

Town of Halfmoon Planning Board

January 11, 2010

Those present at the January 11, 2010 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 January 11, 2010 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the December 14, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the December 14, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Hearing:

09.085 PH Bruno Subdivision, 12 & 19 Sunset Blvd. – Lot Line Adjustment

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. Drew Schaufert, of Santo Associates, stated the following: I am representing Nicholas and Carol Bruno who own 4 different parcels within the Town of Halfmoon and the Town of Waterford. It is the Bruno's intentions to cut off 20,000 SF from the existing 60,000 SF parcel located at 12 Sunset Blvd. The 20,000 SF piece would be combined with their parcel located at 19 Sunset Blvd, which would then have a total area of 6.52-acres. After the conveyance 12 Sunset Blvd. would be 40,000 SF. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:03 pm.

Mr. Roberts made a motion to approve the Bruno Subdivision/Lot Line Adjustment. Mr. Berkowitz seconded. Motion carried.

New Business:**09.102 NB****Apropos, 1475 Route 9 – Change of Tenant & Sign**
(Formerly Romano's Restaurant)

Mr. Kevin Mickels stated the following: I am representing Apropos for a change of tenant and sign application. The primary reason for tonight's request is for a sign to go up over the entrance door on the existing façade of the small entryway. The sign lettering would state "Apropos" on the entry door as well as a name change from what was formerly known as Romano's to Apropos.

The Planning Department's topics stated the following regarding the sign application for Apropos:**Sign -Apropos**Sign Size: **14.04 SF**Sided: ☒ **one-sided** ☐ Two-sidedSign Dimensions: **1.8 ft x 7.8 ft**

Location of Sign: above entrance way

Lighted: ☐ Internal ☒ **Flood**

Mr. Watts stated that is for the sign and I believe you have an application for changing hours in your change of tenant application. Mr. Mickels stated the following: Yes. Also, our previous approval had been from 6:00 am to midnight for our hours of operation and our new proposal is to allow the hours of operation for food service and beverage service only beyond those hours to allow for a 24 hour service. There would be no live music, no outdoor activities or anything else. It would be just a place where people could access the Internet and have coffee, sandwiches and such on a 24-hour basis. Mr. Berkowitz asked are you open right now? Mr. Mickels stated the restaurant is serving food but it has not been advertised and they don't have a sign up. People are going in but it isn't really an open to the public thing yet. There have been people in there using it, different people have gone in and had birthday parties and there are functions that are happening that are restaurant functions. Mr. Berkowitz asked do you have an operating kitchen right now? Mr. Mickels stated the following: Yes and we have all of the Health Department approvals. We will also inform the Health Department of the name change and our hours of operation change also. Mr. Watts stated I see from your application that you did not indicate permits required from any other agencies and you did not put down the New York State Department of Health (NYSDOH); you do require it and I asked; do you have all the permits required? Mr. Mickels stated the following: We have all permits, we are approved, we have occupancy from the Town and we also have operating Health Department permits for an open and operating restaurant. The only modification that we would need to do to that is to inform them of the name change and the hours change. Mr. Watts stated okay and could you make sure that you bring your permits from the NYSDOH to our office. Mr. Mickels stated yes. Mr. Berkowitz asked is there any outdoor activity? Mr. Mickels stated the following: No. The plans that we previously submitted for the sunrooms and the rooftop deck they're holding off on right now because of the slow economy and there are no plans to go forward with that at this time. The only activities outside are parking. Mr. Berkowitz stated you would have to come in front of this Board before you actually attempt to put a deck on the roof or on the building. Mr. Mickels stated absolutely because that has been shelved for right now. Mr. Watts stated you have said that there is no music. Mr. Mickels stated the following: There may be some music on the inside; the Jen Chapin Trio from New York City. Jen Chapin is Harry Chapin's daughter and two other musicians came in and performed a couple of weeks ago on a Saturday evening. There is music sometimes on the inside with different acapella groups who have come in and sung and things while there are birthday parties going on or something like that. We don't plan on doing anything late and I believe I put on the application "no later than 1:00 am" and also we don't have anything planned for outside or open door policy for while the music is operating because we want to be very sensitive to our neighbors and we do not want to disrupt them. Mr.

Roberts asked are you saying that the Internet café is 24 hours a day but the restaurant is not 24 hours a day. Mr. Mickels stated the following: The Internet café is 24 hours a day and the restaurant will operate 24 hours a day; my intent in that statement was that we will not be playing music all night long. We will be offering Internet service, coffee, sandwiches and a lot of it is going to be like a self-service vegetarian bar with no meat. It is all healthy food and you can make your own pizzas, your own sandwiches and there would be coffee and tea served and things like that but no alcohol. Mr. Roberts asked would there be a free-standing sign like there used to be or would you just have a sign on the building itself? Mr. Mickels stated we removed the stand and the sign out by the street, we don't have any plans to put one out there and that was State Department property anyway.

Mr. Berkowitz made a motion to approve the change of tenant and sign application for Apropos. Mr. Ruchlicki seconded. Motion carried.

10.001 NB Shea Subdivision, Dunsbach Road – Major Subdivision

Mr. Brett Steenburgh, of Brett L. Steenburgh, P.E. PLLC, stated the following: I am the engineer on behalf of Mr. Matt Shea and his proposal for a 32-lot subdivision located at 12 Dunsbach Road. It is actually 33-lots with the remaining land of Shea. The parcel is 47.5-acres in size and resides within the R-1 Residential zone. Our proposal is that all lots would meet all of the R-1 requirements, which is on a sliding scale based upon sewer and water availability. We plan on bringing sanitary sewer service to this site. Water exists along Dunsbach Road; therefore, this proposal would meet the requirements for 20,000 SF lots. Again, we are proposing 32 new residential building lots meeting the 20,000 SF lot minimum with an average lot size of just over 34,000 SF. This would allow 29.4 percent of the site to remain as open space or 13.96-acres of open space which would be located around the perimeter of the site as well as in another area. A new cul-de-sac would be constructed off of Dunsbach Road and the cul-de-sac would be just over 2,000 linear feet in length. There will be an emergency access point approximately 900 FT back from Dunsbach Road. We did have some discussions with the Planning staff about emergency access and that type of means of ingress and egress. During our meeting with the Planning staff they recommended possibly rather than running this emergency access all the way out to Dunsbach Road and maybe just providing an easement through Mr. Shea's property where he has a very large substantial driveway so it doesn't look like a secondary road coming out and having a crash gate access as well as adding a boulevard at the main entrance. We don't have any objection to that if that is the avenue that this Board would like us to pursue. Maintenance of this emergency access would be either through a Homeowner's Association (HOA), which would be created for the residents of the subdivision or the Town if they wish to take over the maintenance of that emergency access. In any case, I know that there have been a lot of issues in these types of situations where the emergency access has not been maintained and when the fire department goes to go in there is a problem with them needing to get through that area. The emergency access could be monitored and we can set up agreements. In the past I have done this with other Towns where the Town can actually maintain them and back charge the HOA for those requirements. However the Town wishes to set that up, we would be happy to do. Again as I stated, water would be provided via a new main along the cul-de-sac off of Dunsbach Road from the existing main on Dunsbach Road. We have discussed the sewer with the Saratoga County Sewer District (SCSD). It is their recommendation that we create a low-pressure sanitary sewer and grinder pumps for each of the residences and construct a sanitary sewer north along Dunsbach Road to Vischer Ferry Road and tie-in at the intersection of Vischer Ferry Road and Springbrook, which is what our current proposal is. The stormwater would be managed on-site in accordance with all the current New York State Department of Environmental Conservation (NYSDEC) and EPA standards for stormwater management quantity and quality. We anticipate the use of a P-1 extended detention micro pool stormwater management system to treat and

attenuate the excess stormwater runoff from the site. Mr. Ouimet asked has there been any consideration given to a boulevard entrance? Mr. Steenburgh stated yes, and that is something we had discussed with the Planning staff and we don't have any objection to creating a boulevard of what length the Board would desire to have. We would be happy to do 200 to 300 FT. Mr. Ouimet asked did you say that the cul-de-sac was approximately 2,000 FT. Mr. Steenburgh stated the following: It is 2,000 FT all the way around the cul-de-sac. From this intersection point back, it is approximately 900 linear FT of road to the center line of the cul-de-sac but it is 2,000 FT wrapping around the cul-de-sac. Mr. Ouimet asked is it 900 FT from the cul-de-sac to the emergency access? Mr. Steenburgh stated it is about 950 FT from the center of the cul-de-sac. Mr. Ouimet asked has any consideration been given to the emergency access being longer than that so it could service the back cul-de-sac lots? Mr. Steenburgh stated the following: Unfortunately there is a large wetland area that bisects the site and there is an existing culvert servicing the existing cell tower lot in the back. We anticipate on utilizing the existing culvert with the new road. The emergency access could be extended up a little bit further but again, we are bounded by that wetland area. Mr. Ouimet asked up a little bit further to where? Mr. Steenburgh stated as far as Lot #11. Mr. Ouimet stated the following: It seems to me that would make a lot more sense because you have approximately 17 lots that are going to be serviced by the end of that emergency access road. It is kind of scary to envision health and safety compliance for those cul-de-sac lots if something were to happen toward the Dunsbach Road end. Mr. Steenburgh stated we could certainly do that and again that would service as providing access to the stormwater management pond, which we're going to need to provide access to as well. Mr. Ouimet stated can you talk to us a little bit more about that stormwater access pond and who is going to maintain it because it seems to be just hanging out there by itself. Mr. Steenburgh stated the following: Right. It would be a deeded lot deeded over to the Town of Halfmoon because it is the stormwater management for the road drainage. Most Towns want to maintain ownership of that and it would be constructed to the Town's standards as would be required. Again, there would be access provided to that pond for maintenance and cleaning. Mr. Ouimet stated the stormwater management area notwithstanding, I think my two concerns would be a boulevard entrance going into this place and an extension of that emergency access road to service those back lots in the event of an emergency. Mr. Watts asked Mrs. Zepko and Mr. Williams if when the applicant was in the office, did Mr. Greg Stevens, Director of Code Enforcement, look at this plan relative to emergency access for fire equipment? Mrs. Zepko stated I don't believe Mr. Stevens was at the meeting. Mr. Williams stated in the initial meeting when we sat down with the plan that they presented to us, we went through probably 4 or 5 different types of things that we wanted to change and then come back with a response, which they have done here tonight. Mr. Watts asked, in part of the process, would a notification go to the fire company, which is West Crescent? Mr. Williams stated yes. Mr. Watts stated the following: The West Crescent Fire District would be the ones who would be providing the fire protection. We want to make sure that the fire department looks at the emergency access points as well as our Code Enforcement Department to get their input because it is a long cul-de-sac. Mr. Steenburgh stated absolutely. Mr. Nadeau asked Mrs. Murphy if right now it is the Town's position to want to own the stormwater management area? Mrs. Murphy stated the following: I am going to ask your indulgence to allow me to research that issue. I know that there have been differing opinions with regards to ownership verses maintenance easements. So, I will get back to the Board with regards to that. Mr. Nadeau stated I would also agree with Mr. Ouimet on the emergency road and I think that is why it was extended further because you're isolating 17 homes. Mr. Steenburgh stated that's fine. Mr. Berkowitz asked is that road going to be paved? Mr. Steenburgh stated the following: The emergency access road is anticipated to be a crusher run style crushed stone reinforced road and enough to support an emergency vehicle if necessary. It is our anticipation that the only time that road would ever be used is if the intersection up through the emergency access road has been blocked

for some reason and can't be utilized. Mr. Watts stated right and that would be required to meet the standards for fire apparatus. Mr. Steenburgh stated absolutely. Mr. Watts asked could you explain what your tentative plans are at this point with the HOA that you mentioned regarding maintenance, lawns, snow, etc.? Mr. Steenburgh stated the following: Right now it is strictly for maintenance of open space and we don't anticipate a HOA for full service access like lawns and driveway maintenance. Although, that's becoming a more and more popular option and it's becoming a big selling point. If the future builder does decide that this would be something that he would want as an asset to this community, certainly it could be written into the HOA language. Mrs. Murphy stated the following: With regards to the HOA, there is language that this Board would require you to include, which involves the ability of the HOA as an entity to put a value to pay dues as a tax lien on the house, which has to be done through the approval of a HOA. Otherwise, unfortunately these associations tend to fail and then no one is maintaining the open space. Mr. Steenburgh stated that's fine. Mr. Higgins stated did you mention that the SCSD wants individual grinder pumps for each house? Mr. Steenburgh stated that's correct. Mr. Higgins asked Mr. Bianchino isn't that a little unusual? Mr. Bianchino stated it has been the County's policy lately to minimize to the greatest extent possible the number of pump stations that the County has to own and maintain. I haven't talked to Mr. Jim DiPasquale from the SCSD about this parcel but certainly I think he sees that the easiest way to get sewer to this parcel is to use grinder pumps and low-pressure force mains to tie into the new manhole at Springbrook Trailer Park. Mr. Higgins asked so at some point when it gets out to Dunsbach Road, then it goes gravity? Mr. Bianchino stated once it gets into that manhole it's gravity until it goes into the new pump station that was installed as part of that project on Dunsbach Road. What you don't want is a gravity line with this subdivision because it goes to wherever the low point is and then another pump station would need to be maintained. So it minimizes the number of pump stations. Mr. Higgins asked where is the access on this as far as in relation to the subdivision that was recently approved across the road and asked if that was further down the road? Mr. Nadeau stated that is way down Dunsbach Road.

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

10.002 NB Law Office of Richard J. Herrmann Jr., 440 Route 146 – Sign

Mr. Richard Herrmann, the applicant, stated the following: I purchased 440 Route 146 for my law office and there is an existing sign that I want to put my name on.

The Planning Department's topics stated the following regarding the sign application for the Law Office of Ricahrd Herrmann, Jr.:

Law Office of Richard Herrmann Jr., 440 Rt 146, Sign

Sided: ☐ one-sided ☒ Two-sided

Sign Dimensions: 76" x 60"

Location of Sign: Freestanding sign in the front of the site

Lighted: ☐ Internal ☒ Flood

Total Height: 10 ft

Planning Board Date(s): 1/11/10

Brief Description: The applicant is proposing to replace the monument sign at the front of the property with a new monument sign to reflect the change of tenant. The proposed sign is to be a total of 63.3 SF (31.6 SF, double sided) and lit by floodlight. There are also two proposed tenant panels for possible future tenants illustrated on the sign design. The proposal complies with Town Code.

Mr. Roberts made a motion to approve the sign application for the Law Office of Richard J. Herrmann, Jr. Mr. Nadeau seconded. Motion carried.

10.003 NB LeBoeuf Subdivision, 147-A Beach Road – Lot Line Adjustment

Mr. Joseph LeBoeuf, the applicant, wishes to make a lot line adjustment to add a flaglot stem to his existing land-locked parcel. The intention is to make this lot a buildable lot. Lot #2 on the subdivision plat will go from 1.05-acres to .89-acres, and Lot #3 (the landlocked parcel) will go from .95-acres to 1.11-acres. This will give Lot #3 a 20 ft wide strip that provides the necessary frontage on Beach Road. Both lots as proposed would be conforming in size to Town Code. Mr. Ruchlicki asked if the dotted lines on the plan depicted the current driveway to that lot? Mr. LeBoeuf stated yes it is. Mr. Roberts asked Mr. LeBoeuf why he was doing the lot line adjustment. Mr. LeBoeuf stated because I am building a new one-family house for myself. Mrs. Zepko stated that lot is currently landlocked and this adjustment will make it a conforming buildable lot.

Mr. Nadeau made a motion to set a public hearing for the January 26, 2010 Planning Board meeting. Mr. Roberts seconded. Motion carried.

10.004 NB Kowsky Subdivision, 134 Dunsbach Road – Minor Subdivision

Ms. Kathleen Kowsky, the applicant, wishes to subdivide a 2.029-acre parcel from an existing 13.446-acre parcel on Dunsbach Road. The new lot created will be a standard parcel with 100" of frontage on Dunsbach Rd. The remaining lot will be 11.417-acres and has frontage on both Dunsbach Rd and Woodin Rd. Both lots are conforming in area to Town code and have public sewer and water. Ms. Kowsky stated I'm proposing this subdivision so my daughter can build her house. Mr. Nadeau asked are there any wetlands in that area? Ms. Kowsky stated the following: There is a ravine in the front but it is a stream that goes through and it has widened out. The biggest part of what you call 'wetlands' is what I would still own. My daughter is not going to bring fill to the front line and she is just going to bring a small driveway in and then use that section for her home. Mr. Nadeau asked so would that new driveway be located on the new lot? Ms. Kowsky stated the driveway would be coming from Dunsbach Road across the culvert into her lot. Mr. Higgins asked is the road frontage for the lot that is remaining going to be 97.7 FT. Ms. Kowsky stated the following: No, it's actually going to be larger than that. There is a discrepancy and there is an old post or something and there is actually a total of 142 FT because they were going off of an old rod. My original lot frontage was 242 FT on Dunsbach Road to that line. Mr. Watts asked would you have public water and sewer? Ms. Kowsky stated the following: I have public water and the sewer across from her lot is the corner of Dunsbach and Cambridge and Cambridge does have sewer. I have put my question into the Saratoga County Sewer District (SCSD) and I have yet to hear back. If she doesn't get that, she has enough to do a perc test and a septic system but I am hopeful that that doesn't have to happen. Mr. Nadeau asked is the remaining 11-acres a buildable area? Ms. Kowsky stated not in my lifetime because it is going to remain wild. Mr. Watts asked but could it be built on? Ms. Kowsky stated yes, it could be.

Mr. Ouimet made a motion to set a public hearing for the January 26, 2010 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

10.005 NB Tanski-Kennedy Lane, 5 Kennedy Lane – Special Use Permit

Mr. Bruce Tanski, the applicant, stated the following: I would like to put a 10 FT wide (including steps) by 27 FT long porch on the front of an existing building on 5 Kennedy Lane. The house itself is about 130 FT long and we removed the shrubs and things away from it and now it looks like a mobile home so we want to do something to it to dress it up. The reason I am here before the Board is because it is a commercial use so we need to have a special use permit in a commercial area. Mr. Watts asked is the home going to be used as a residence? Mr. Tanski stated correct; Bill and Pat Cunningham are

going to reside there and they currently own a couple of duplexes on Meyer Road behind the Old Dater Tavern.

Mr. Nadeau made a motion to set a public hearing for the January 26, 2010 Planning Board meeting. Mr. Roberts seconded. Motion carried.

Old Business:

09.092 OB McHargue Subdivision, 162 & 166 Beach Road – Minor Subdivision

Ms. Julia MchHargue, the applicant, wishes to subdivide an existing 1.34-acre parcel into two lots. Lot A will have 158 ft of frontage, while Lot B will have 171 ft of frontage along Beach Road. Lot A will be 30,002 SF with an existing 2-story house. Lot B is proposed to be a 28,373 SF lot that is currently vacant. This parcel is in the Town's Residential zone with public water and private septic available. The minimum lot size requirement for this area with the available utilities is 30,000 SF. Ms. MchHargue stated that she had appeared before the Zoning Board of Appeals (ZBA) and they approved her request for an area variance to create a substandard sized parcel.

Mr. Roberts made a motion to set a public hearing for the January 26, 2010 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

09.104 OB Papa John's Pizza, 1525 Route 9 (Plant Road Plaza) – Change of Tenant & Sign

Mr. Victor Caponera, Atty., stated the following: We were before this Board on December 14, 2009 and we had a thorough discussion about the proposal for Papa John's Pizza. Since that time I have engaged in dialogue with your Town Engineer, Mr. Mike Bianchino. I am of the understanding that Mr. Bianchino has put together a letter to this Board for consideration pertaining to this proposed use on this site. We are here tonight to answer any questions that the Board might have. Mr. Watts asked Mr. Bianchino if he witnessed the delivery truck and asked that he give the Board a quick run down of that. Mr. Bianchino stated the following: Mr. King was able to coordinate one of his delivery trucks from New Jersey to the site. It was clear on the first run through that the tractor-trailer deliveries on that site would not work with any vehicles in the parking lot in the areas around the entry drives. I think we are in agreement that the only time that deliveries from Papa John's Corporate to this site could occur would have to be after hours. Based on that discussion, you talked about the fact that it would be much easier for a tractor-trailer to pull in across the front of the site for the deliveries. I think we are in agreement that is how it would operate. The other two issues that the Board asked us to look at were traffic and parking and I don't think that either of those would be any real issue on this site. Mr. Watts asked Mr. King if he was okay with what has to work with the truck and the deliveries? Mr. Caponera stated Mr. King talked with corporate and corporate is okay with that and they realize that the only time they will be able to get to this site is after hours or in other words; when it is closed. Mr. Higgins asked if you are open to 11:00 pm, are you saying that the deliveries would be after midnight? Mr. Christian King, the applicant, stated the following: Around 11:30 pm to whatever hour of the morning that the Board wishes; say around 6:00 to 7:00 am. This would give us a 6-hour window to work within. Mr. Watts stated if we give you an approval you would have to work closely with the Planning Board and our Code Enforcement Department to monitor the delivery times to make sure it works. Mr. Roberts stated in any event we don't want the truck ever stopping on Plant Road or Route 9. Mr. Nadeau asked if there was one residence located north of the site? Mr. Watts stated yes, Wojtowicz is north of the site. Mr. Nadeau asked is that the only one. Mr. Watts stated yes. Mr. Higgins asked if the tractor-trailer would pull in off of Plant Road into the parking lot and then use the exit out onto Route 9? Mr. Caponera stated correct. Mr. Higgins asked if the tractor-trailer would be backing in because we had that problem before. Mr. King stated no. Mr. Watts stated the following: I

would like to make clear for the applicant and to the owner of the plaza, who is not present tonight, that in our motion, should this business do well, and should parking become an issue, then the intensity of use would be an issue for the remaining property or the remaining suites. This Planning Board will make a conscience decision at that point as to what kind of use would be allowed. This is based upon the fact that when the plaza was originally approved it was the owner/applicant's statements that this would be a floor covering business and it would be a very low intensity use. That is why we approved the size of the building that we did approve based on that use. But then again, we also understand economic conditions and we've seen a few of those businesses not doing that well. So we are going to take our action based upon that so that it's not in any way a precedent setting matter either. Mr. Roberts stated also the owner knows that this may affect any future tenants. Mr. Caponera stated I can attest to that because before tonight's meeting, I had the owner on the telephone making sure that he had this conversation with Mr. Watts. Mr. Higgins stated also I would like to make a point that the hours of operation of the future tenants could be affected by the fact that the parking lot needs to be empty for Papa John's to get their deliveries. Mr. Ouimet asked is it reasonable to say that the approval would be contingent on the deliveries not taking place until after 12 midnight? Mr. King stated that's fine but the bigger the window the easier it would be. So say 11:30 pm, because we close at 11:00 pm and that would give us an extra half hour. Mr. Ouimet stated the following: I'm okay with 11:30 pm. The unknown is the other 3 tenant spaces in that building. We don't know what is going to go in there and the fact is that you need a vacant parking lot in order to maneuver a tractor-trailer into the front unloading area. Mr. Watts asked how long does it take to unload one of your tractor-trailers. Mr. King stated it depends on the size of the delivery but about a half hour. Mr. Roberts stated I would say based on the tenants that are at the plaza now, the owner of the plaza is on notice that any future tenants could be affected by this so any future tenants should not be open after 11:30 pm. Mr. Ouimet stated the following: I do understand that this particular tenant isn't the tipping point for this particular building but it should be clear in the record that there are 3 vacant spaces in this building and at one point or another we are going to hit the tipping point. Just for the record and not for this particular use or this particular tenant. I just want to be clear about the intensity issues not going away but it has just been set-aside for the purposes of this particular applicant. Mr. Watts stated right and I think we have all made that clear. Mr. Watts stated make sure you advertise as Papa John's of Halfmoon. Mr. Roberts stated regarding the signage, would any of the lit signs have neon? Mr. King stated no they would be LED lit. Mr. Watts stated I know we have discussed the LED's and the intensity of the digital LED's. Mrs. Zepko stated the signs would be LED backlit and they would not be digital. Mr. Roberts asked does this plaza have a sign scheme like other plaza's have? Mrs. Zepko stated they do not have a sign scheme.

The Planning Department's topics stated the following regarding the sign application for Papa John's Pizza:

SIGNS

Sign A-Papa John's

Sign Size: **40 SF**

Sided: ☒ **one-sided** ☐ Two-sided

Sign Dimensions: **4' x 10'**

Location of Sign: above store front

Lighted: ☒ **Internal** ☐ Flood

Planning Board Date(s): 11/23/09

Brief Description: **The applicant wishes to place a 4 ft x 10 ft "Papa John's" sign above the store entrance.**

Sign B-Papa John'sSign Size: **40 SF****Sided:** ☒ **one-sided** ☐ Two-sidedSign Dimensions: **2' x 20'****Location of Sign:** South elevation of plaza building**Lighted:** ☒ **Internal** ☐ Flood**Planning Board Date(s):** 11/23/09**Brief Description:** **The applicant wishes to place a 2 ft x 20 ft "Papa John's" sign at the South elevation of the building (facing Plant Road/Rt 9 intersection).****Sign C-Papa John's**Sign Size: **12.6 SF****Sided:** ☐ one-sided ☒ **Two-sided**Sign Dimensions: **1.7' x 7.4'**Total Height: **11.6 ft****Location of Sign:** Tenant panel sign on freestanding sign that was approved at the October 13th meeting**Lighted:** ☒ **Internal** ☐ Flood**Brief Description:** **Applicant wishes to place a tenant panel on the approved freestanding sign for the Plant Road Plaza site.**

Mr. Ouimet made a motion to approve the change of tenant application for Papa John's Pizza conditioned on deliveries occurring between 11:30 pm to 6:00 am, no backing up of delivery trucks into the site from Plant Road or Route 9, no parking of delivery trucks on Plant Road or Route 9, no in-facility dining and the review of all future tenants and their intensity of use will be fully scrutinized by the Planning Board with regards to parking, number of employees, hours of operation and all other safety and health issues that may arise. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Papa John's Pizza. Mr. Nadeau seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the January 11, 2010 Planning Board Meeting at 7:44 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary