

## **Town of Halfmoon Planning Board**

### **September 26, 2011 Minutes**

Those present at the September 26, 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

**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy  
**Deputy Town Attorney:** Matt Chauvin

**Town Board Liaisons:** Paul Hotaling  
Walt Polak

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Mr. Watts opened the September 26, 2011 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the September 12, 2011 Planning Board Minutes. Mr. Roberts made a motion to approve the September 12, 2011 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

#### **Public Hearing:**

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

The scheduled public hearing was cancelled for this item as the owner has agreed to consolidate the two parcels into one parcel; therefore, alleviating the Planning Board's concern over off-site parking.

#### **New Business:**

##### **11.102 NB Gendron's Truck Center Pre-owned, 1637 Route 9 – Commercial Site Plan & Sign**

Mr. Tim Vadney, general manager for Gendron's Truck Center, stated the following: We have been in business for a little over 40 years. We have been looking for a new location for our used car department and we came across one located in Halfmoon that we would love to occupy and we would like to move in as soon as possible. We are proposing to have 2 to 3 sales people at the location and 40 vehicles on the lot. We would have parking for 7 customers, a couple of sales people and there would not be any tractor-trailers coming in and out of the property at our proposed new location. Nothing would be on Route 9 and everything would be delivered to our Troy office. The vehicles would be brought from our Troy location to the new site. The vehicles would all be late modeled with low mileage. There would be no mechanical work done at the proposed new site. All the work would be done at Gendron's in Troy. Mr. Higgins asked what is

your mix going to be as far as regular vehicles, 6-wheeled trucks and 12-wheeled trucks? Mr. Vadney stated the following: You shouldn't see any of the medium duty rigs at the Halfmoon location because we would keep those at our Troy location. At our proposed Halfmoon location we would have SUV's, personal vehicles, sedans, late modeled, low mileage, no junk, coups and things of that nature. Mr. Higgins stated so the largest truck that we would see there would be a 6-wheeled truck or a small dump truck. Mr. Vadney stated exactly and we would not have the tandems or the big rigs, the class "A's" and nothing like that would be in your Town. Mr. Roberts asked how would the vehicles arrive at the site? Mr. Vadney stated the vehicles would be brought in from our Troy location. Mr. Roberts stated in the unlikelihood that you ever do change that policy where you would have trucks delivering vehicles; you cannot unload those vehicles onto Route 9. Mr. Vadney stated that wouldn't happen. Mr. Berkowitz asked where is your greenspace located? Mr. Vadney stated we have some greenspace in the front of the property and also right in front of the existing building where we will have landscaping in front of the windows. Mr. Berkowitz asked the windows in front of the building? Mr. Vadney stated yes. Mr. Berkowitz stated the following: No one would see that because the building is in the back. Are you going to have any landscaping along Route 9? Mr. Vadney stated absolutely, right now it's just grass. Mr. Ouimet asked are the islands going to be green and is that going to be part of your greenscape? Mr. Vadney stated no sir. Mr. Ouimet asked are you planning on doing any repairs at this facility? Mr. Vadney stated no sir. Mr. Ouimet asked would there be any storage of any broken down trucks or vehicles? Mr. Vadney stated no. Mr. Ouimet stated the following: Not even temporarily? What if there is some issue with a truck, would that truck be towed directly to your Troy location? Mr. Vadney stated yes, it would be towed directly to our Troy location; or by chance, a client may drop it off at the Halfmoon location and we, in turn, would bring it to our Troy location. Mr. Ouimet asked how quickly do you think you could do that? Mr. Vadney stated the following: In less than 24 hours and the same scenario with a trade-in that we would not be keeping for retail. That is not something that we are going to store out back. Mr. Higgins stated the following: We have had discussions with other businesses along Route 9 and there is a State right-of-way adjacent to Route 9 that the New York State Department of Transportation (NYSDOT) will not allow you to utilize for display or even temporary parking or putting a vehicle out there with a big sign that says "Special" or "Today's Special" on it or anything like that. So what is designated as display spaces along that front row cannot infringe onto the greenspace or on to the State DOT right-of-way. Mr. Vandey stated I understand. Mr. Higgins stated the following: As far as signage; obviously there are certain signs that are exempt from our ordinance. There are also certain signs that you would have to come before this Board for if there was going to be any kind of a permanent sign that you are going to be utilizing. Mrs. Zepko stated the applicant has submitted a sign application. Mr. Higgins stated right; I'm talking about having big vehicles parked out there with permanent signs on the side of them and that kind of stuff. Mr. Berkowitz asked where is the proposed sign being placed? Mr. Vadney stated just off to the left of the front of the building. Mr. Berkowitz asked Mr. Vadney to mark the sign location on the plans. Mr. Watts asked could you describe the existing metal building and does it have restroom facilities? Mr. Vadney stated the following: I believe the existing building is 2,880 SF with two double doors in the center of the building, 2 large windows to either side of the entrance, a display area as soon as you walk in and offices. When Affordable Homes was at this site, the building was cut up quite a bit where they had a bunch of tiny little offices and cubicles and we're not going down that road. Mr. Watts asked is this site on septic or sewer? Mr. Vadney stated septic. Mr. Watts stated shouldn't that be shown on the plan? Mr. Higgins stated the following: Normally, the septic is shown on the plan. What are the office trailers going to be used for? The plan shows 2 office trailers and it shows the existing metal building. Mrs. Zepko stated that is a separate parcel. Mr. Higgins stated so; the access to this

parcel is going to be on the adjoining parcel and asked what is on the adjoining parcel? Mr. Dan Cummings, the owner of the property, stated right now, nothing. Mrs. Zepko stated that parcel is where Garden Time was. Mr. Higgins stated the following: Yes, I'm familiar with that. However, we are doing an approval for the site with access on another site. I know that the same person owns the parcels. Mrs. Zepko stated it is all one parcel and it is leased. Mr. Watts stated the following: Generally, you have heard our questions and the septic system is not shown on the plans. Also, you did not show the landscaping and normally that is on a site plan. We are going to refer this to CHA and they can review it and then they'll get back to you. I know you guys are trying to move quickly so we will ask CHA to do their review quickly. Mr. Higgins stated they also need to show on the plans where the sign is going to be located.

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

**11.108 NB     PKG Group LLC, 1471 Route 9 (Crescent Commons) – Change of Tenant**

Mrs. Murphy recused herself from this item. Mr. Brian Peterson, the applicant, stated the following: I'm one of the owners of the PKG Group. The PKG Group is an insurance agency that was formed January 1, 2011. We are looking for office space to operate our business. Mr. Watts asked how many employees would you have. Mr. Peterson stated three. Mr. Watts asked would your hours of operation be 9:00 am to 5:00 pm? Mr. Peterson stated yes, Monday through Friday. Mr. Watts asked would you be coming in on the weekends at all? Mr. Peterson stated yes, occasionally. Mr. Watts stated we are going to put that down on your application that you might be working on the weekends. Mrs. Zepko stated there is adequate parking at the site. Mr. Watts asked if they had a sign application. Mr. Peterson stated no sign. Mr. Watts stated make sure that you use Halfmoon in all your advertising.

Mr. Ruchlicki made a motion to approve the change of tenant application for PKG Group LLC. Mr. Berkowitz seconded. Motion carried.

**11.109 NB     Mr. Rooter of Greater Albany, 392 Hudson River Road – Change of Tenant**

Ms. Robin Machado, owner of Mr. Rooter of Greater Albany, stated the following: We are a franchise that was formed in May 2011. I took over the building at 392 Hudson River Road and I have not made any changes. We have 4 service vans, an enclosed trailer, an equipment trailer, a high-pressure water jetter, and a single axle dump truck. I have 5 employees and there is usually no more than 3 employees there a day. The employees get there about 7:00 am and we stay until about 5:00 pm. The employees take the vans home so the vans aren't usually at the site unless they're stopping at shop to get equipment or tools. The front office is used for doing invoices, filing paperwork and your regular office day-to-day things. The building in the rear is used for storing parts, tools, etc. There is also a little office in the back garage that the technicians use for storing uniforms. Mr. Higgins asked are you just leasing this site? Ms. Machado stated yes, from Mr. Don Delane. Mr. Higgins asked if the previous business was still located at the site? Ms. Machado stated they are totally out of this location and they sold me a majority of the things that they had. Mr. Higgins asked what about the port-a-potties that were stored there 2 businesses ago and are we going to see any of that? Ms. Machado stated no, I'm not planning on getting into the port-a-potty business; that would be Mr. Dave Taylor who is across the street and he has the port-a-potties back there. Mr. Higgins stated regarding the rear building that you are going to use for a garage/workshop area; when we were on the committee for a couple of businesses ago, they were going to put sanitary facilities in that building and asked are there any sanitary facilities in that back

garage? Ms. Machado stated no there isn't. Mr. Higgins asked so you would be using the sanitary facilities in the front building? Ms. Machado stated yes. Mr. Higgins asked are you planning on putting a port-a-potty outside the back garage or anything like that? Ms. Machado stated no. Mr. Higgins stated the following: These may sound like silly questions but because of what we have gone through on that site, that's why we're asking these questions so that they are put into the minutes. That way if there are any problems, then Code Enforcement can refer to the minutes. Ms. Machado stated I'm not saying that I'm eventually going to get into the business, but if I wanted to get into the port-a-potty business or anything like that, would I be able to do that? Mr. Higgins stated the following: You would have to come back before this Board for an approval based on the approval we're giving tonight. If we do give an approval tonight, it would be to operate the business as you described. If you are dramatically changing that business; such as getting into the port-a-potty business, where we have had problems before on that exact site then you would have to come back before this Board. Ms. Machado stated okay. Mr. Nadeau asked did you say that the port-a-potty business is across the street now? Ms. Machado stated yes, he has port-a-potties way in the back behind his house. Mr. Nadeau stated okay. Mr. Higgins stated you said that your hours of operation would be 7:00 am to 5:00 pm and obviously in an emergency you might come in at nights or on weekends to pick up equipment. Ms. Machado stated the following: We don't run into too many emergencies at night, but like I mentioned, the employees take their vans home so usually they would just leave from their homes. They rarely have to come into the shop to pick up anything. Mr. Higgins stated okay because we have had complaints from the neighbors about after hour's noise, odors, and things like that at this site. Ms. Machado stated I have introduced myself to my neighbors and if there will be anyone there at night, I always tell them to keep it quiet and not to block the main road or anything so there shouldn't be any problems. Mr. Watts asked did you say that the employees get there at 7:00 am? Ms. Machado stated not all of them; it's kind of staggered. Mr. Watts stated your application states that your hours of operation are 8:00 am to 6:00 pm and I will change that to 7:00 am instead of 8:00 am. Ms. Machado stated the following: They usually do get there at 8:00 am because they have been working later. But, they should get there at 7:00 am. Mr. Berkowitz stated if you want it to be 7:00 am, you can have 7:00 am. Mr. Higgins stated and then occasionally on nights and weekends for emergency basis. Mr. Roberts asked are you going to have a sign? Ms. Machado stated I'm not sure if I'm going to stay at this location too long because the building needs some roof repairs but if I am going to stay, I'm going to get a sign. Mr. Roberts stated you would need to come back to the Board for a sign approval. Ms. Machado stated okay. Mr. Watts stated please use Halfmoon in your advertising. Ms. Machado stated okay.

Mr. Roberts made a motion to approve the change of tenant application for Mr. Rooter of Greater Albany. Mr. Nadeau seconded. Motion carried.

**11.111 NB Sgambettera & Associates, P.C., 1407 Route 9 (Nine North) – Change Tenant**

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**11.112 NB Saprano Chiropractic Associates, 1407 Route 9 (Nine North) – Change of Tenant**

Mr. Nicholas LaFountain, of Provident Development Group, stated the following: We have been hired to manage the professional park by Mr. Mike Chrys. Mr. Watts asked when did that occur? Mr. LaFountain stated the following: About 3 weeks ago and I have been going through and taking care of the list of tenants. We wanted to get a building permit for one of the buildings and the Town's Code Enforcement came in to do a fire inspection and they noticed that some of the tenants

weren't up to date. I didn't realize that process coming in and we would like to update everything and we quickly submitted these 2 change of tenant applications. Mr. Watts asked are you attending the inspection at this site tomorrow morning? Mr. LaFountain stated yes and I notified Mr. Steffen Buck that I would be there tomorrow. I've been busy with things and I actually didn't realize that it was for tomorrow until I got back into town last night. Our intention is to get all those items on that list taken care of as quickly as possible. Mr. Watts stated be prepared to have some definitions as to what "quickly" means. Mr. LaFountain stated this week. Mr. Watts stated the following: I told Mr. Chrys a couple of weeks ago when he called me that some of the items are safety and health issue related at that site. Some are relatively simple and some aren't but I'm telling you this for when you have your meeting and inspection tomorrow. We're glad to see that you are doing that. Mr. LaFountain stated it seems like Mr. Chrys has plenty of other things going on and he was happy to pass it on to someone else to take care of it. Mr. Watts stated the following: That's good because we, as a Town, care about whether or not somebody can see a fire exit or an alarm or having unsafe materials stored in a building. We have had numerous issues at that site. Mr. LaFountain stated the following: Sgambettera & Associates is a real estate attorney with 1 owner and 2 employees. They do not hold any real estate closings at the office and that is all done off-site. It's just a small firm. Mr. Higgins stated it says in the write-up that they have 4 parking spaces allotted for their business and that 6 parking spaces are required. Mrs. Zepko stated based on the square footage of the office for 200 square feet per parking space, it would require 6 parking spaces. Mr. Higgins asked do we know if there is sufficient parking at the site? Mr. LaFountain stated they have 139 parking spaces at the site between all 4 buildings. Mr. Berkowitz asked 139 or 132? Mr. Watts stated the following: We show 132 parking spaces in the write-up but that could be a little off. I'm not aware of any parking issues at the site and to my knowledge; no one has ever parking out on Route 9 or the other access road. Mrs. Murphy stated the next item says that they have 4 available but they are only required to have 2. Mr. LaFountain stated there is a large amount of parking spaces on the site. Mr. Ouimet stated the following: I'm a little concerned over the fact that there are existing code violations that relate to health and safety; not only for Sgambettera & Associates but also for Saprano Chiropractic Associates. I would suggest that we move these two items to our next meeting calendar and give the applicant time to rectify the existing violations before we act one way or another on the change of tenants. Mr. Watts stated they are already there and I think what Mr. Ouimet has stated makes sense. Mr. Nadeau, Mr. Higgins and Mr. Berkowitz all agreed with Mr. Ouimet's statement. Mr. Berkowitz asked would you make an effort to see if there are any other tenants that we don't know about? Mr. LaFountain stated the following: I have already made that effort and it is clear that these are the only two new tenants. Mr. Steffen Buck, the Director of Code Enforcement, has already gone through all the buildings and recorded all the tenants and checked it with past approvals and these were the only two. There was a third one but Mr. Jeff Williams already okayed it. Mr. Berkowitz stated Mr. Williams cannot okay it. Mr. LaFountain stated it says Total Lighting Concepts is now known as Vertex Solutions so I believe that was just a name change. Mr. Watts stated the following: Saprano Chiropractic Associates has 2 people working there. Their hours of operation are 8:00 am to 8:00 pm Monday through Friday and the parking is okay. Mr. Ouimet stated the following: I want to make it clear that, while I'm only one member of this Board, I'm not inclined to vote for anything if there are existing pending violations. So, if these violations are not cleared up by the next meeting, I'm not prepared to vote at the next meeting either.

Mr. Ouimet made a motion to adjourn any consideration on these two applications until our next meeting to give the applicant sufficient time to rectify the health and safety issues and the code violations that are pending. Mr. Ruchlicki seconded. Motion carried.

**11.113 NB      Marchand Subdivision, 87 Button Road – Minor Subdivision**

Mr. Chris Marchand, the applicant, stated the following: We're proposing to subdivide 1.8-acres from a 3.4-acre parcel. The frontage on the parcel would be approximately 248 FT. Mr. Watts asked what is your proposed use at this location? Mr. Marchand stated we are looking to put up a pole barn to store some equipment. Mr. Watts stated there are two separate issues here; (1) the subdivision, which you can accomplish and (2) we believe there are serious issues relative to this proposed pole barn, which to me looks like a commercial building being built to run a business out of and there will be definite issues with the approval of that. Mr. Marchand stated the following: Yes, I realize that and I know I have to come to the Zoning Board of Appeals (ZBA) for a use variance once the subdivision is approved. We want to keep it looking more like a farm structure and it would be used just for storage of equipment and not to run a business out of. Mr. Watts stated that would be in the matter of definition and that may not be an easy path. Mrs. Murphy agreed with Mr. Watts. Mr. Marchand stated the following: The only thing that I think makes it a little simpler is that the existing neighbors are a construction outfit right next door that the property borders and R.J. Valente is right up the street. I did speak to the direct neighbor who doesn't have a problem with it and they are familiar on how we run the operation. I don't think it is going to impact any residential people at all. Mr. Higgins stated I don't know if this comes into play because it is just a proposed garage but your sideyard setbacks between a commercial and a residential may be more than the 10 FT setback that you are showing on the plans. Mr. Marchand stated I didn't think we had 10 FT and I thought that it was in excess of 25 to 30 FT. Mr. Higgins stated I'm just going by what is on the drawing, which says 10 FT. Mr. Marchand stated the following: Maybe they were just stating what the code was. I'm pretty sure we have looked into that before we got into this and obviously with the size of the parcel we have the flexibility to move the building so the sideyard setbacks shouldn't be an issue. Mr. Higgins stated the following: As Mr. Watts mentioned, in this area there are some commercial businesses that are pre-existing and a mining business but I know that this Board has previously heard from some of the neighbors in that area that were upset about some of the non-residential uses that were built on this road. Even though the direct neighbor may not have a problem, that doesn't mean that the ZBA or other neighbors might not have a problem. Mr. Marchand stated I'm pretty familiar with what has taken place there over the last couple of years.

Mr. Nadeau made a motion to set a public hearing for the October 11, 2011 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

**11.114 NB      Halfmoon Mobil Mart, 1588 Route 9 – Change of Tenant**

Mr. Peter Rosenfeld, property owner of the Halfmoon Mobil Mart, stated the following: I operate the Halfmoon Mobil Mart on Route 9 with Mr. Steve Weekes. We have operated our business at this site for over 10 years. We are currently in the process of leasing the property out to Drake Petroleum, which in this area operates as Xtramart in some places. Nothing whatsoever would change at this location. It will still say "Mobil", you will still get 10 cents per gallon off when you buy a car wash and you can still purchase anything there that you had purchased in the past. Mr. Eduardo Herman is currently our District Manager and he is going to work for the Xtramart as their District Manager and that would be the only change. Mr. Watts stated the following: Mr. Rosenfeld and Mr. Weekes have been great tenants in the Town of Halfmoon. They have been very good with helping out with things with the Town, they run a nice business and they are great to work with. We wish you the best with your changes. Mr. Berkowitz asked would the security still be in tact that runs from the laundromat to the gas station. Mr. Rosenfeld stated the following:

Everything will stay the same and the video system would stay there. We are still going to run the laundromat and the car wash. We have put a process in place where when you lose your money in the washing machine, you would still go into the gas station and they will give you your money back and we would settle up with them once a month.

Mr. Berkowitz made a motion to approve the change of tenant application for the Halfmoon Mobil Mart. Mr. Roberts seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the September 26, 2011 Planning Board Meeting at 7:32 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary