

Town of Halfmoon Planning Board

April 12, 2010

Those present at the April 12, 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 April 12, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the March 22, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the March 22, 2010 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

New Business:

**10.038 NB Sweeney Company LLC, 215 Guideboard Road (Country Dollar Plaza) –
Change of Tenant**

Mr. Jason Sweeney, the applicant, stated the following: We design and install paving stones and retaining wall systems. We are proposing to use a space located at 215 Guideboard Road strictly for estimating purposes by myself and I have a part-time bookkeeper that comes in and does bookkeeping. I have a showroom area with very few pieces of paving stones and retaining walls for an occasional client to stop and look at individual pieces. There is not a large display area. Mr. Nadeau asked would you be parking any of your construction vehicles at this site or anything like that? Mr. Sweeney stated no, however, occasionally if I'm coming off a job, I could have my dump truck or trailer and I may stop in to run in and run out. Mr. Nadeau asked would you have anything parked there overnight? Mr. Sweeney stated the following: Absolutely not. I have another auxiliary yard on Route 9 where we keep our stock material. Mr. Higgins asked did you say that you would have customers actually coming to the site? Mr. Sweeney stated the following: Most of the time when I go to a customer's house, I have the product brochures and I send the customer to one of the retail yards that I buy from where they have large displays that actually show the material. If there is a particular item, I'll bring it to 215 Guideboard Road to allow the customers to look at it. I can't see somebody coming in to look at a visual sample more than once every two weeks. Mr. Higgins stated not knowing exactly how this is set up, I know it is in the rear of the building, is it a safe area for customers to gain

access? Mr. Sweeney stated yes. Mr. Watts stated there is not a lot of traffic on the road and it is set back a bit from the road to the building. Mr. Higgins stated I know that's a loading dock area for some of the other stores in the rear. Mr. Sweeney stated the following: The delivery trucks and tractor-trailers are coming in on occasion on either side of that space and usually that is mid-day. My clients typically come to look at the material after work but the entire back of the building is basically a gravel parking lot driveway and I think it is probably 50 FT deep off the road and the only obstruction would be a telephone pole. Mr. Higgins stated I was concerned that it wasn't safe for customers coming in. Mr. Sweeney stated that area is pretty wide open. Mr. Watts asked Mr. Williams and Mrs. Zepko if a site plan was reviewed as part of this review? Mr. Williams stated I didn't look at a stamped site plan for this review but I did take information that was supplied from a previously proposed site plan when we were looking at an additional plaza on a vacant parcel adjacent to this piece that gave me numbers for the parking on the existing plaza. So I used those numbers to fill in the information for the Board. Mr. Watts asked so we did have a site plan that you did look at? Mr. Williams stated yes. Mr. Watts stated we could ask for a site plan revision for the rear of the building. Was the site plan that we have stamped and signed? Mr. Williams stated no. Mr. Berkowitz asked is there any parking in the rear of the building or do we need any? Mrs. Zepko stated again, we don't have a stamped site plan for the approval of the plaza on record here at the Town. Mr. Williams stated for the record this plaza is the oldest plaza in the Town of Halfmoon. Mr. Nadeau stated the following: To my recollection, there is no parking or anything in the back that we approved. I don't see a problem with this but everything was done to the front of the site. Mr. Berkowitz stated but if there are customers coming there, they need to know where to park. Mr. Higgins stated the following: There is parking, there is lighting and the whole bit that we have in the front where the customers come in. Like I said earlier, I'm just concerned about the safety of people going in and accessing the plaza from the rear. In the front obviously there is lighting, crosswalks and everything else. If a person is using the rear of the site for his own office, I don't have a problem with that, however, if you are bringing customers in, that's another situation. Mr. Nadeau stated the following: I'm not sure but it's possible that SYSCO used to receive deliveries back there, so I know there would have been access. I don't think there was anything approved for that. Mr. Higgins stated right and that is my only concern. Mr. Nadeau stated I don't see an issue with this. Mr. Murphy stated the approval should be conditioned on no parking of construction vehicles and no outside storage of materials.

Mr. Nadeau made a motion to approve the change of tenant application for Sweeney Company LLC conditioned on no parking of construction vehicles overnight and no outside storage of materials. Mr. Roberts seconded. Motion carried.

10.037 NB Youth for Christ Recreation Center, 1544 Route 9 – Concept-Commercial Site Plan

Mr. Ronald Bova, of Bova Engineering LLC, stated the following: I am here tonight to explain and answer the technical engineering questions and Mr. John Richmond, of Youth for Christ, is also here tonight to explain the organization and the project. Mr. Richmond, Assistant Director of Youth for Christ stated the following: Their organization has been around since 1958 and offers positive programs for teenagers for topics such as teen parents, outdoor wilderness expeditions, anti-bullying programs, and juvenile justice kids. They are seeking to bring a safe and positive establishment for teens in Halfmoon. The facility will offer indoor rock climbing, indoor skateboarding, coffee house, concerts, and sports such as basketball and soccer as well as after school programs for middle school and high school kids. They want to have a facility where kids can be brought in for programs such as the anti-bullying program for safe and positive gathering. The ropes course has been very successful with over 900 people visiting the site including the Army National Guard, sports teams, the rotary, etc. It has been a very positive place for these groups. That was a brief overview of our organization. I would be happy to answer any questions that the Board may have. Mr. Watts stated that he would like

to hear from the engineer on issues regarding the site layout and infrastructure and then the Board will ask the questions when you're done. Mr. Ron Bova of Bova Engineering stated the following: The site is just down from a used car dealership on Route 9 and north from a mobile home community. As you are aware the site sits to the rear of the larger DCG property that it was recently subdivided from and access to the site is made from an existing gravel driveway that goes to the rear of the parcel. The proposed improvement on that driveway is to bring the turn radii to current DOT standards. The proposed building is to be 171 ft x 156 ft or just over 26,000 SF. There is a rendering of the proposed elevation in the brochure that was included in the application. It is proposed to be a pre-engineered building. The parking lot is broke down into two areas. The primary parking lot is to the north of the building with an overflow lot to the west. In total there are 103 spaces. We are proposing a pervious concrete surface as this site lends itself well to this type of stormwater recharge. The soil conservation service maps state that the seasonal high water table is more than 6 ft deep. We will not be cutting into the knoll where the building is to be placed so we will be maintaining the state requirements for recharging the stormwater. We are also proposing that the overflow lot be surfaced in drivable pavers. This would not be practical for the primary parking area as more maintenance would be required for the grass that grows in between the pavers. The snow removal and what not would make that problematic. For the overflow lot, however, it is certainly worthwhile to entertain the use of this surface. I have brought a small sample here with me tonight. They come in a 2ft x 2ft squares and then topsoil is placed over the top and fills the voids and the grass grows up through. A fire truck is able to drive on these and automobiles without any problem. I have a DVD of the pervious concrete that is proposed for the main lot and it shows a large concrete mixer truck with water discharging and it goes directly into the pavement without any pooling. It is a very promising product. Mr. Watts asked if Mr. Bova had utilized this surface anywhere else in the area. Mr. Bova stated, no, there was a small residential driveway in Rexford and a commercial company in Latham, but that is all locally. Sanitary sewer, electric, water and gas is shown with a 50 ft proposed easement on the south side of the property that runs all the way to Route 9. That is where electric, gas, and water will come in. For sewer, we will not needed it for this particular project but the right of way will be large enough for the Town's use at some later date for future development on Route 9. Our sanitary discharge is going to be to the rear of the building. Saratoga County Sewer runs to the rear of the property between the Youth for Christ Property and the residential subdivision to the west. There is an existing 8-inch 'T' on this main trunk line where we are proposing to connect to with a directional bore under the wetland area. Mr. Watts stated relative to the sewer the Town has spoken with Don Greene and Mr. McElroy regarding working with other commercial properties on Route 9 including the bank, Dunkin' Donuts, and Hoff Jewelers to bring sewer to those areas. Have you spoken with them regarding this issue. Mr. Bova stated, yes. When this site was subdivided, a 30 ft wide easement was made. That was not going to be adequate so we are now suggesting a 50 ft wide easement to bring sewer out this area. Mr. Watts stated, so it would be possible given financial constraints for those sites. Mr. Bova stated yes, it is large enough so that it can accommodate additional flow. We have contacted the Saratoga County Sewer District but have not received a response as of yet. Mr. Nadeau asked if this would be open to the public. Mr. Richmond stated yes it would be both open to the public and our private groups; the majority would be private versus commercial. Mr. Watts asked if it was not for profit. Mr. Richmond stated yes. Mr. Nadeau asked if there would be religious services on the site. Mr. Richmond stated that there would not be church services. Mr. Berkowitz asked if there would be sleepovers or seminars or things of that nature. Mr. Richmond stated there would not be sleepovers, but there would be training. Mr. Polak asked if the concerts were going to be small local bands or rock bands such as Hootie and the Blowfish. Mr. Richmond stated that the bands would most likely be small Christian bands. Mr. Watts asked if the Board would hold a Public Hearing on this proposal. Ms. Murphy stated that the Board does not have to hold a Public Hearing as this is not a special use at this site but may choose to do so to gain comments from the residential neighbors. Mr. Bova showed on the map where the neighboring residential neighbors were located as well as where the commercial

development is possible on the parcel to the front. Mr. Watts stated that he just wanted to give the neighbors an opportunity to be heard on issues regarding lighting, traffic, noise, etc. Mr. Bova stated that the plan shows the foot-candles that are proposed for lighting the parking area and they are very confined to the site. Mr. Berkowitz asked if the parking lot were needed to be expanded, is there room to do that? Mr. Richmond stated yes. The Planning Department shows that this use could be defined on the parking schedule as needing 1 space per 50 SF. The NYS Building Code only allows 1 person per 50 SF or 530 people in this building so there is a disconnect there. The rock wall takes up a large portion of the building. Mr. Higgins asked how visible the building would be given that the rock wall would be 40 ft. Mr. Bova stated that there are some very mature pine trees that are about 40-50 inches in diameter and well over 30 ft tall between the building and Route 9. For the purpose of this study we have not yet done a study of what the visual will look like but that can be done. Ms. Murphy stated that regarding the parking schedule in our ordinance, our engineers will review this proposal and may find that this fits into the 'other' category which offers the Board some flexibility in the number of spaces required. Mr. Watts stated that the Town of Halfmoon Planning Department holds meetings with applicants as well as the official Board meetings. This allows these types of questions to be raised and offers the applicant adequate time to respond. Mr. Watts asked if the Board wanted to refer this application to CHA or hold a Public Informational Meeting. The Board responded that they would like to refer this to CHA first. Mr. Higgins asked if the driveway was to be paved. Mr. Richmond stated yes, that is on the driveway detail. Mr. Nadeau asked if this was realistically a commercial development. Mr. Watts stated that it is a not for profit 501 status, but for all intensive purposes it is a commercial establishment. Mr. Ouimet stated that the ropes course that was previously approved on this site is a daytime operation only. This new use would have nighttime hours, extending the hours of operation. Also, how will the ropes course and the rock climbing use interact over time? These are questions that we will look for answers to in the future. Mr. Watts stated that these and other issues would be raised by our engineering review that will need to be worked on throughout the process.

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

10.038 NB Fred the Butcher, 1471 Route 9 (Crescent Commons) – Concept-Commercial Site Plan

Mrs. Murphy recused herself from this item. Mr. Joe Dannible, of the Environmental Design Partnership, stated the following: I am here tonight on behalf of Mr. Michael Klimkewicz, of MRK Real Properties, to present the application for Fred the Butcher's new home in the Town of Halfmoon. The existing site is known as Crescent Commons, which is a retail and commercial office plaza. Crescent Commons consists of 10,000 SF of retail use and 12,000 SF of general office use. There are also two existing houses that are utilized as retail and office space. Most recently one of those buildings was used as a hair salon. There are 61 existing paved parking spaces and an additional 20 parking spaces in a gravel area out behind the building. What we are proposing to do is demolish the existing 2 houses that have a total of 3,500 SF of space and replace them with a 7,200 SF retail store for Fred the Butcher. The store would include a meat processing area that would have roughly 2,400 SF, a retail grocery area of 3,600 SF and a small café in the front of the building that would be roughly 1,200 SF. We are anticipating 40 seats and 2 employees for that use. We are working with Creighton-Manning Engineering, looking at the access onto Route 9 because that is a busy area in the evening hours. What we are proposing to do is to slightly modify the curb cut. The curb cut is already wide enough for us to provide 3 lanes, 1 entering, 1 exiting to the left and 1 exiting to the right. Working with Creighton-Manning, they say that that design would maintain an adequate level of service. At this time their report is not finalized and as soon as we have that we will provide you with more accurate numbers and times so that we can review that. Also, by modifying this curb cut we would be pushing back the driving lanes roughly 2 car lengths, which would allow additional vehicles to stack and would not impede any of the traffic flow within the site. Regarding delivery vehicles to the site; currently a

delivery vehicle would come into the site, circulate around the back of the building and then come out. We are proposing to maintain that flow but we would also be adding a secondary loop around the back of the butcher shop that would allow for deliveries to access that area as well. There would be a trash enclosure within the service area to the rear of the butcher shop, there would also be an overhead door in the rear of the building for loading and also a pass door on the side of the building for deliveries to the grocery and retail area. There will be a small patio out front for seasonal use with roughly 12 seats that would alternate between indoor and outdoor so we maintain roughly 40 seats at maximum total. In front of the patio there would be a landscaped area with a monument of Fred the Butcher's bull for everyone to recognize as they drive by. We are also proposing to realign the parking areas within the site. If you are familiar with the site, there is a very curvilinear parking lot that is not well defined in many areas and what we would be proposing to do is realign that parking lot providing a total of 91 paved parking spaces and 63 gravel and/or landbanked parking spaces providing a total of 153 parking spaces. We have made a chart that I've attached on the plan that goes over the use and parking schedule and I've reviewed this with the Town and our use as it would be proposed would provide 146 parking spaces and we are providing 153 parking spaces. The existing development as it sits today provides 61 parking spaces that are paved and that is more than ample for the uses that are currently in there. We are proposing to pave another 30 spaces and additional landbanked spaces that would provide adequate parking for the entire site. We would have to do a private sanitary sewer collection system owned by the applicant and it would be discharged into the County main. There is an existing water connection to tap located on the Halfmoon Water Department's line on Route 9 and we're going to work with the Town and CHA to go over the stormwater requirements for this parcel. Mr. Nadeau asked is the current plaza hooked up to the County Sewer at this time? Mr. Dannible stated the current plaza empties into a septic tank and it is pumped through a private system that ultimately collects at the County Sewer District. Mr. Nadeau asked does that go back to the mobile home park? Mr. Dannible stated correct it goes through the mobile home park and connects to a County Sewer on Plant Road. Mr. Nadeau asked would the new building do the same? Mr. Dannible stated it is anticipated that we would connect into the existing septic tank and it would discharge in the same manner as the plaza. Mr. Watts asked where does Apropos' (formerly Romano's Restaurant) sewage go? Mr. Dannible stated the sewage exits the rear of the site and works its way into the pump station and then to the County main. Mr. Nadeau stated there has been drainage issues in that area and we will have to look at that closely because that corridor is a drainage nightmare. Mr. Dannible stated absolutely. Mr. Higgins stated regarding the encroachment on the easement; would Apropos have to sign off on that? Mr. Klimkewicz stated correct; they have an easement agreement in their hands and they have already told me yes that they would approve of the access, but I don't have it in writing yet. Worse case scenario if they say no, we'll move the building back 10 FT. Mr. Nadeau asked what did you gain by reconfiguring the curb cut? Mr. Dannible stated it provides an exclusive right turn and left hand turn lane which would alleviate some of the queuing issues with trying to make a left out of the site and there would only be stacking in the left hand turn lane and not in the right hand turn lane. Mr. Williams asked if there would be a giant bull statue that would rotate on top of building? Mr. Roberts stated the following: When Fred the Butcher was located in Mechanicville; he had a bull on his roof at that location. When he proposed to move to Halfmoon, Fred and I went around and around for a long time because our ordinance doesn't allow things on the roof and Fred kept on trying to do it. Mr. Watts stated I remember Fred saying that was the cheapest publicity he ever got "fighting with those dummies on the Planning Board" because it was in all the newspapers and it was on the news.

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

10.039 NB Caputo's Pizzeria, 1675 Route 9 (J & S Watkins Plaza) – Sign

Mr. Mike Remillard, of Sign Perfect in Saratoga Springs, stated the following: We would like to fabricate and install a set of channel letters on the building at J & S Watkins Plaza located on Route 9

in Halfmoon. They are 18 inches high; they would be LED lit, on a raceway and similar to all the other signs at the plaza. The sign would be 32 SF, one sided, internally lighted and would be located above the existing entrance. Mr. Roberts questioned the LED lighting and its brightness. Mr. Remillard stated the following: It is more of a constant lighting than neon. Neon is probably a little more vibrant. We changed to LED's a couple of years ago just for maintenance reasons. LED is a much better product but as far as illumination; I would say that it is not as intense as neon letters but a little more constant and there are no hot spots. Mr. Roberts asked does this design fit with the rest of the plaza? Mr. Remillard stated yes, it would have the same letter style and the same letter height that is now at the plaza. Mr. Watts stated so it would be LED lit. Mr. Williams stated would the sign be backlit? Mr. Remillard stated no, they are not backlit they are front lit. Mr. Higgins asked would the LED have the automatic dimming feature? Mr. Remillard stated the following: No, the LED's are put inside of the letters the same way with the neon. When you see neon letters, there is a real bright spot in the center and with the LED's you don't get that. Everything is illuminated but it is more of a constant lighting than the bright hot spots. Mr. Roberts stated my concern is are they going to be any brighter than the rest of the plaza? Mr. Remillard stated absolutely not. Mr. Roberts stated okay because that is the main thing because they all have to be consistent. Mr. Watts stated the following: At this point we have to abide by the current sign ordinance and the standards that are in there. We have brought up our concerns and those are being looked. Mr. Roberts stated I want to make sure that this sign is not going to be brighter than the rest of the signs at the plaza. Mr. Berkowitz asked would they have signs within the windows such as; open signs or closed signs? Mr. Remillard stated I talked with Mr. Caputo today and he is interested in putting in a few neon signs in the window that say "pizza", "hero" and "salad". Mrs. Murphy stated neon signs are not allowed. Mr. Remillard stated okay so they are not allowed. Mr. Watts stated that also would count against his total signage. Mr. Ouimet stated what did you mean when you said it is going to be in a raceway? Mr. Remillard stated the following: Like all of the other signs that are on the building; each letter is mounted to a box which is approximately 8 inches high by 6 to 8 inches deep. The letters are mounted to a raceway and then the raceway is mounted to the buildings facade, as is every sign in the plaza. Mr. Ouimet asked is the raceway like a channel? Mr. Remillard stated the following: It is and what that does is it prevents minimal holes on the building facade and there are only 4 holes per sign instead of 2 holes or 1 whole per letter and that is the reasoning for that. Mr. Ouimet asked so the letters aren't going to travel, you aren't going to be able to change the letters electronically and it's not going to say a different message other than the name of establishment? Mr. Remillard stated exactly and it would be just like the other signs at the plaza. Mr. Higgins stated for the record the applicant has stated that the intensity of lighting would be same as the existing lighting. Mrs. Murphy stated the Board should make that a condition of the resolution.

Mr. Roberts made a motion to approve the sign application for Caputo's Pizzeria with the condition that the proposed sign is no more intense in brightness as the existing plaza signs. Mr. Higgins seconded. Motion carried.

10.040 NB Precision Mobile Audio, 1624 Route 9 (Lee's Plaza) – Change of Tenant

Mr. Mike Michne, the current owner of Precision Mobile Audio, stated the following: I am in the process of selling the business to Mr. John Zimmerman who was supposed to be here tonight but he had a family emergency and I apologize for that. Mr. Zimmerman is looking to take over ownership of my business, which I have had for 5 years located at 1624 Route 9 in Halfmoon. Mr. Zimmerman is going to keep the business identical to what it is doing now; the same personnel, the same signage and the same vendors. The business is going to continue as it currently is. Mr. Zimmerman also has his own business in Slingerlands and this would just be an expansion for him. As the owner, he is going to be primarily located in this location. Mr. Ouimet asked what is your buyer's current business?

Mr. Michne stated his business in Slingerlands is called Zim's Custom Radio and it is exactly the same type of business.

Mr. Berkowitz made a motion to approve the change of tenant application for Precision Mobile Audio. Mr. Nadeau seconded. Motion carried.

10.042 NB Lowe's (Outdoor Sales), 476 Route 146 – Change of Use

Ms. Cynthia Scheterlak, zone manager of Lowe's, stated the following: Similar to what we had last year, we are looking for an approval on outdoor storage on the side of our building facing Route 146. This would be a slightly smaller version of the same plan that we had last year. Basically we would just have shed displays and palletized storage on the side of the building. Mr. Berkowitz stated when you were here last year, you were in the process of fixing the sprinkler system and planting new grass and then it seemed to stop after the approval. There is a ditch dug where the sprinkler system is and no one has touched that in the past 6 months to a year. Ms. Scheterlak stated I know that this got put on hold during the winter. Mr. Ed Daniels, our store manager, had mentioned that he is going to have someone come out and finish the project. I know that they ran into some problems with it last year due to tree roots. Mr. Berkowitz asked so will it be finished and reseeded? Ms. Scheterlak stated yes, definitely. Mr. Higgins asked did you have the shed display last year? Ms. Scheterlak stated yes. Mr. Watts stated the following: When the Board makes the motion; we would make that a condition of the approval. Also, I would ask that they patrol the grounds to make sure that they pick up debris that tends to blow around there because you have those ponds and debris gets in there and it is going to cause problems. I think they could do a little better policing the grounds and also back by the mobile home park. We did have some issues at this site with the previous manager and the gardening company and I would reiterate that this is a very public piece of property and a lot of people see it so please do your best to keep the site clean and looking nice. Ms. Scheterlak stated absolutely.

Mr. Ouimet made a motion to approve the change of use application (outdoor sales) for Lowe's from April 12, 2010 to Labor Day (September 6, 2010) contingent on a sprinkler head, near St. John Plaza's boundary, to be repaired by May 15, 2010 and the Board asked the applicant to be diligent on keeping litter picked up around the Lowe's site. Mr. Berkowitz seconded. Motion carried.

Old Business:

10.033 OB North American Funding, 9 Corporate Drive – Change of Tenant

10.033 OB Kapital Title Service, 9 Corporate Drive – Change of Tenant

10.033 OB Daniel S. Glaser, Esq., 9 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineers & Surveyors, stated the following: At the last Planning Board meeting there was a little bit of confusion on my part not knowing what the actual tenant base was. At that time we had one application for all 3 tenants. A single tenant made the lease for the entire space. Since then we have made 3 separate applications and we are back before the Board for an approval. The first applicant, North American Funding, is a mortgage broker with one employee, one employee for Kapital Title Service, one employee in the law practice and a third person who will be part-time to be shared secretarial staff. Each tenant will be utilizing one-third of the 1300 SF suite space. The title company would be providing normal title services and most of the search is out of the office. There would not be closings at this facility. The third applicant would be Daniel S. Glaser, Esq., who is a private attorney and he would be renting a third of the 1,300 SF space and also would be sharing the secretarial staff. Mr. Glaser is a private attorney that is dealing mostly with general practice, which will include real estate closings. At this point Mr. Glaser does not have any commercial banks that he works with. Mr. Glaser represents his clients at the closing, which would usually be held at the attorney's for the bank or at the bank itself so he is not proposing any closings at this facility. So there would be 3 employees plus one part-time employee and there are enough parking spaces for possibility

7 cars. Mr. Ouimet asked is there 3 separate principles or is there one principle for all 3 companies? Mr. Address stated there are 3 separate and distinct companies so each is their own company. Mr. Ouimet stated with respect to the North American Funding or the mortgage broker; would they be accepting applications for mortgages at the facility and would people be invited in to submit an application? Mr. Address stated the following: In my discussions with them, it would be very rare if that even happens. I guess someone could stop by the facility but that is not their normal operation at this facility. Mr. Ouimet stated the following: With respect to the Kapital Title Service; it is my understanding that in today's day and age, title services are conducted by computer and that people don't actually have to leave the office to search a title in a given county. Is that how they are going to operate or I noticed that you said that they would be out of the building more than in the building. Mr. Address stated the following: I'm not sure that's the case in all municipalities, or I should say all counties, because I know some of the counties you can't get all the information on-line and you do have to go search at the county offices. So, it would be a combination. I know from a surveying stamp we can pull certain deeds over the computer but we actually have to go to the county to pull a lot of other information; especially for maps and things like that. Mr. Ouimet stated so they would only have one full-time employee? Mr. Address stated there is only one full-time employee who is the owner of Kapital and I believe it happens to be North American Funding's wife who owns that company. Mr. Watts stated the following: Do you have a name for any of these people because everything is signed by Mr. Ed Abele? Who did you meet with and what is their name? Mr. Address stated the application was made by Mr. Ed Abele and I work everything through North American Funding and I spoke with Bert Tyll's but I did not speak to his wife from Kapital Title. Mr. Watts asked who did you speak to from the law firm, did you speak to anybody there? Mr. Address stated I did not speak to anyone from the law firm. Mr. Watts asked who did you speak to from the other company. Mr. Address stated the following: I did not speak to anyone from Kapital Title Service. Again, North American Funding is the entity that is the official person who is leasing the property from the Abele's and they give me the information for the other two entities. Mr. Watts stated I noticed the distinct similarity in the applications from last week to this week and they basically say the same things even though we asked some other questions about the utilization of the property. Mr. Ouimet stated with respect to the law firm; is there a single practitioner? Mr. Address stated that is correct. Mr. Ouimet asked with a secretary or no secretary? Mr. Address stated there is secretary-receptionist that is being shared between the 3 entities. Mr. Ouimet asked would there be paralegals or law students working with the practitioner? Mr. Address stated they indicated that there would not be. Mr. Ouimet asked as far as you know, the practitioner would not be doing closings in his office? Mr. Address stated that is correct. Mr. Ouimet stated you also said with respect to North American Funding Corp. that they are not going to be doing closings in their office either? Mr. Address stated that is correct. Mr. Ouimet asked so would it be fair to say that if we conditioned an approval on the fact there would be no closings taken place that that would be an acceptable condition? Mr. Address stated the following: It certainly would be an acceptable condition for Kapital Title Service and North American Funding. With Mr. Glaser there isn't any intention to do closings. If, in fact, he ended up with a client that was a bank then there would be the potential in the future. Mr. Glaser doesn't have that client now so I'm not sure if you want to restrict him from doing that. Mr. Ouimet stated I'm not so sure that I would want to recommend that we restrict anybody from anything but all we want to do is to know what people are going do. Mr. Berkowitz asked what type of lawyer is Mr. Glaser? Mr. Address stated a general practitioner. Mr. Berkowitz asked so would he be doing more than just closings? Mr. Address stated a general practitioner emphasis on estate planning, residential real estate contract closings and traffic violations. Mr. Watts asked did you get that information from the Spotlight Newspaper? Mr. Address stated yes that is the same one. Mr. Berkowitz asked are they open right now? Mr. Address stated yes they are. Mr. Berkowitz asked without an approval? Mr. Watts stated the following: After the last meeting due to the lack of information that we had received, I gave them permission to open early. We have a lawyer here doing a general practice of law. I also have the Community News information

where they held the grand opening and ribbon cutting ceremony at their new location at 9 Corporate Drive, Suite 3A in Clifton Park. He is a general practice attorney with an emphasis on estate planning, residential real estate, contracts, closings and traffic violations. In the information that you submitted to us you indicated that there is only going to be one person a day going to these offices? Mr. Address stated I believe that is what I indicated yes, one person per each. Mr. Ouimet stated the following: I'm really not comfortable with what I'm hearing and whether or not I'm hearing the real story. There may be more. Not that more would change a decision one way or the other. Mr. Address stated I deal with my own attorney, which happens to be in the Town of Halfmoon, and for a traffic violation you fax the attorney your information and he will fax you back on what you have to pay. You don't go to his office; I deal with him on a number of other items and most of the time things are faxed. Mr. Watts asked could you do a will over a fax or estate planning over a fax? Mr. Address stated certainly you can't do that and there would be times that someone would be coming to the office. Mr. Watts stated the following: That is what we asked at the last meeting. I think the reason why we are asking the questions is because the narrative that was submitted was very sparse. It still seems a bit sparse. Is there adequate parking there and what is going on here because I'm totally confused at this point. I'm totally confused at the lack of information even after asking at the last meeting. As Mr. Ouimet said, if we want to be funny, we can give the approval based upon one person a day going in that office. I don't know if that's doing anybody any favors. What is required by that square footage, that number of businesses and employees? Mrs. Zepko stated the following: Fifty parking spaces would be required for the site given the 10,000 SF of the entire building that we are speaking of at 9 Corporate Drive. Using our zoning code of 1 space per 200 square foot for the 10,000 SF building, 50 parking spaces would be required on the site and 52 parking spaces are provided on the site. The total number of employees in the building would total 28 given the specs that Mr. Address gave us on the application. Mr. Watts stated and for 28 employees with the nature of the business how many spots are required. Mrs. Zepko stated adequate parking is supplied on the site. Mr. Williams stated there are all office uses going on inside that building. Mr. Watts asked if they had 3 more employees working there and they had people coming in regularly and routinely to see the attorney or to see somebody, would that change their parking requirements and are they in any issue with their total parking requirements? Mrs. Zepko stated no, even if they supplied additional clients that would be coming to the site or additional employees, they would still have adequate parking on the site. Mr. Williams stated it wouldn't change the zoning requirement. Mr. Watts stated I understand our requirement issue but I'm trying to clarify in my mind and I can't figure out why when we see that they were able to have in the newspaper all this different practice of law; that is based upon something that we were given a couple of weeks ago, that one person a day is going to come to this site. Did you talk to Mr. Glaser after the first meeting? Mr. Address stated no, I did not talk to Mr. Glaser. Mr. Watts asked and is there a reason after we asked those very same questions at the last meet. Mr. Address stated because I spoke to the owner of North American Funding and Abele's and they had gotten the information directly from Mr. Glaser. Mr. Watts asked so you are saying that no more than one person a day would be coming to that site and run a general practice of law? Mr. Address stated it was an approximation. Mr. Williams stated the following: If you look at the office space that they have, which is rounding up to 1,400 SF, seven parking spaces would be required for this office space itself. They have provided that they would have 3 full-time employees and 1 part-time employee, which would free up 3 or 4 parking spots for just this one office. If you total up all the existing parking, which is 52 parking spaces, and all the existing employees, which is 28, that frees up 24 more parking spaces that are available to visitors. Other than how the business is going to operate out of that office, we can't answer that. Mr. Berkowitz stated yes there is enough parking but we don't know what's going on in the office. Mr. Roberts asked would it be wise to have the actual people who are going to own those businesses come in to explain what they are doing here? Mr. Watts stated the following: The minutes from the March 22, 2010 meeting stated, "Mr. Watts asked is there anybody here from that organization to clarify that? Mr. Address stated there is not." That is a discussion that I had with the

Abele's the other day. Mr. Roberts stated more times than not, the applicant comes in so we can ask questions of them. Mr. Address stated I have represented every single applicant that has gone into the Abele Park and I believe there has not ever been an applicant that has come to a Planning Board meeting. Mr. Watts stated I would agree with what Mr. Address has said and sometimes applicants have been in but there has not been the paucity of information at this point. Mr. Roberts stated but we have unanswered questions and in this case, the applicants should be here. Mr. Watts stated or they should have a good descriptive narrative. Mr. Nadeau asked Mr. Address if he got his information from Mr. Ed Abele and you did not talk to any of the applicants? **(At this point Mr. Address's microphone malfunctioned and much of his conversation was inaudible for transcription).** Mr. Address stated no, I got a call from the Abele's and the owner of North American Funding. Mr. Nadeau asked did you talk to the other two applicants? Mr. Address stated he following: No, when the Abele's talked to North American Funding, they had gotten the information for the other two tenants. My narrative stated "it is expected that there will usually not be more than 1 client coming to the facility on any day. As the tenants will not use all of the allotted parking spaces, additional spaces are available for clients coming to the office". I don't believe they would need more parking spaces because there are 7 parking spaces available. Mr. Watts stated the following: We've got that and we understand that. I am trying to make a point that we need information, we've asked for the information once before, and if we're trying to pin down the actual volume of people that would be there, this may be a minor point, but we treat everybody the same here. Your narrative stated "it is expected that there will usually not be more than" and why doesn't somebody just say since there is 1 attorney, 1 client and two people could show up and there is plenty of parking. We could use much more information in the narrative. Mr. Address stated I understand and I probably should have given more information and should have worded it better. Mr. Watts stated you could have said in your narrative that there would be 1 client at a time.

Mr. Ouimet made a motion to approve the change of tenant application for North American Funding, Kapital Title Service and Daniel S. Glaser, Esq. conditioned on the applicant submitting a more definitive narrative explaining the nature and operation of each business entity. Mr. Roberts seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the April 12, 2010 Planning Board Meeting at 8:24 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary