will be held on October 3, 2011. Mrs. Murphy stated the ZBA can put as part of their conditions on top of any restrictions that this Board sets. Mr. Farrell asked would the future usage of the top lot be used for a home and would there be engineering plans for storm drainage runoff? Mrs. Murphy stated at this point this proceeding is simply to divide the property into 2 parcels and it is not to approve any other use. Mr. Farrell asked would I be notified when that happens? Mrs. Murphy stated the following: It depends on what they are going to do there. I don't want to tell you "yes" because if they don't do another subdivision, then there wouldn't be a public hearing. So, I don't want to mislead you. If a developer was going to come in and put houses on the parcel, then you would be notified. Mr. Farrell stated I have relatives that live up on that hill and I don't want to see a mess down there at some point because I'm against it. Mr. Watts stated the following: When this comes before the Planning Board for a use, our Building and Code Enforcement Department rigorously enforce our zoning ordinances and our Planning Board approvals. So, if people throw things out there that they aren't supposed to, we enforce it. Mr. Farrell asked do you enforce stormwater runoff? Mr. Watts stated yes we do. Mr. Farrell asked how about diversion of stormwater? Mr. Watts stated that is not part of this, but yes we do. Mrs. Donna Monroe, of 26 Upper Newtown Road, which is next to this property. Mrs. Monroe stated the following: When you say that you are going to enforce the esthetics of this property and what he is going to be doing there, I live next to the walking path and I was told that that was going to be enforced as far as the Town watching over what was going on there. I have had to continuously make calls to the police department because there were people there after dark walking behind my house. So, when you say, "enforce", I'm not following that. Mrs. Murphy stated the following: Trespassing is a crime that is prosecuted by law enforcement and they have to make the arrest. The Town doesn't have the statutory authority to make an arrest based on a trespass and we rely on law enforcement for that. Regarding your questions in regards to outside storage; outside storage is pursuant to our Town Law and Building Codes. The applicant's have to be in compliance with the site plan approved and that is something that this Town does have authority over. Mrs. Monroe stated so the Town is not watching over what's going on the path next to me? Mrs. Murphy stated you would have to call the police and say that you have a report that there is somebody out there. Mrs. Monroe stated so, I would have to make the call? Mrs. Murphy stated yes. Mrs. Monroe stated I'm concerned when you say enforcement because I don't see a lot of enforcement going on down there. Mr. Nadeau stated in reference to that, as far as should the applicant get an approval for his business, the Town can enforce that and would enforce that; not so much as the park, trails and paths. Mr. Farrell stated the following: If this is going to be used for a business for cutting steel and ornamental steel and whatever he is going to do; how about noise? Does the Town enforce that or would we have to call the Sheriff's on that too? Mrs. Murphy stated the following: The Sheriff's won't enforce the noise ordinance because they don't have the proper equipment necessary to measure the decibels. So, if the Town were going to enforce a decibel noise ordinance, there wouldn't be staffing available. But, what the Town does do in an effort to control that is to say that he has proper hours of operation and if there is any noise occurring outside of

those hours of operation, then they would be cited. Mr. Farrell stated so, in other words, you cannot mow your lawn at 2 o'clock in the morning or cut or grind steel at 2 o'clock in the morning. Mrs. Murphy stated when there is a site plan in place that says your hours of operation for grinding steel are, and I'm making up the number, from 9:00 am to 5:00 pm; if you're grinding steel at 6:00 pm, you would be cited. Mr. Farrell asked would the Sheriff cite you? Mrs. Murphy stated no, that is the Town's authority. Mr. Farrell asked so would someone from the Town come to shut down the operation? Mrs. Murphy stated if a complaint were received, the Town come down and cite them and we have done so several times. Mr. Farrell asked would this Board cite them? Mrs. Murphy stated no, by our Code Enforcement personnel. Mr. Nadeau stated the people need to know that they can go to the ZBA meeting and that is where they need to make their statements. Mr. Watts stated the following: That is correct. Tonight is a public hearing on a subdivision and that is what we are here to talk about. Ms. Lori Stockdale, of 32 Upper Newtown Road, asked regarding the zoning of her property and what usage she could use it for and the Planning Department asked Mrs. Stockdale to contact them to assist her in her inquiry. Mrs. Murphy stated the following: This Board is just subdividing the big parcel into two parcels and the ZBA is the Board that is considering whether or not they should allow this particular use on this property. They are not changing the zoning. Mr. Watts stated the following: If and when this comes back before the Planning Board, all this information will be in our meeting minutes and we will be considering what we've heard tonight. We may decide to hold a public informational meeting. Ms. Stockdale asked what is considered C-1 Commercial? Mrs. Zepko asked Ms. Stockdale to leave her contact information and she would email her a list of all the permitted uses. Mr. Monroe stated Mr. Forino had contacted me about his proposition and I'm concerned about the zoning change. Mrs. Murphy stated the following: Mr. Forino is applying for a use variance to be allowed to operate a machine shop on that property. It's not like a zoning amendment that changes the property from one zoning to another zoning. It says that he could operate his machine shop under these particular circumstances. That is happening in front of a different Board, so you may want to ask them that same question. I'm the attorney for the ZBA as well and it doesn't open it up for particular uses, it says that he can operate a machine shop. Mr. Monroe asked so if he sold the property and moved away and someone wanted to buy his property, does it then go back to Residential or is it still zoned Light Industrial for another type of business to go in there? Mrs. Murphy stated the following: It doesn't change the underlying zoning; it changes his particular use. So, if somebody came in and wanted to operate a machine shop within a 2-year period, they could do so. If they waited more than 2-years, it would go back to A-R, Agricultural-Residential. Mr. Monroe stated but what if they wanted to operate something else? Mrs. Murphy stated they would have to start over with the process. Mr. Monroe stated if the property across the street is zoned Light Industrial right now and there's no business on it per say for 2-years, does it change back to a different zoning? Mrs. Murphy stated the following: If it zoned Light Industrial, it's zoned Light Industrial forever unless there is a local law amending the zoning ordinance for the Town of Halfmoon. The property is currently zoned Agricultural Residential and we don't know about the property you are referring to. Mrs. Zepko stated the property he is referring to is Light Industrial. Ms. Lillian Hamel, of 63 Upper Newtown Road, stated the following: Mr. Forino bought that piece of property as is; knowing that the barn was there and that it used to be a farm. I think that being that it's all residential on that side, I don't want Light Industrial going in there. I have lived there for 25 years on that road and he used to live on the other road and he should have stayed there. Mr. Watts stated the following: Let me reiterate. That statement that was just made should be made on October 3rd to the Zoning Board, not the Planning Board. Tonight is just to say that they want to subdivide a parcel out. Ms. Hamel stated but not for residential; he wants to put a business there. Mrs. Murphy stated we are not making that determination. Mr. Watts stated Mr.

Forino has to go to the ZBA for the meeting, which is scheduled for October 3rd for a public hearing. Ms. Hamel asked is he dividing his parcel into equal parcels? Mr. Forino is proposing to cut out a 3-acre piece for the potential business and the rest of the property would remain Agricultural-Residential. Ms. Kim Defelice, of 36 Upper Newtown Road, stated so anyone can request a subdivision and it just goes through? Mr. Watts stated the following: Yes, anyone can request a subdivision as long as it meets our requirements. That is all that we are doing here tonight and that's it. I recognize your concerns and issues but this is not the Board you want to ask those questions to. Mr. Watts closed the Public Hearing at 7:22 pm. Mr. Higgins stated the following: We did mention to the engineer at a previous meeting that this subdivision is just that; strictly a subdivision of 2 pieces of property. If the ZBA does not decide positively for this applicant's application, he is still going to end up with 2 separate pieces of property here. The applicant realizes that, he knows that and he decided to go ahead with the subdivision. So, regardless of what happens on October 3rd the applicant still has 2 separate pieces of property if this Board decides to approve this subdivision this evening.

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

New Business:

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

Mr. Tom Lewis, of Stewart's Shop Corp., stated the following: The last time we were before the Board I showed the Board option #1 and option #2 for the proposed commercial site plan. We are asking the Board to accept option #2 because we think it is substantially better. Option #1 required multiple variances and we weren't able to meet the 70 FT frontage. We were asking for 30 FT of frontage, which required a 40 FT variance. What we're asking for is to have double parking in the front and the building would be a little further back. This is a substantially better and more compliant plan. This way we would only need one 8 FT variance as opposed to where the first time we would need a 40 FT variance and we would need an additional 15 FT variance for the canopy. How this all happened was that I had asked our designer that when I go to the Zoning Board of Appeals (ZBA) I'll have to show them why we aren't able to meet the code. So, show me the window of build ability and show me why you can't do it. So, we're hoping this Board is okay with just sending us to the ZBA on October 3, 2011. This way we would need an 8 FT variance for the top of the canopy. It would be the southeast portion of the canopy. Mr. Ouimet stated it looks like it would be one corner of the pumps also. Mr. Berkowitz asked has there been any thought given to moving the Plant Road entrance a little bit more because that eventually T's-off to line up with that. Mr. Lewis stated the following: A lot of thought has been given and I understand why you are asking. Mr. Berkowitz asked so is it possible? Mr. Lewis stated we could go inches but if this is a T, then this doesn't work anymore. So, we're hoping that this Board will let us go to the ZBA asking for less of a variance. Mr. Ouimet asked how do you anticipate the tanker trucks flowing through the site? Mr. Lewis stated if we get past the zoning; I'll show you the tanker movements and the vehicle movement. Mr. Berkowitz asked would they be using Plant Road for that? Mr. Lewis stated no. Mr. Berkowitz asked would there be any deliveries off of Plant Road. Mr. Lewis stated the following: The answer is no and I would tell them that they can't because it doesn't make sense. Mr. Berkowitz stated yes, but if they are coming from the south, they could cut through Plant Road and go that way. Mr. Lewis stated we would be happy to restrict that. Mr. Higgins stated I think Mr. Berkowitz is saying not just the fuel trucks; he is also talking about the small delivery trucks. Mr. Lewis stated we would restrict all delivery trucks entering the site from Plant Road. Mr. Ruchlicki stated the following: I rarely go to that particular store, but I had an

occasion where I did stop in there about a month ago and I never realized the condition that existed at the location of the pumps. In looking at what you have now; even with an additional pump in that line, that would be a thousand times better than what it is now.

Mr. Roberts made a motion to deny the commercial site plan application for Stewart's Shop #127 on the basis that the proposed gas canopy does not meet the front yard setback established for Plant Road. Mr. Berkowitz seconded. Motion carried.

11.099 NB B & M Beyer & Macali CPA's PC, 306B Grooms Road – Change of Tenant

Mr. Thomas Babcock, owner of the property located at 306B Grooms Road, stated the following: I'm here tonight to request the Board to approve a change the tenant that we recently had in the building; Swan Concepts. Mr. John Swan had to relocate their offices and we would now like to have a CPA practice, which would have 2 principals in it and they are currently located in a small office in Clifton Park and also in Saratoga Springs. They would like to relocate their business down to Exit 8A in our office building. It's something that has taken 6 years now since we developed the project and we have always wanted to get another professional practice into my building and we are really excited about it. Basically, the use of the building hasn't changed in any way, shape or form. It is still professionally oriented. There would be 2 principals there on a daily basis with 2 full-time employees. They would be seeing small business and personal clients on a daily basis. I believe their hours of operation would be 9:00 am to 5:00 pm and we also have those same hours of operation. Mr. Berkowitz asked would you like to add Saturday and Sunday for tax season? Mr. Babcock stated the following: Not Sundays, but possibly Saturdays during tax season. I would like to thank the Board for allowing us to set up our practice 6 years ago and I'm one happy business owner. Mr. Roberts asked are you planning on having any signage? Mr. Babcock stated I will have to come back to the Board for a sign to placed on our current moniker.

Mr. Roberts made a motion to approve the change of tenant application for B & M Beyer & Macali CPA's PC. Mr. Ruchlicki seconded. Motion carried.

11.100 NB Youthful Trends, 1410 Route 9 (Garden Gate Plaza) – Change of Tenant & Sign

Mr. Wayne Perry, the applicant, stated the following: We currently are operating Youthful Trends located at 222 Guideboard Road back in March. Since that time, we took over an existing tanning salon there and we upgraded the services, upgraded the facility and have been operating in 1,100 SF of tenant space. Thankfully the business has grown so much and our client's have tripled. We now have an opportunity to expand into a location that is about 2,500 SF at 1410 Route 9 next to Garden Gate Florist. This site has 3 more parking spaces than we have at 222 Guideboard Road. Also, there are 2 entrances on Route 9, which will be much easier to get in and out of the site than the 1 entrance at our current location. We are taking over the center of the building that has 2,500 SF. We are moving our partitions, our tanning beds, our high-tech light therapy that we do for skincare and pain management and our natural skincare and makeup over to the new location. We presently also do; as many tanning salons do, healthy smoothies and that sort of thing. What we want to do is to expand; with the new room that we have, and add a modular smoothie bar that is larger and add fresh homemade paninis, wraps, and sandwiches and things toward the healthier side of food. It would be simply take-out and we're not just catering to our customers, but for all customers up and down Route 9. We are concentrating on just breakfast and lunch deliveries with local produce, local dairy products, light-fare and that sort of thing. We would have no fryers, no

cooking and that sort of things. It's all light-fare and we have already submitted applications with the Health Department because with a tanning facility and food you have to do two separate applications with them. The building already has a back area that's really just a shell and already would serve as a perfect kitchen. We would just have to add 4 sinks that the Health Department asked for. We're already set-up for a public restroom on one side and an employee restroom on the other side. We are having a professional company come from Connecticut to move all our tanning beds and reinstall them. Everything is being overseen by professionals and there would be no major building renovations. We would be moving our partitions, shelving and products and we just want to expand what we currently have and make it safer and easier for our customers to get in and out of the site. The other good thing is that the florist really doesn't do a lot of walk-in retail because it's mainly delivery and the hair salon is closed on Sundays and Mondays. Our current location is in between Pizza Inferno and Mr. Subb in a smaller location that's really difficult for people to get in and out of. We think this is going to be good for everybody all the way around. We would like to replace the existing sign underneath Garden Gate Florist on the freestanding sign and it would be same exact size as the existing sign, which is 45 inches x 54 inches, two sided and flood lit. We are proposing to utilize half of our current lighted acrylic sign that is 2 FT x 18 FT. We would install a new light box sign that would now be 2 FT x 10 FT and it would be wall mounted and internally lit. Mr. Roberts asked would there be any exposed neon on your wall-mounted sign? Mr. Perry stated no, it would be a basic light box with fluorescent bulbs with acrylic that goes over the top of the sign.

Mr. Roberts made a motion to approve the change of tenant and sign application for Youthful Trends. Mr. Higgins seconded. Motion carried.

11.085 NB New Country Porsche, 205 Route 146 – Addition to Site Plan
&

11.101 NB New Country Porsche, 205 Route 146 – Sign

Mr. Dan Tompkins, of the Environmental Design Partnership, stated the following: On July 25, 2011 I was before the Board on a application and it was rejected based on a front yard setback issue. We've revised the site plan and we revised the application and we've now worked out with Porsche a design where the showroom's front wall stays right where it is. There is a slight bow to the façade and that bow does not violate the setback beyond the existing condition. So, we are not set on the issue. Additionally, a comment was raised about the handicap parking that we were proposing along the front not being covered by an adjacent canopy. We have talked with the owner and the owner has talked to Porsche and we've extended the canopy northward. The purpose of the canopy is to shelter a couple of cars that would come in for a service write-up and now it would also shelter the one handicap space as proposed. Everything else is consistent with the previous application. A re-alignment of the parking spaces in one area has been widened to 10 FT and other parking spaces have also been widened to 10 FT. Since I was before the Board in July, the sites fully transitioned to only Porsche. The Buick and GMC has been sold off completely and you will notice a marked reduction in the amount of vehicles that are on the site. In the information packet that I gave you there is a building elevation and you'll see that it says "Porsche" on it and then also "New Country". Previously we had "Clifton Park" and we talked about that. New Country would like to proposed a "New Country" that would be the final wall sign that would need an approval. The "Porsche" sign was approved, as was the freestanding sign, which has also since been installed. The sign face area is comfortably well within the allowable overall signage area so there is no variance issue about that.

Mr. Berkowitz made a motion to approve the addition to site plan and sign application for New Country Porsche. Mr. Roberts seconded. Motion carried.

11.102 NB Gendron's Truck Center Pre-owned, 1534 Route 9 – Change of Tenant & Sign

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

**11.103 NB Islamic Center of Saratoga, 1602 Route 9 – Change of Tenant & Sign
(formerly Parkway Music)**

Mr. Ashar Ata, the co-applicant, stated the following: I'm here tonight to represent the Muslim community in the Town of Halfmoon and the neighboring communities. As Muslim's we are obligated to pray in a congregation 5 times a day. The Muslim communities living in this area now have to travel quite a distance to Troy, Schenectady and to Albany. We are proposing to rent a place at 1602 Route 9. Mr. Kevin Murphy owns the property and we are proposing to occupy the basement of the building previously occupied by Parkway Music. We would be using the space for our 5 obligatory prayers. One of our prayers would be held before sunrise, two would be after sunset; one during the middle of the day and one towards the end of the day. Each prayer time would be about a half hour to an hour. This would be the only place for congregation for the Muslims living in this area on the northern side of the Capital District. Mr. Watts asked is Mr. Kevin Murphy present tonight? Mr. Ata stated no he is not. Mr. Watts stated I had written Mr. Murphy a letter and attempted to contact Mr. Murphy on various occasions to notify him that the parking lot is not striped. I wrote Mr. Murphy a letter on September 2, 2011 after attempting to contact him indicating, "as you know, in the past we have advised you of the need to improve your parking lot. We visited the site and still notice (1) the generally poor condition of the lot – i.e. potholes – bumpy pavement and (2) a total lack of parking lot striping delineating the parking spaces. Your approved site plan shows the delineated parking spaces. Prior to the Planning Board entertaining a request for a change of tenant, we would like to know what your plans are to improve your parking lot area. We have had some issues in the past with cars parking on Route 9 and adjoining properties and improvement of the lot should help to alleviate these issues. We also ask that you look at lighting improvements as well." I thought Mr. Murphy would be here tonight or would contact us with a response to my letter that I sent to him. Be that as it may; we are still entertaining your application. Mr. Ata asked so these are the things that Mr. Murphy would need to address. Mr. Watts stated yes and there is a business in the rear of the property that is quite active and the parking needs to be addressed. Mr. Roberts stated I have no problem with the use but I am concerned about the possibility of using that "domestic speaker system". Mr. Ata stated the speaker system would be inside the building just like this meeting room's speaker system and all our activities would be inside the building. Mr. Berkowitz stated your write-up stated that the group is about 12 families. Mr. Ata stated the following: The size of the congregation could vary from 2 to 20 people. We would restrict the number of people to any of your limitations or laws that you cannot have more than a certain number of people per your fire regulations. We would stick to your limitations and we would not over populate it. Mr. Berkowitz stated the business in the back of Mr. Murphy's building is a bar/billiard hall. Mr. Ata stated yes, we know that. Mr. Berkowitz stated and they are quite busy at certain times of the days and weekends and I don't know if your prayer services would overlap with that. Mr. Ata stated like I said our operating hours would be held before sunrise, two would be after sunset; one during the middle of the day and one towards the end of the day. Mr. Berkowitz stated I'm not worried about the morning hours; I'm worried about your evening hours. Mrs. Murphy stated this particular section of this building has 20 parking spots designated for this building alone. Mr. Williams stated the following: You mentioned that

you were going to be in the basement or the lower level of the building. So, the upper portion of the building would be vacant and another business could move into that space and that tenant would also require some of the parking area. Mr. Watts asked what would your guess be of the total number of people/cars that would come to one of your prayer meetings? Mr. Ata stated the following: I don't know. Before I give you a number, I will have to get that information for you. I think it might be about 12 cars. Mr. Nadeau stated so would that be 36 people with 3 people per car? Mr. Ata stated yes, I will say 36 people without counting. Mr. Roberts stated what is your final goal of people going to this site? Mr. Ata stated our final goal; right now it's just these 10 to 12 families and it would be open for everyone. Mr. Roberts stated if you find that you have so many people coming, you would have to find another place. Mr. Ata stated we have plans that if the size of our congregation increases, then we would look for another place or maybe rent the whole building. Mr. Roberts stated so you are saying 12 vehicles for now. Mr. Ata stated yes. Mrs. Murphy stated and you're okay with the limit of 12 vehicles. Mr. Ata stated yes. Mr. Saad Khan, the co-applicant, stated the following: Actually 12 vehicles are the maximum number that we would ever get to and that is our total right now. In a normal congregation, we would have a maximum of 4 to 5 vehicles so it shouldn't go above 12. There may be rare circumstances where that number of vehicles could go up and it might be around 12. Mr. Watts stated the following: That is typical with places of worship and we don't build the parking lots for holidays and we would have liked it if Mr. Murphy came in tonight so he could hear this too. You can relay the information to him and we will try to contact him also. Mr. Higgins stated the following: Since they are only renting half of the building and since, as Mr. Williams has said, there are 20 parking spaces allocated for the entire building, this applicant is only going to utilize 12 spaces. Now the owner of the property is to be limited on what he can do in the upstairs portion of this building. Mr. Murphy should be here tonight or we should get some kind of an acknowledgement from him that he realizes that he is going to be limited upstairs. Mr. Watts stated we could give an approval based on conditions. Mr. Higgins stated okay. Mr. Nadeau asked what is the occupancy of the building? Mr. Williams stated before they can open the doors, our Code Enforcement people would have to do a fire inspection and at that time they would determine the maximum occupancy. Mr. Berkowitz asked would there be anyone there full-time? Mr. Ata stated we wouldn't have anyone there full-time; only the 5 times a day that I previously mentioned for prayers. Mr. Berkowitz asked would there be an office where someone is there full-time; like an employee answering telephones. Mr. Ata stated as of right now, there is no designated office. Any contact person is one of us. Because we have families, like most places of worship have; we might have a lunch or a dinner. Mr. Williams stated our ordinance states for a place of worship we would need 1 parking space for every 3 seating spaces. If we allotted 10 parking spaces for this use, it would allow a maximum of 30 people be in attendance, which is close to what the applicants are asking for. Mr. Watts stated so if we give them 12 parking spaces, then there would be 8 parking spaces left for that building. Mr. Berkowitz asked how many family members are there? Mr. Ata stated we never counted. Mr. Higgins stated but the applicant should be aware that the fire code will post the legal number of people that can be in that area. Mr. Ata stated we don't plan on going over that number of people. Mr. Roberts stated as far as the parking goes; whatever happens, we cannot have anyone parking out on Route 9. Mr. Ata stated yes. Mr. Higgins stated since the previous approval stated that the parking lot was supposed to be striped, I suggest that if we decide to grant a contingent approval, it be contingent upon the parking being striped. Mr. Ouimet stated the following: The Planning Department's write-up stated, the applicant needs 15 parking spaces to operate their services. Then it says the site plan depicts 64 parking spaces for 3 separate buildings. There is room for 7 parking spaces in front, 6 parking spaces on the side and 5 in the rear and that is 18 parking spaces. They would only be occupying the lower portion of the building. Mr. Williams stated there

are 2 things: (1) I didn't know that they were only utilizing the lower portion of the building and (2) we looked at the site plan and I just wanted to say what parking was in the vicinity of the one building because there is parking all the way around the 3 buildings. Mr. Berkowitz stated the site plan shows 68 parking spots, not 64. Mr. Higgins stated and Trick Shots has 40 allotted for that building. Mr. Ouimet stated the following: In any event, it seems to me that there is clearly going to be some overlapping given the frequency of the proposed use. Are we limiting our discussion to 18 parking spaces? We should probably just consider 18 parking spaces, if that's the number, for both the lower level and upper level of that building. If in fact, we approve the use and the number of parking spaces they proposed to use, which is well within the allotted number, that leaves like 2 or 3 spaces for the rest of the building. I think we need to be clear that that's all we are going to be playing with later on if they come in for another use for the upper floor. The frequency of this proposed use is going to be everyday for the entire day except for the late evening hours. Mr. Ata stated another thing that I would like to add is that in the mornings, we all have work and we don't work nearby the place. So, most of us will not be praying at this site during those 2 times that fall within the noon and the afternoon time. Mr. Watts asked what is the latest time that people would be there? Mr. Ata stated the following: I would say about 10:00 pm to 11:00 pm because the last prayer times goes up to 10:30 pm. In the month of Ramadan in the summer we would have some night prayers and once the time changes in the winter then it would be around 9:00 pm or 10:00 pm. Mr. Watts stated the following: The issue we have is that this is a multi-use plaza and the locksmith is gone by 5:00 pm so cars can park over there. That is how Trick Shot's is operated. I'm just trying to get the owner to stripe the parking lot so it's not a free for all. If it were a busy time, it probably wouldn't conflict with the other things that go on at Trick Shot's. The crowd at the locksmith is pretty steady and they probably have 4 or 5 cars parked there. I'm looking at the entire site with the parking. Mr. Nadeau stated once you rent this space out, you're leaving yourself X amount of parking. Mr. Higgins stated even if this applicant decided to rent the upper level, you are limited because of the parking of the number of people that you are going to be allowed on the site. Mrs. Murphy stated if you have people parking on Route 9, then that's going to be a problem. Mr. Ata stated I understand.

Mr. Roberts made a motion to approve the change of tenant and sign application for the Islamic Center of Saratoga condition on no outdoor speaker system being used, 12 parking spaces being allotted for this use, no parking is allowed on Route 9 and the parking area needs to be striped by November 1, 2011. Mr. Berkowitz seconded. Motion carried.

11.104 NB 1589 Route 9 Grocery/Retail, 1589 Route 9 – Concept-Commercial Site Plan (formerly Phelan Brothers Caterers)

Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight for the proposed 1589 Route 9 specialty grocery and retail building. The overall parcel is 1.77-acres and it is located on the eastside of Route 9 just opposite of Sitterly Road. The former use on the parcel was the Phelan Brothers Catering House and that building has been demolished. There is an accountant's office to the north, a gas station to the south and vacant land to the east of the parcel. We have looked at the parcel as far as wetlands and there are wetlands in the rear portion of the parcel. There is a strip of New York State Department of Environmental Conservation (NYSDEC) regulated wetlands through there, and there is also one small Army Corp. of Engineers (ACOE) finger off of that wetland. The applicant is proposing a specialty grocery store and retail space. About 6,000 SF would be allocated for the front portion of the building for the proposed specialty grocery and the rear portion of the building is proposed for another 6,000 SF that would be available for flex retail space and at this time they do not have an applicant for that space. As

far as the access to the site, we are showing the location hinging off the existing access point. The existing building does have two access points and we are hinging off of the northern access point. I would like to mention that there is a 60 FT right-of-way on the southside of the parcel located on the Hess property that could be used for a potential future extension of Sitterly Road and we have accommodated a potential access point onto that right-of-way. We are proposing 71 parking spaces; 60 parking spaces for the square footage and another 11 parking spaces for employees. We would work with the Planning Board to bank a number of the parking spaces as we hopefully move forward with the planning process. There would be public water to the site and there is an existing main on the eastside of Route 9. Sanitary sewer would be extended from the Sitterly Road area and stormwater would be managed on site. They are also proposing an outdoors dining area associated with the specialty grocery store and then loading would be in the back portion of the parcel. We do have ample access for a tractor-trailer around the building and a loading dock in the back portion of the building. There would be dumpster located in the back and we do have a rendering showing what the flavor of the architecture that the applicant is proposing for the structure. The main focus of the building is on the corner by the entrances on the southern side of the building. We are here tonight to present the concept to the Board and to get some initial comments from the Board and to hopefully move forward to preliminary engineering. Mr. Ouimet asked where is the traffic light? Mr. Lansing showed the Board where the traffic light was located. Mr. Ouimet asked is the traffic light more lined up with the 60 FT easement? Mr. Lansing stated yes it is. Mr. Watts asked what sewer line does the sewer go to? Mr. Lansing stated the following: It is the Saratoga County Sewer District and I did go out there today to look at the manhole covers and they are Saratoga County Sewer District covers and they have sewer on Corporate Drive. Mr. Watts stated I think it is a private sewer on the other side, which has some issues and I wanted to make sure where the sewer would be coming from. Mr. Lansing stated we are going to the Saratoga County Sewer District. Mr. Watts stated okay. Mr. Nadeau stated could you explain the seating area where you are going to have a restaurant type of thing. Mr. Lansing stated it's isn't really a restaurant, it's more of an area where someone goes into the store and buys some of the specialty groceries and it's a place outside where they can sit and eat one of their specialty sandwiches or something of that nature. Mr. Nadeau asked so is it like a deli inside? Mr. Lansing stated yes there would be a deli and they would have fresh foods and fresh meats and things like that. Mr. Watts asked would there be an eating area inside? Mr. Lansing stated I'm not sure of the plan for the inside of the building because we haven't got that far yet. Mr. Nadeau stated okay because that could change a lot of the criteria. Mr. Lansing stated I will make a note of that. Mr. Roberts stated we would need to know how many seats would be inside and outside. Mr. Watts stated yes and the use. Mr. Ruchlicki asked is there going to be curbing there? Mr. Lansing stated no curbing. Mr. Ruchlicki stated the following: I know it's early in the development but the concept of what the building is going to look like; is it possible that it would really look like that? It is a real fresh look to me and I think in that area it needs something like this and I like it. Mr. Lansing stated I like it too and it is something that the applicant has worked with the architect on and Lansing Engineering has no involvement in that. SCI Architects is the group that the applicant is working with and it is something that he sat down and developed in the initial stages and this is what he would like to do. Mr. Ruchlicki stated it is very nice. Mr. Watts stated all of it looks pretty positive.

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

11.105 NB Halfmoon Auto Center, 1627 Route 9 (Clifton Park Auto Body) – Sign

Mr. Joe Moffre, the owner of Clifton Park Auto Body, stated the following: I have been before the Board for the approval of the used car use before and that is what the Halfmoon Auto Center signage is about. This would now distinguish the two businesses. It is still the same business. I inherited the Clifton Park Auto Body name when I bought the business. Not that there is anything wrong with it but it's not a good name for a used car business in my opinion. Not that we sell bad cars but I think people would feel more comfortable making a purchase from a place called Halfmoon Auto Center and it ties back into Halfmoon, which is where we are located, it's where I live and where I've been for 20+ years and I like the name. We are proposing to add a box to the existing sign box. Currently we have a 4 FT by 8 FT sign and we are looking to add a 2 FT x 8 FT box to the top of that sign and it would be lighted. Esthetically it is the same thing that it currently there and its just going to make the sign 2 FT higher and it would say "Halfmoon Auto Center". Some of the verbiage on the Clifton Park Auto Body sign will change a little but Clifton Park Auto Body would still be on the sign and it still operates out of the same building and the Halfmoon Auto Center is the used car portion out of the office, which is actually 1625A Route 9. This Board approved the whole concept when I originally came in and we just put everything through as Clifton Park Auto Body. Mr. Watts stated you run both businesses. Mr. Moffre stated yes I run both and I own both businesses. Mr. Watts asked so is this just a sign application for a change of name for the business? Mr. Moffre stated more of less; yes, that's what it is and I would use both names. Mr. Watts stated the left side is the Halfmoon Auto Center and on the right side it is Clifton Park Auto Body. Mr. Moffre stated yes and that's how it shows on the site plan and originally that's how we set it up on the site. Mr. Watts asked have you fixed up the parking lot? Mr. Moffre stated the following: We are in the middle of that. The main entrance and the main used car lot have been paved. I think around September 26th they will be coming in to do the other half in front of the body shop area. It's all in compliance with my site plan and it will all be striped and delineated as per the approved parking plan. Greenspace is going in now with foliage, etc. In addition to that I'm very pleased that Affordable Homes has decided to relocate and now they are up the road. So, now you can actually see the place. That parking lot and that whole area is also being paved. All the paving, landscaping, lighting and poles are being paved in the next couple of weeks. All the paving would be on my side and the other side. They are going to re-top the whole section and get it totally cleaned up. Mr. Moffre stated I believe Mr. Cummings has a potential tenant for the Affordable Homes location. Mr. Higgins asked does the site have adequate drainage? Mr. Moffre stated the following: That place has full drainage. When that place was originally set up 25 years ago, it had a complete sewer system underneath. I have storm drains and everything runs right into the storm drains. That was well designed and all the infrastructure was done properly. Mr. Higgins asked did the original site plan show that it had two separate businesses? Mrs. Zepko stated yes. Mr. Moffre stated the following: The original site plan was two different businesses. When we came in, we took the front business and called it Clifton Park Auto Body Used Car Sales at that point. So, now we are just changing the name. Mr. Ouimet asked is the impound lot still there? Mr. Moffre stated no, it has been gone a year since this past January. Mr. Watts stated so, you never got into the impound lot. Mr. Moffre stated no, it was more of a headache than it was worth the time.

Mr. Roberts made a motion to approve the sign application for the Halfmoon Auto Center. Mr. Ouimet seconded. Motion carried.

11.106 NB Weichert Realtors, 1683 Route 9 (St. John Plaza) – Change of Tenant & Sign

Mr. Ed Esposito stated the following: I'm here tonight representing Bast Hatfield for a change of tenant and sign application. This is the last vacant space in St. John Plaza, which was formerly Hoff Jewelers. Weichert Realtors has 3 full-time realtors and 9 part-time employees. The part time realtors work mostly out of their homes and visit the office only periodically. It would not have a big impact on the existing parking area. They also submitted a sign application to just replace the Hoff Jewelers sign with a sign identifying their realtor business. The sign would be 32 inches x 65 inches, wall mounted, one-sided and internally lit. Mr. Watts stated so the plaza will now be full with this proposed tenant. Mrs. Zepko stated yes. Mr. Watts stated it is good to see the businesses are doing well in this town.

Mr. Berkowitz made a motion to approve the change of tenant and sign application for Weichert Realtors. Mr. Roberts seconded. Motion carried.

11.107 NB B.W.D. Steel, Inc. (D.B.A. B.W. Steel), 864 Hudson River Road – Addition to Site Plan

Mr. Joseph West, the applicant, stated the following: We are proposing to build a 24 FT x 44 FT fabricated building to use as an office in the Allco Industrial Park where we are currently located. Currently we have a 20 FT x 20 FT office area in one of our buildings that we can't keep clean. It's not professional and we can't bring people there. Not only that, anybody that visits site; salesman, auditors and insurance people have to cross through our shop to get to our office and it's just not safe. We do some steel fabrication, welding and whatnot there. So, we would like to build a small pre-manufactured home, much like the one you did by the Town's Senior Center. It would be very similar to that and it would be tucked in between the two buildings on the site that we currently own. We just want to be a little more professional and be able to bring people there without worries of safety concerns and things like that. Mr. Watts stated this application was referred to the Saratoga County Planning Department and asked Mrs. Zepko if everything was all set with this application. Mrs. Zepko stated yes. Mr. Higgins asked is this going to be strictly an office? Mr. West stated the following: Yes it would be strictly an office and it would meet the handicap and commercial building standards. Serenity Homes has quoted us a building that would meet all of the commercial building codes as well as interior handicap access for the bathroom. We would have to furnish the exterior with ramps or anything like that. Again, it would strictly be used for an office and it would have an area where we could have a conference. Currently we cannot even roll out a set of prints and look at them right now in the office that we have. We have 3 people crammed in there and it's terrible and because it's attached to our shop, we can't keep it clean. We could have a cleaning person come in there twice a day and it still would be filthy. Mr. Higgins asked is the upstairs going to be utilized? Mr. West stated it is just going to be a single story building. Mr. Higgins asked is there going to be a basement? Mr. West stated we would like to put a full poured wall in but we would be open to whatever the Town would limit us to. Mr. Higgins stated if there is a basement and if you would be utilizing that as office area also, it would make a difference as far as the parking. Mr. West stated the following: If we do have a basement, we would strictly be using that area for storage of records and things like that. We did propose a full basement in the original plans. Mr. Higgins stated the plans show a deed line going up through the center of the property. Mr. West stated the following: That was just a line that the surveyor put in because we purchased the property to the north. We originally had a parcel there and we purchased that from Mr. Jim Niles.

Mr. Berkowitz made a motion to approve the addition to site plan application for B.W.D. Steel, Inc. Mr. Higgins seconded. Motion carried.

Old Business:

02.143 OB Sandy Rock Subdivision, Dunsbach Road – Major Subdivision

Mr. Steve Lamb, Professional Licensed Land Surveyor, stated the following: They last time that I met with this Board we had two things to do. We needed to get the Federal wetlands permit, which has been obtained. In order to comply with their requirements we had to slightly move the road a couple of feet. Then we went to the New York State Health Department (NYSDOH) and they required about 20 more test pits for the septic systems and so forth. Also, there is an additional right-of-way for the location of the waterline on Lot #5 where there would be an additional easement to the Town. We now have complied with everything. Mr. Watts asked Mr. Bianchino if everything had been reviewed. Mr. Bianchino stated we originally signed off in 2007 and we were all set. Then as they went through the process with things that had come up, which Mr. Lamb made us aware of, we reviewed those comments and I sent Mr. Williams an email saying that we were fine with everything that has been done. Mr. Lamb stated everything is done and we have all the paperwork, as does Mr. Williams. Mr. Watts stated okay. Mr. Higgins stated the following: On the north side I know it says the Lands of McDonald and Fiden and they were here several times and there were some comments made about an easement to grant them access off of the road. Also, there was an agreement as far as screening, a berm and all that. Has all of that been settle and is it in writing? Mr. Lamb stated as far as I know, yes. Mr. Ray Dahoda, the applicant, stated to the best of my knowledge we changed the road a little so the screening becomes a little less important but it is there. Mr. Lamb stated the following: The easement is going on to a Town road and they will not cross the Lands of Dahoda. I think that is up to you guys or somebody to approve and I don't see any issue. Mr. Higgins asked so does the Town road actually goes right up to the property line? Mr. Lamb stated yes it does. Mr. Watts asked Mr. Bianchino if everything is all set. Mr. Bianchino stated yes. Mr. Higgins stated the following: Okay, as long all of that has been taken care of and it is in the minutes that it has been taken care of. So if there is a problem in the future, they can come back and do whatever they need to do.

Mr. Ouimet made a motion to grant final approval for the 19-Lot major subdivision application for the Sandy Rock Subdivision. Mr. Ruchlicki seconded. Motion carried.

11.003 OB Falcon Trace Lot #2, Fellows Road – Amendment to PDD

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: We are here tonight for the site plan for Lot #2 of the Falcon Trace Planned Development District (PDD). This parcel is located on the easterly side of Fellows Road and about 800 FT south of Upper Newtown Road. We have 2 maps; one of the entire parcel and one for a site-specific area that we are going to be changing on the lot. They want to build a 3,200 SF maintenance shop to store and maintain construction equipment. This use was approved by the Town Board with an amended PDD to allow construction of the maintenance repair shop and the storage of large construction equipment on this lot. It is setup so that it is very secluded so there is no issue with sight. They are proposing a berm, which they already have in place, for screening in the front and in another area they are leaving it wooded. There is an elevation change of about 20 FT so there would be good screening there and in the back there are Federal wetlands. We're keeping the site very concentrated to stay under the acre disturbance as defined by the dash line and this shows that only a portion of this lot is actually being used. Mr. Nadeau asked is this for Mr. Tanski's construction company? Mr. Rabideau stated yes, Mr. Tanski and D & N Excavation, which does most of the work for Mr. Tanski.

Mr. Nadeau asked so it's not an outside source or anything? Mr. Rabideau stated no. Mr. Watts stated so that's not a separate corporate entity. Mr. Nadeau asked so it's not being leased to these people or it's not a commercial type business? Mr. Rabideau stated that's right. Mr. Watts asked is it for Mr. Tanski's equipment or someone else? Mr. Rabideau stated the following: I think it is a combination of equipment of what Mr. Tanski has and what D & N has. D & N does most of the heavier construction for Mr. Tanski's work. Mr. Higgins asked do they have dump trucks and everything else? Mr. Rabideau stated the following: That's correct. Most of the equipment would be off-site on whatever construction site they are on. So, it would be very limited on what is actually going to happen here. It's mostly for maintenance of the vehicles in the wintertime and things of that nature. Mr. Higgins asked are you saying that the equipment storage area is going to have a fence around it? Mr. Rabideau stated there is going to be a fence across one area and the rest of it would be natural with the wetlands and woods that will act as a barrier. Mr. Higgins stated the following: You have a whole lot of area between what you show as the equipment storage area and where the wetlands start. What's going to keep the applicant and the other company from keeping their equipment strictly in that designated equipment storage area? If it's not fenced, how are they going to know when they go off of the area? Mr. Rabideau stated the setup for the site design is to basically gravel and crush stone the area and they would have to stay on that. Mr. Higgins stated the following: I think I would feel a lot more comfortable if there was fence. I don't know how anybody else feels, but if there is wetlands that we are concerned about and other areas to be disturbed and the applicant is only showing a specific equipment storage area, if there was some kind of a fence around it, that way the Board's comfortable that that's the area that is going to be utilized. Mr. Roberts asked how many pieces of equipment are you talking about? Mr. Rabideau stated the following: Most of the time it would be probably less than 5 because a lot of this equipment stays on the construction sites because a lot of the cost of the construction is in transportation. So, the idea is to keep as little at the site as possible because it's not making any money. They like to keep the construction equipment on the construction sites as long as possible. Mr. Higgins stated they typically don't leave the dump trucks and lowboys on the sites because I see them going up and down the road all the time. Mrs. Murphy stated the following: I think this is stuff that CHA is going to have to point out. So, you're going to want designated parking areas and if doesn't fit in those areas, then it not in compliance. Mr. Watts read the Town Board's minutes where they gave the approval for the amendment "we would like that amendment to include that on the northern Lot #2 and only on that lot that it be permitted to have storage of large construction equipment and construction of a maintenance repair shop for repairing of the construction equipment. Mr. Tanski said right, we just have no place to work on our equipment. Ninety-nine percent of the time our equipment is elsewhere. We have equipment at Joe Lucarelli's in Ballston Spa and we have it down in Colonie. I am half owner of the company and there is stuff all over the place. The only time stuff would be there would be in the wintertime for service. Even in the wintertime the loaders are at the apartments moving snow." Mr. Watts stated so, they did ask questions at the Town Board meeting. We are going to refer this to CHA so there may be questions that come out during this regarding parking, fencing, and the limit of the number of pieces of equipment at the site. Mr. Higgins stated the following: The applicant mentioned that they are trying to minimize the amount of disruption to this site. I assume that must be because of some kind of a permit or something. Mr. Rabideau stated the following: The stormwater management issues because as soon as you go over an acre, then you have post stormwater control issues that they have to do. It's a cost maintenance thing. Mr. Watts stated we will be looking at that. Mr. Ruchlicki asked is that a residence on that adjoining property? Mr. Rabideau stated it's an auto body/auto maintenance shop. Mr. Higgins stated that is Kinetic's right

now. Mr. Higgins stated but those are residences in the back; Gorcesky, VanChance and Gorniakowski. Mr. Rabideau stated yes and they are up quite a ways.

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

11.067 OB Gil's Garage, Inc., 217 Guideboard Road – Addition to Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: The new map is a result of a comment letter from CHA dated August 17, 2011 and we have addressed all their issues. From that letter, we did receive a letter on September 6, 2011 with four more items that they had requested clarification on. The first comment was in regards to the access to Beverly Place and there was a question of whether the broken asphalt was to stay or to be removed. It is to stay at this point in time. With this, the ingress/egress is delineated for a single lane access instead of being wide open. We're going to place a berm with a planter area to limit access into that area. They had a question about the parking easement that has been established in an area on outside of the property line that that be filed prior to a Certificate of Occupancy and that is not an issue because that's integral to this project. Another item was regarding landscaping in the front of the building and in another area where 6 parking spots would be taken out and we can come with a planting plan for that. We don't have a planting plan at this point in time but that's not an issue. The last item was that CHA had an issue with the sign for the parking that would limit access so, instead of having the sign in front of the parking space; it would be mounted to the wall. Mr. Nadeau asked Mrs. Murphy to explain the easement on the off-site parking. Mrs. Murphy stated the following: We don't permit that and I don't know why that is being proposed. We don't allow for off-site parking. Mr. Rabideau stated it is two separate parcels. Mrs. Murphy stated the following: Okay so the parking lot is on two separate parcels. What we would commonly refer to, as Salty's parking lot, is two different parcels. Mr. Rabideau stated Salty's parking is all within one parcel. Mrs. Murphy stated but if you drive from that parking lot to Salty's parking lot, you would be in the same parking lot. Mr. Rabideau stated that is correct. Mr. Watts asked are we looking to the west? Mr. Rabideau stated yes. Mr. Watts asked what's there now? Mr. Rabideau stated there is asphalt in that area and some of the parking is being land- banked. Mr. Watts stated that is where the grass area is. Mr. Rabideau stated actually there is pavement there so it crosses onto both parcels. Mr. Watts stated so that already exists. Mr. Rabideau stated yes, that is correct. Mr. Watts stated that was used for parking for the liquor store. Mr. Rabideau stated that is correct. Mrs. Murphy stated why don't you do a lot line adjustment to correct an incorrect map? Mr. Rabideau stated that was asked for the applicant to leave it as such. Mrs. Murphy stated we don't allow off-site parking like that. Mr. Williams stated my discussion with the applicant at the time when this issue came up with me, was that I know that the same person owns both parcels. My thought was that knowing that the applicant had a big vacant piece of property between the lot that this building is on and the bank building on the corner of Route 9, that he may decide to come in with a site plan for that vacant lot in the future. The issue that the parking for this proposal is located partially on the vacant lot would need to be rectified at that time, should some future plans be proposed. Mrs. Zepko stated that at this point in time, while the lots are legally two separate lots, the plaza, this building, and the vacant lot are all shown on one site plan. In the future, if the applicant wishes to improve that vacant parcel that does not have a building on it, then when that site plan were to come in, there is the potential to need to re-evaluate the parking on this lot. Mr. Williams stated that the majority of the parking shown on the vacant lot is land-banked. Mr. Higgins asked why the applicant wasn't proposing a lot line adjustment to solve the issue of the parking so they are all shown on this lot with the building on it. Mr. Watts asked if the paved area that is shown on the site plan on the vacant parcel has always been utilized for this building's

previous tenants? Mr. Rabideau stated, yes. The liquor store and the lighting store both utilized that area for their customer parking. Mr. Watts asked how long it would take for the applicant to receive the lot line adjustment? Mrs. Murphy stated that it would be at least two meetings, as a Public Hearing will need to be scheduled, so approximately a month. The Board could schedule the Public Hearing tonight if the applicant agrees to submit the application to the Planning Department. The Board may also agree to grant to site plan approval contingent on the applicant correcting the lot line to include the parking all on this lot. Mr. Rabideau asked if the applicant would need to have this lot line adjustment. Mrs. Murphy stated that the only time that parking was permitted on a separate lot was when the developer had requested a subdivision for financing purposes and the subdivision was granted conditioned on the subdivided lot could not be sold. Mr. Watts stated that while he does not have a personal opposition to the concept of off-site parking, however, the Town Code does not allow for it. Mr. Roberts asked what the total number of vehicles could be stored on site at any given time. He is concerned with the aesthetics of too many vehicles parked outside. Mr. Watts stated that the majority of the major repairs would be performed at the applicant's Burnt Hills location. Mr. Higgins stated that there would be no car sales from this site. He also asked about the access to Hayner Heights to the rear of the site and believed that there had been discussion regarding closing off this access. Mr. Rabideau stated that the applicant wished to keep the access open for traffic flow through the rear of the site. Mr. Higgins stated that he believed that there had been discussion that Hayner Heights Drive was not a standard road suitable for through traffic. Mr. Watts asked if the access was to be improved. Mr. Rabideau stated that the access was to be repaved. There was some discussion amongst the Board regarding the minimal use of this access for customers of the plaza. Mr. Watts asked if the lighting was to be improved on the site. Mr. Rabideau stated, yes. Mr. Ouimet stated that the site plan states that only 6 vehicles could be stored on the site for a period of two weeks or up to thirty days. Mr. Rabideau again stated that the majority of the business for major repairs would be done at the Burnt Hills location. The applicant stated that the nature of the business is such that they would not have customer cars parked for long periods of time. At times, vehicles are parked overnight when customers drop them off. After some discussion between the Board and the applicant it was agreed that a total of twelve cars are to be stored on the site outside.

Mr. Berkowitz made a motion to set the Public Hearing for the lot line adjustment for the September 26th, 2011 meeting. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the addition to site plan application for Gil's Garage, Inc. contingent on a lot line adjustment being performed to adjust off-site parking spaces, all vehicles stored on-site are registered, 12 cars stored outside at any one time, no sales of used or new cars to occur on-site and only 6 cars may be stored at the site for no longer than 30 days. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the September 12, 2011 Planning Board Meeting at 9:19 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary