

Town of Halfmoon Planning Board

March 8, 2010

Those present at the March 8, 2010 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
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 March 8, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the February 22, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the February 22, 2010 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Hearing:

10.018 PH Palma Minor Subdivision, 85 Route 236 – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Michael Palma, the applicant, stated the following: I am before the Board seeking an approval for a lot line adjustment at 85 Route 236 in Halfmoon. The current lot is 1.24-acres with 229 FT of frontage. What I would like to do is to take 30 FT from the existing front lot at the northwest corner and add it to the "landlocked" rear lot to give it road frontage. Taking the 30 FT would make the current lot located at 85 Route 236 1.01-acres with 199.12 FT of frontage and the rear lot would go from 1.37-acres with no road frontage to 1.55-acres with 30 FT of road frontage. The rear lot would use Town water. The existing lot is hooked up to the Town water and a septic and the rear lot would have to use septic also. Mr. Watts asked if anyone from the public wished to speak. Mr. Anthony Zappone, neighbors to 85 Route 236, stated the following: Mr. Palma has done a very nice job with the house. The house was in shambles before, he has really presented it well and now the house actually stands out. He has done a very nice job, it was very neatly done, he was never a bother at all and I think this would actually be a plus to the neighborhood. Mr. Watts closed the Public Hearing at 7:04 pm. Mr. Nadeau stated the following: I have one question on the proposed leach field near the Town of Halfmoon properties; do you know if there any wells in that area? The reason why I am asking is because you need to be 100 FT from an existing well. Mr.

Palma stated the following: The only thing that we did find regarding the Lands of Halfmoon is that the Town did a deep hole test and that is the only thing found. There are no wells or anything. Mr. Higgins asked Mr. Zappone if he had any wells on his property. Mr. Zappone stated we are hooked up to the Town water system now and there is a well on our property but it is only used for the garden. Mr. Higgins stated traditionally if the well is not being used, we like to see them on the drawings to make sure that they are far enough away from a leach field regardless. Obviously where the leach field is proposed, it is giving more than 100 FT.

Mr. Roberts made a motion to approve the lot line adjustment for the Palma minor subdivision. Mr. Nadeau seconded. Motion carried.

Public Informational Meeting:

10.020 PIM Mark Krosky Vehicle Maintenance & Repair, 10 Guideboard Road – Change of Tenant

*****CANCELLED***** *(This project has been withdrawn per the applicant's request)*

New Business:

10.010 NB Provident Development, 1652 & 1654 Route 9 – Commercial Site Plan
(Re-approval)

Mr. Ed Esposito, of Monarch Design Group LLC, stated the following: On behalf of Provident Development, this is a 4-year-old application. Inadvertently the economy had turned and the applicant let the site plan expire. So we are before the Board for a renewal. Statistic wise, nothing has changed and it previously had CHA and Planning Board approval. There is 13% building cover, 37% greenspace, there is a sewer connection nearby. All the perimeter buffers and on-site drainage has not change so we're here just to keep it going and to see if they can get a tenant. Mr. Watts stated there has not been any essential change in the character of the surrounding properties so everything is the same and this is merely to keep you going. Mr. Esposito stated yes. Mrs. Murphy stated the following: Some of the Board members have asked me and the difference in this is that we can't just extend the currently granted approval based on our local laws. We have to re-approve the project like it is brand new because so much time has expired since the previous site plan approval. Mr. Watts asked Mr. Williams if the applicant repaid all the appropriate fees as if this was a new application? Mr. Williams stated yes. Mr. Higgins asked do we have to re-do public hearings and everything else? Mr. Watts stated no; it is a commercial site plan. Mr. Berkowitz asked how many times are they allowed to do this? Mrs. Murphy stated the following: What happens, because they didn't get an extension on their prior approval, is a brand new application. So this Board could, in theory, have them re-do all of their technical reviews. They can extend it once and then it becomes another new process. This is not an extension that is before the Board; this is a new application and that is what you would be approving. Mr. Watts stated as Mr. Esposito said; there has been no change and no changes in the surroundings. Mr. Nadeau stated I understand that there have been no changes to the applicant's site but what about changes to our ordinance and where the changes may be applicable to this application? For instance; I'll use parking and what if his criteria doesn't mean that? How would we stand with that? Mrs. Murphy stated I don't know the answer to that question. Mr. Watts asked Mr. Williams if he knew. Mr. Williams stated the applicant has proposed an office building and the parking requirement hasn't changed. Mr. Nadeau stated I was just using parking as an example because there are other things. Mrs. Murphy asked if a stormwater management plan had been filed? Mr. Esposito stated yes, as a courtesy to the Board, we did submit the whole file including the sewer assessment, the engineer's study, the drainage report and 10 sets of plans. Mrs. Zepko stated the following: As far as the regulations go, when you do come in to apply for a soil disturbance permit, you'll now need from me a

Stormwater Pollution Prevention Plan (SWPPP) acceptance form which you didn't need at the time of the prior approval. Therefore, given that we have to go through the process again in order for you to apply for your Notice of Intent (NOI) with the New York State Department of Conservation (NYSDEC), you will need the SWPPP's acceptance form as part of that process. Mr. Esposito stated okay.

Mr. Berkowitz made a motion to approve the commercial site plan for Provident Development. Mr. Ouimet seconded. Motion carried.

10.017 NB Casale Rent-All, 1641 Route 9 – Sign

Mr. Chris Seymour, of Hanley Sign Co., stated the following: On behalf of Casale Rent-All, we are trying to get an approval for new signage at 1641 Route 9. We are proposing miscellaneous signage on the side and the front of the building. The proposal is for four 4 FT x 6 FT tenant panels, one 4 FT x 10 FT business identification sign panel that says Casale Rent-All. I believe renditions were submitted to the Planning Department. We are also trying to do a digital display center message board in the front located on Route 9 similar to what Walgreens had done. Mr. Watts asked could you explain in detail the monument sign, i.e. - what that sign is and the height of the sign? Mr. Seymour stated we are proposing a 16 FT tall freestanding sign from grade that would be in the front of Casale's off of Route 9. There is a culvert in that area that goes down quite a bit. Mr. Casale wants to build that area up so he can get the sign up higher and at that point Mr. Casale wants to go 16 FT above grade. Mr. Watts asked he wants to do what? Mr. Seymour stated the following: Mr. Casale wants to build up about 15 to 20 FT back off Route 9 because it goes down into a ditch. He wants to build that up so he can put the monument sign on that. Mr. Roberts asked does he want to put a 16 FT sign on top of that? Mr. Seymour stated correct. Mr. Roberts stated so what we were thinking before is not accurate. Personally I feel that 16 FT is too high. Mr. Ouimet and Mr. Berkowitz agreed with Mr. Roberts's statement. Mr. Berkowitz stated it is a wide open area there and nothing would be hiding that sign. Mr. Ouimet stated the following: I was willing to entertain a 16 FT sign knowing that the grade is 5 FT below, so really the sign would only be 11 FT. But now I understand that Mr. Casale is going to build the ground underneath the sign up to grade level, so it would literally be 16 FT at grade and I think that is way too high. Mr. Nadeau asked is there a sign there now? Mr. Seymour stated yes, a 4 FT x 8 FT wooden sign there now that is down in that gully. Mr. Nadeau asked how high is that sign right now? Mr. Seymour stated the following: The existing sign is approximately 6 FT. That's a temporary sign but once the winter comes, you will have the snow banks that build up and would hide whatever sign is there anyways and it would add to that height difference. Mr. Roberts stated by filling in that area, you are making it a whole lot higher. Mr. Seymour stated right but I don't think Mr. Casale is going to go right to grade on the road but he wants to come up a couple feet on it. Mr. Watts stated aren't you changing the target here because you said you would be bringing it up to level and now you say you are going a couple of feet? Mr. Seymour stated he wants to build it up a couple of feet and then put the sign on top of that. Mr. Berkowitz asked how high is the AAA sign? Mr. Williams stated I think it is less than 6 FT tall and it is a monument sign. Mr. Berkowitz asked is the AAA sign a non-raised monument sign and would the AAA sign go in approximately the same area? Mrs. Zepko stated the following: Correct. I gave you the site plan and you can see where Casale's entrance is on there. Mr. Berkowitz stated yes, it looks like it would be about 15 to 20 FT away. Mr. Watts stated the following: With that location and the visibility there, we will need to do a site visit and we will not approve anything tonight for that sign so we will be holding off on any approvals. Mr. Watts asked Mr. Roberts if he could do the site visit. Mr. Roberts stated sure I will do that and typically what we do is to try and keep the height in accordance with similar signs in the general area so I will also look at that. Mr. Nadeau stated I will also do the site visit with Mr. Roberts. Mr. Watts stated the following: So Mr. Roberts and Mr. Nadeau will set that up with you. I would like you to explain in

detail what this LED sign is, what the lumens will be and how that would look and what are your proposals there? Mr. Seymour stated I know that at this time the Town is allowing monochrome instead of RGB, which is full color. Mr. William Smillie from Watch Fire is here with me tonight and he will be able to explain that to you. Mr. Smillie stated the following: I work for the manufacturer where Time-O-Matic is our name. We started in 1930 and we built the first time and temperatures for the banking business. Our factory is located in Danville, IL. Mr. Seymour asked me to come to educate the Board a little bit about LED signs and I do this all over the country. It is technology that's out there, it's changing and it is available all over the country. We just did East Greenbush School last year. I think we have done about 2,000 schools across the United States and about 700 firehouses. So the technology is growing and people want to get information out on the street in a timely manner. What the technology is replacing is the sliding reader board that people put letters in and it is the same technology that is available like the one at Walgreens. One of the things that I noticed about the Walgreens sign is its brightness. A lot of manufacturers don't have what they call "brightness control" within the sign. They are not set up to dim down at night and automatically brighten up during the day. Our product is set and we have the U.S. Government Guidelines on luminous foot-candles. LED's are measured in nit units and are not easily transferred to foot-candles but we were able to do that with a formula. Really the bottom line and simplicity of it is the fact that it needs to have some adjustments in it. So at night, instead of being over-bright, it automatically dims down and the Walgreens sign does not appear to do that. The Walgreens sign appears to have the same brightness at night as it does during the day from what I can see. What I use allows the unit to dim down according to longitude and latitude which is adjustable by the time and it is also built-up with a back up photo-set in case it is a cloudy day and it would automatically dim down even further. It is also set up with a manual override system in case it goes into an area where there is not a lot of ambient light. As far as the changing sequence of the message, I didn't see any change in the Walgreens message and asked if there was the way the Town wrote it in the their bylaws? Mr. Watts stated the following: When Walgreens came in, it was explained to them and when they put the sign in the message was changing. We then went over and spoke to the manager and indicated our ordinance. The message cannot be changed within a 24-hour period. Mr. Smillie stated the following: I believe Mr. Casale is willing to live with those same bylaws and the Town regulations. I see where you are restricting the color. Mrs. Murphy stated the following: There isn't a regulation with regards to the color of the sign, it has to do with whether it scrolls, rotates, moves or is animated in any form or fashion. So you couldn't do like a waving flag because that would move. Mr. Smillie handed out guidelines from the Federal Government and the Outdoor Associations. The guidelines explain certain regulations put into place to control lumens and brightness. It may assist you to further control these type of signs in your local laws. Mr. Watts stated that the first time this Town dealt with these types of signs was for Stewart's to post their gas prices and then there was the Walgreen's sign. At that time, the Board did not understand the degree of brightness and visual distraction these signs give off. Other than brightness but also the safety issue as these signs are distractions as you pass by them. Mr. Smillie stated that there are a lot of communities that are wrestling with this technology. Mr. Smillie stated that is why the Federal Govt. has placed the guidelines and that if the Federal Govt. felt the LED signs had any safety issues with them, then there would be stricter regulations placed on them. There have been hundreds of studies on the LED signage and none of the studies have ever cited any safety issues with these type of signs. This technology has been around since the 60's and the first LED signs have been here for 18 years so if there were any traffic safety issues with this technology there would have been more restrictions on them. Mr. Watts asked by the Federal Govt.? Mr. Smillie stated yes. Mr. Watts stated that this Board represents the citizens of this Town and that he recalls the Federal Govt. also regulated the country's banking industry as well. So merely because the Federal Govt. has looked into the issue does not mean end all as it depends on the atmosphere of the regulators. Mr. Smillie

stated that this is just suggested standards by the Federal Govt. so that no safety issues arise. Mr. Watts stated he understands and asked if a committee would visit the site to review the proposed signage for Casale's. Mr. Watts thanked Mr. Smillie for the information. Mr. Ouimet asked if the applicant could provide specific information on the proposed sign. The applicant stated that they would provide the specifications for the proposed sign to explain certain mechanisms to control the brightness. Mr. Berkowitz asked if he could compare the brightness of the proposed sign and the Walgreen's sign. Mr. Smillie stated no because he has no device to measure the brightness. Mr. Watts asked if the proposed sign will be as bright as the Walgreen's sign. Mr. Smillie stated the proposed Casale sign will not be as bright as the Walgreen's sign. Mr. Watts said thank you to the applicants and asked Mr. Roberts and Mr. Nadeau to set up an appointment to visit the site.

This item was tabled for Mr. Roberts and Mr. Nadeau to visit the site to review the proposed signage.

10.024 NB Genetix Training & Nutrition, 1603 Route 9 (Towne Center Plaza) – Change of Tenant & Sign

Mr. Joseph Lamica, the applicant, stated the following: He wishes to change out his Albany Treasures Liquidators business into the proposed one on one personal training business. Mr. Lamica stated that his previous business was allotted 6 parking spaces and that this proposed business would only need three at most. Mr. Lamica stated he wishes also to change out the existing sign with the same 2ft by 4ft dimensions to represent the new business. Mr. Watts asked if the applicant could further explain on how the business is operated and how many people may visit at any one time. Mr. Lamica stated that there would be one client at a time in a 40-minute session. Mr. Watts stated then there would not be 4 or 6 clients. Mr. Lamica stated it would be one on one training. Mr. Watts stated one part time employee. Mr. Lamica stated that is me, no full time, and we will not be open during the weekends. Mr. Watts asked if the owners of the plaza have had any movement to increase the size of the existing monument sign. Mr. Watts explained that there have been past sign issues at that plaza and that the Town revised the sign ordinance to allow larger plaza monument signs. Mr. Lamica stated that the owners of the plaza have not approached him on making the monument sign and that the existing sign has very little area for the tenant's listings.

Mr. Roberts made a motion to approve the change of tenant and sign application for Genetix Training & Nutrition. Mr. Nadeau seconded. Motion carried.

10.025 NB Gas Turbine Parts & Service Inc., 1 Old Route 236 – Sign

Mr. Tom Wheeler, of A J Sign Co., stated the following: He is in front of the Board to request to remove the existing sign and replace it with a new sign for the business. Mr. Wheeler stated that they also wish to re-locate the sign a few feet to the west in order to avoid an existing sign that obscures the business sign at its current location. Mr. Wheeler stated the new proposed sign is less in area than the existing sign. Mr. Roberts stated the proposed sign is less in height and it looks good.

Mr. Roberts made a motion to approve the sign application for Gas Turbine Parts & Service Inc. Mr. Berkowitz seconded. Motion carried.

10.026 NB One Hour Heating & Air Conditioning (Benjamin Franklin Plumbing), 1595 Route 9 – Sign

Mr. Tom Coutant, General Manager for One Hour Heating and Air Conditioning, stated the following: He is before the Board to ask to place a sign at the existing location for the existing freestanding sign for the site. The sign will represent the three service business that are part of the Northern Mechanical

Services. The three services are One Hour Heating and Air Conditioning, Benjamin Franklin Plumbing and Mr. Sparky Electrical. The proposed sign will utilize the existing structure and lighting and wish to place our three branded logos on the proposed sign. Mr. Roberts stated it looks good and meet the code.

Mr. Roberts made a motion to approve the sign application for One Hour Heating & Air Conditioning (Benjamin Franklin Plumbing) contingent that the sign is not in the State ROW. Mr. Nadeau seconded. Motion carried.

10.027 NB Sharpening Shop, 158 Woodin Road – In-Home Occupation & Sign

Mr. Lawrence Allen, the applicant stated the following: I wish to operate a tool sharpening business from my home. The sharpening business is operated as a drop off and pick up in a collection box so there is no need for a lot of parking as people would pull in, drop off and leave. The business is a part-time, secondary source of income and would be operated out of my detached garage. I also wish to place a 6 SF sign out front near the driveway to direct the customers to the business as my home sits back a bit off of Woodin Road. Mr. Watts asked if Mr. Allen would be the only employee. Mr. Allen stated yes. Mr. Roberts asked what type of tools will be sharpened. Mr. Allen stated chainsaws, circular saw blades, planer blades, knives and anything that typically needs sharpening. Mr. Watts stated that the In-Home Occupation is allowed through special use permit and that the Town will need to schedule a public hearing.

Mr. Nadeau made a motion to set a public hearing for the March 22, 2010 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

10.028 NB Marc's Plumbing & Heating, 1427 Route 9 – Change of Tenant & Sign

Mr. Paul Hickock, owner of the property, stated the following: Marc's Plumbing wishes to utilize his small commercial building for a plumber shop. Capital Gutters previously used the site. Marc wishes to operate out of the building as his office with a small showroom. The showroom would be utilized by appointment only. Between Marc's business and the previous gutter business, the site will be operated in a very similar fashion. Most of the work will be conducted at Marc's clients home or business. Mr. Watts stated that this is a pre-existing, non-conforming site. Mr. Hickock stated yes. Mr. Watts asked if there were any questions. Mr. Roberts asked if the sign was internally lit. Mr. Hickock stated yes, it is a replacement of the sign face on an existing sign structure.

Mr. Nadeau made a motion to approve the change of tenant application for Marc's Plumbing & Heating. Mr. Berkowitz seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Marc's Plumbing & Heating. Mr. Nadeau seconded. Motion carried.

Old Business:

10.011 Kevin Hedley Professional Office Bldg. Phase II -- Adirondack Martial Arts, 1595 Route 9 – Addition to Site Plan

Mr. Dave Flanders, of David A. Flanders Surveying, stated the following: He is here with Mr. Hedley, the property owner and Mike Yuhasz, owner of Adirondack Martial Arts, to discuss improvements made to the site plan and to further explain the proposed use for the site. Mr. Flanders stated that they have responded to both CHA's review letters written and revised the site plans. Mr. Hedley and Mr. Yuhasz have submitted a more detailed narrative explaining the number of trips generated from each class by

actual figures derived from Mr. Yohasz's existing business. Mr. Flanders stated that some of the improvements in the revised site plan include: improvements to the entrance way to the Hedley Office and the proposed martial arts building by widening the access drive, we cut back the raised curb and will paint a delineated area to assist in internal vehicle circulation, we re-located the handicap parking area in a back of the Hedley Office, we demarked the area with signage so that there is a one way pattern to navigate around the parking area as we created a circular traffic pattern, we added a delineated 'drop off zone" and added a sidewalk, added a handicap ramp for the new building and included in the detail sheets showing parking lighting to be downshielded, we increased the size of the proposed trees to be planted and we re-located the septic area a bit to the west to meet the required separation. Mr. Watts asked if the Board had any questions. Mr. Roberts stated he is concerned with the number of trips that will be generated from the proposed use. Mr. Roberts stated that using the number of people that are dropped off or the number of people in the same vehicle may change over time and parking could become an issue. Mr. Flanders stated the most recent narrative explains real numbers derived by actual attendances in Mr. Yuhasz's current business. Mr. Flanders stated that CHA has looked at this new information and agreed with it. Mr. Ouimet asked how many parking spaces is the new building proposing and how many parking spaces will be available. Mr. Flanders stated that there are 21 parking spaces being added to 19 existing along with 8 others next door in a building that Mr. Hedley also owns. Mr. Ouimet stated the business next door has work truck parking. Mr. Hedley stated there would be one work van parked at the adjacent site. Mr. Ouimet stated that there would be only seven spaces next door. Mr. Ouimet asked Mr. Bianchino if during his review if he raised the question on adequate access to the site with regards to number of vehicle trip along with the width of the access aisle. Mr. Bianchino stated yes. Mr. Ouimet asked if those issues have been addressed. Mr. Bianchino stated that there is one small issue left to be addressed and that it could be easily addressed but seems to be left off from my discussion with Mr. Flanders. Mr. Ouimet stated that his concern was with adequate access and by listening to CHA's comments that appears to be addressed. My only other concern is with parking that I shared with the Board. Mr. Watts asked Mr. Yuhasz if he operates a business nearby. Mr. Yuhasz stated yes, I am located at St. John's Plaza. Mr. Watts asked if the same business and number of participants would be moving into the proposed building. Mr. Yuhasz stated yes. Mr. Flanders stated all of the parking spaces would be 10 ft x 20 ft. Mr. Flanders wanted to add that there are families that attend the classes together, some are dropped off, some take two classes in a row and the instructors stay all the while. All of this lessens the demand for parking. Mr. Berkowitz asked how much time is in between classes. Mr. Yuhasz stated none. Mr. Yuhasz stated that all of the classes are offered throughout the week, some take one a week and sometimes two and also with other sports going on the attendance is never at 100% capacity. Also, the younger students are usually dropped off. During the busiest classes, in the evening, Mr. Hedley's Office is closed so there will always be more than enough parking. Mr. Nadeau asked if Catracala's Funeral Home uses Mr. Hedley's location for overflow parking during funerals. Mr. Hedley stated yes at times. Mr. Nadeau asked how would that work if the martial arts school is operating during a large funeral. Mr. Hedley stated we believe there would be plenty of parking and if it became a real problem I would speak to Mr. Catracala over the issue. Mr. Watts stated that there are other funeral homes that on occasion of a large funeral have parking issues on the road and everywhere else. It appears to work with the Catracala Funeral home. Mr. Roberts stated his biggest concern is parking out on Rt 9 which this Board cannot allow. Mr. Polak stated it appears that if an issue was to arise between Catracala and the Hedley site it could be worked out. Mr. Ouimet is concerned when the special events take place and the numbers generated. Mr. Yuhasz states there are no tournaments held at my sites because of the large number in attendance and that spectators walk all over the mats and the cleaning and maintenance of the mats. Mr. Yuhasz stated that I rent out a gym from Shenendehowa school for such large events. Mr. Yuhasz stated that twice a year I hold black belt certifications that is his largest

event. It is done on weekends with about 45 participants in each of the two sessions held twice a year. This is held on the weekend when Mr. Hedley's office would be closed. Mr. Ouimet asked what is the average age. Mr. Yuhasz stated between 10 to 35. Mr. Ouimet stated that this seems to be the largest parking demand event that you hold. Mr. Ouimet asked Mr. Williams by not considering the special event is there adequate parking on the site. Mr. Williams stated that, with the information provided from the applicant's narrative, yes. Mrs. Murphy asked Mr. Williams by reviewing the Town's parking ordinance, does this use have adequate parking to conform to the use. Mr. Williams stated that the proposed use is not clearly listed for minimum parking within the Schedule B of the Town's ordinance. Mr. Watts asked Mrs. Murphy what is within the Board's right in this situation. Mrs. Murphy stated that there is no provisions in the Town's ordinance that allows shared parking between sites or reviewing differing hours of operation to meet required parking. The proposed site must meet its parking needs on its site alone. Mrs. Murphy stated that item number 24 in Schedule B for required parking states that other uses that are not listed allows the required parking for such uses to be determined by the Planning Board. With this use being proposed and not clearly listed in Schedule B of the Town's ordinance, if the Town Planner makes a recommendation to the Board over his review of use and there being adequate parking, then the Board can make a clear, legal decision on the proposed site. Mrs. Murphy asked Mr. Williams that during his review if he is satisfied with the proposed parking on the site. Mr. Williams stated he feels that the parking is adequate. Mr. Watts asked if Mr. Bianchino is comfortable with that decision. Mr. Bianchino stated yes. Mr. Roberts asked Mr. Yuhasz to keep in mind the concern there is over parking and do everything he can do to make sure it does not become an issue. Mr. Watts asked Mrs. Murphy if the Planning Board has the legal authority to re-visit the use if parking became an issue. Mrs. Murphy stated you can place a time period that if an issue arises you can re-visit and modify the approval and place specific conditions. Mr. Hedley asked what if there was a problem. Mrs. Murphy stated that the building and site work would be OK but the Board is retaining the ability to re-visit the use if parking became an issue.

Mr. Ouimet made a motion to approve the Kevin Hedley Professional Office Bldg. Phase II – Adirondack Martial Arts addition to site plan application on the condition that the Town Engineer and Town Planner, after reviewing information and the revised site plan submitted by the applicant, determined parking will be adequate for the proposed use. Contingent on no parking on Route 9 and that if parking should become an issue within one year of opening the business, the Board retains the right to re-visit the use and take any action to alleviate any parking issues. Mr. Nadeau seconded. Motion carried.

Mr. Higgins made a motion to adjourn the March 8, 2010 Planning Board Meeting at 8:14 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary