

Town of Halfmoon Planning Board

September 13, 2010

Those present at the September 13, 2010 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
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 Blanchino

Mr. Watts opened the September 13, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the August 23, 2010 Planning Board Minutes. Mr. Ouimet made a motion to approve the August 23, 2010 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried. Mr. Roberts and Mr. Higgins abstained due to their absence from the August 23, 2010 Planning Board meeting. Minutes Approved: Vote: 4 – 0

New Business:

10.075 NB Koval Contracting LLC, 10 Guideboard Road – Change of Tenant

Mr. Tom Koval, the applicant, stated the following: I am the owner of Koval Electrical Contracting and I am currently working out of Clifton Park. I am looking to purchase and move into the former excavating business at 10 Guideboard Road. My intention is to move my office and my business at that location. I currently have 12 employees plus myself. I have 3 vehicles that I would be parking inside the existing garage space. I have 2 vans and a truck that I generally drive home in the evening. My hours of operation are Monday through Friday 7:00 am to roughly 4:00-4:30 pm. Generally I do not work on Saturdays or Sundays and no evenings unless I have some type of an emergency. None of my business is done out of the shop. I am an electrical contractor so I'm a service business and I would be off-site. The majority of my employees do not come to the site; they go directly to whatever jobsites we have. A majority of my work is for National Grid so my employees report directly to the jobsites at 7:00 am. The two vans that I have are just regular normal sized Ford vans. Occasionally my employees will stop in the morning to pick up the vans to bring ladders to the jobsites if they haven't already been delivered. There would be very little in and out traffic at the business other than my secretary and myself and she does not work on Fridays. So, generally on Fridays it is only myself. There would be no impact and there would be no outside storage proposed for the property and it would be a very light usage. I'm currently in an office suite in Clifton Park and I have some inside storage offsite. The vast majority of any materials I have are items that can't be outside of a building or they would be destroyed. Any materials I get for jobs are

delivered directly to the jobsites. It is not cost efficient for me to stockpile or to stock anything. Tools are minimal. Being an electrical contractor you don't have any real heavy equipment. It is mostly hand tools and that type of thing. I have lived in Halfmoon for 15 years and this would be a perfect location for me and it would be close to my own home. I am just looking to move back to Halfmoon and I'm not looking to cause any problems. Mr. Roberts stated the following: I think the no outside storage is very important because as you know from the past couple of applications that was an issue. Out of all of those applications I think this could possibly be the best fit that we've heard so far. Mr. Higgins stated I agree with Mr. Roberts and I think that the hours of operation are beneficial also because that was one of the concerns that most of the neighbors had was with the later hours on some of the other applications. Mr. Ouimet stated the following: In addition to the hours of operation I think the lack of intensity is important too. I think this is clearly demonstrated to be a low intense use and I think it is a good fit. Mr. Berkowitz stated I tend to agree and asked if a public informational meeting would need to be scheduled. Mr. Watts stated the following: I would say based on the concerns that were raised in the past and evidenced by the number of neighbors that are here tonight, I really think it behooves us to have a public informational meeting so that the surrounding neighbors may have an opportunity to raise any questions. I think it would be more beneficial to schedule a public informational meeting for our next meeting. I don't see that anybody has any real deep questions about the use or the intensity of use from the Planning Board.

Mr. Roberts made a motion to set a Public Informational Meeting for the September 27, 2010 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

10.076 NB Murray Storage Building, 425 Route 146 – Special Use Permit

Mr. Robert Murray, the applicant, stated the following: I live at 164 Harris Road and I have a piece of property located at 425 Route 146. My daughter lives in the existing house at 425 Route 146. I'm looking to put up a storage building. At my shop I redo antique cars and old farm equipment. I'm proposing to build a storage building to put the finished product in it to keep it whether I'm bringing it to the Schaghticoke Fair or something like that to show an item or like a display when they opened up the Tractor Supply and I took a couple tractors to them. I am proposing a 60 FT x 40 FT pole barn type building. Mr. Berkowitz asked how tall would that be? Mr. Murray stated the building would have 12 FT ceilings. Mr. Berkowitz asked how tall would be the tip of the roof be? Mr. Murray stated just under 20 FT that you have for a limit but I have a 5 FT drop off where the building is going to be located. Mr. Berkowitz asked would the proposed building be 15 FT high from the road? Mr. Murray stated no the building would be about 19.6 FT high. Mr. Berkowitz asked so the building would be built in a 5 FT depression? Mr. Murray stated yes. Mr. Berkowitz asked what are you going to store inside the building? Mr. Murray stated farm tractors, cars and car trailers that I don't want to leave out in the weather. Mr. Berkowitz asked are you going to be selling anything out of the building? Mr. Murray stated no it would be strictly storage. Mr. Watts asked do you sell anything on the property now? Mr. Murray stated the following: I do have a couple of mowers that are for sale out there right now. I'm not intending to sell anything although I do have a tractor sitting out there right now. Mr. Watts asked do you regularly have things for sale at that property? Mr. Murray stated no. Mr. Watts asked so is this just a one-time occurrence that you had something out there for sale? Mr. Murray stated well I'm looking to sell the tractor and I just put it out there and I didn't know that I was breaking any rules. Mr. Watts stated no, someone had mentioned that regularly there is stuff for sale there. Mr. Murray stated the following: My buddy put his car trailer out there and he asked me to park his trailer there and I said I had no problem with it. I don't have a lawn full of things out there for sale. Mr. Watts stated I don't know the property myself but someone had mentioned that to me. Mr. Murray stated I have always played around with cars when I was down on Routes 4 & 32 and at my house. If I can buy a couple of cars or farm tractors, I would use them for parts. Most of the time I advertise my parts either on Craig's List or in the Want Ad Digest. Mr. Roberts stated getting back to the storage, that is a pretty good size building and are you intending to just store your own possessions in there or are you going to rent out space? Mr. Murray

stated I have a 37 FT x 40 FT building that is insulated that I use as a shop and I can't leave one of my finished items in that shop if I'm sandblasting or welding because you would stand the chance of destroying the finish on the tractor or on the car. Mr. Roberts asked but you're not going to rent out space for RV's in the winter or something like that? Mr. Murray stated no, it is strictly for my stuff. Mr. Higgins asked what is the access to that building going to be? Mr. Murray stated you would come into the driveway to the left side of the house and it goes straight back. Mr. Ruchlicki asked how many overhead doors are you going to have on that building? Mr. Murray stated one overhead door. Mr. Ruchlicki asked on the west side? Mr. Murray stated yes on the west side that would be facing towards Timberwick and then there would be an entrance door on the same side. Mr. Ruchlicki stated so the side facing the back of that house and asked are you going to have any windows in that building? Mr. Murray stated no windows in there but I'm doing the building in a two-tone color so it doesn't just look like a wall. Mr. Ruchlicki stated I would figure that for insurance purposes it would be better that you don't have any windows. Mr. Murray stated yes because I don't want to take a chance of kids throwing a rock through there and hitting something inside the building. Mr. Ouimet stated I'm looking at this plan and I don't see how they are going to access that back building because the driveway butts right up to the house and asked how would you get around it? Mr. Murray stated the following: It is a stone driveway that comes on the side of the house to the back. The paved driveway is shown and the rest of it is stone. I have been driving 10-wheelers back there to bring some fill in to extend the yard because with the traffic on Route 146, I can't get my car trailer in and back it back out into the road so I filled the back in so I could turn the trailer around to get back out. Mr. Ouimet stated the proposed building is toward the back of the property line and asked are you going to store anything flammable in that building? Mr. Murray stated no. Mr. Ouimet asked nothing at all; no gas in any of the vehicles or anything like that? Mr. Murray stated the following: No gas. There is going to be a stone floor in the building and there will be cars parked there. Mr. Ouimet asked those cars will have no gas whatsoever? Mr. Murray stated I can't say they won't have any gas in them. Mr. Ouimet stated the following: Okay. Here's my concern; that's quite a ways back there and what if you have a fire back there? Mr. Murray stated if there is a fire, I'm about 20 FT off the back parking lot and they could easily get a fire truck in there and they could come in from the backside of my place. Mr. Ouimet stated I don't see any parking lots here. Mr. Berkowitz asked through somebody else's property or through your own? Mr. Murray stated the following: Through somebody else's property. Even if they came in on the salon side of me also, they can get a fire engine up in there. I don't know how a fireman fights a fire but they can come in on the west side of me and the north side of me is asphalt parking lots. Mr. Watts stated the following: What I'll do along that line is have Mr. Williams and Mrs. Zepko make sure that we show this proposal to our Code Enforcement people. Our Code Enforcement people regularly and routinely review commercial applications to make sure that there is proper fire access for the fire departments. So, we'll have them take a look at it. Mr. Murray stated okay. Mr. Watts stated since this application is a modification or an expansion of a pre-existing residential use in a non-residential zone under our Special Use Permit we will need to schedule a public hearing.

Mr. Berkowitz made a motion to set a Public Hearing for the September 27, 2010 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

10.077 NB North 40 Real Estate, LLC/"Let Us Introduce You", 1471 Route 9 (Crescent Commons) – Change of Tenant & Sign

Mrs. Murphy recused herself from this item. Ms. Karin Relation, the applicant, stated the following: I have been the owner of North 40 Real Estate since 1995. I currently have my office in Cohoes and I'm looking to relocate it to Halfmoon because it is halfway between Albany and Saratoga, which is our target area. Also, in that unit at Crescent Commons we want to have a new business called "Let Us Introduce You" that is going to be a dating service. Both of these businesses would be open Monday through Friday, 11:00 am to 7:00 pm and weekends by appointment. We don't anticipate having more than one or two

appointments at a time whether it is real estate or the dating service. Mr. Higgins asked will you have a total of 4 people working. Ms. Relation stated the following: It would be Ms. Susan Snow and myself. We are the only two owners and right now I have 3 realtors that may be in there on occasion. Primarily it would just be Ms. Snow and myself. Mr. Higgins stated and occasionally you will have customers. Ms. Relation stated yes, no more than two at a time. I would be with one customer and Ms. Snow would be with the other customer. Mr. Roberts asked for the dating service do you expect people to come in very often for that? Ms. Relation stated the following: I think a lot of that is going to be signing up on line because it's going to also have a dot.com website where people can go in and sign up. They do have to come in to meet us and fill out the forms. So, the majority of it would be done online and then we will have a personal interview with each person one at a time. Mr. Ouimet asked would that be with the same two employees? Ms. Relation stated yes, we are co-owners and there are no other employees; just Ms. Snow and myself. Mr. Roberts asked for both businesses? Ms. Relation stated yes. Mr. Roberts asked would the sign be the standard signage for the plaza, the same size, the same lighting with no neon? Mr. Klimkewicz stated correct; there would be a 16 SF wall sign and a 16-inch x 60-inch tenant panel on the freestanding plaza sign. Ms. Relation stated no neon.

Mr. Roberts made a motion to approve the change of tenant application for North 40 Real Estate, LLC/"Let Us Introduce You". Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for North 40 Real Estate, LLC/"Let Us Introduce You". Mr. Ruchlicki seconded. Motion carried.

10.078 NB New Country Toyota Sales & Service, 202-204 Route 146 – Addition to Site Plan

Mr. Dan Tompkins, of the Environmental Design Partnership, stated the following: This is a variation of an application that was before this Board roughly 3-years ago. Since that time, as we all know, the economy went south for a while and hopefully it is coming back but New Country's plans for expansion were delayed. Previously there was a proposed addition of what was formerly the Buick/Pontiac/GMC dealership building. The idea is that service would be located in that building for Toyota and sales would be located in the existing dealership building just to the south of the Toyota building. This variation has the same scheme; there would be a division of service operations in the building on the north right by Upper Newtown Road. Mostly the sales operations would occur here but instead of having an addition, they're going to take a portion of the existing Toyota building and two service write-up lanes would be constructed in the existing footprint. What they are proposing are a lot of renovations to the building but no additions to the footprints at all. There would be a little bit of modification in the way the cars are displayed and there are a couple of landscaped islands that would be omitted. Some of the alignment of the parking would be straightened out and simplified and New County requested that that occur. There were some exterior display areas that would be offset by the two lanes approaching the service write-up area. Cars would enter in the front and employees would take the cars and bring them out to the back and they would be moved to the service building. It would be strictly service operations and the sales people would have their service write-up occur in one area and the waiting room would be there as well. That is the current scheme and it requires an application because of the changes in the site. There will be some cosmetic changes done to the building as well but mostly the same gray, white and red scheme but freshened up. Mr. Higgins asked would the service write-up be in the existing service building and then the vehicles would go over to the other building to actually be worked on? Mr. Tompkins stated the following: That's correct. Right now all the Toyota operations occur here. In order to get the showroom space and a lot of the other things that current standards require, they had a choice: either they could build this building out or they could utilize the existing building. They chose to utilize the existing building. The mechanics would be there and if your car is getting an oil change or tire change or anything like that, it would be occurring in this building. The only service related operation is that you would drive into the

building, you're greeted by an advisor, your order is written up and from then on an employee would take your car and bring it to the other building. Mr. Higgins asked where is the customer waiting room going to be? Mr. Tompkins stated the customer waiting room is in this building and that was deemed to be from a marketing standpoint because if you're in the waiting room, you get to wander around the expanded showroom and you get to look at the new cars, literature and that type of thing and if you have a questions, the salesmen are right there. That was the one critical flaw with having the previous proposal where the write-up was proposed. Mr. Berkowitz asked where is the night drop off area? Mr. Tompkins stated I never asked that question but I would imagine it would be here because this is where all the orders are processed. Mr. Berkowitz stated that is where it is now and asked would that stay the same? Mr. Tompkins stated the following: I think you know more about it then I do because I hadn't even thought about the night drop off. One thing I do want to point out is that there is a body shop business in the proposed service building, which was approved some time ago and that would continue even though this is 25,000 SF; about 18,000+ SF would be devoted to the Toyota operation. Mr. Higgins stated the following: The reason why I was asking about the waiting rooms and everything else is because there are only 2 handicap parking spaces and I'm wondering if it's going to be more intense as far as people in that building then there presently is and whether the 2 handicap parking spaces are going to be sufficient. There are 2 handicap parking spaces over by the service building but nobody should be over there except employees. Mr. Tompkins stated the following: I can ask them how that works and whether they ever had a situation where there isn't enough handicap parking spaces. The fact that someone can actually drive into the building and there would be someone there to greet them, I think helps mitigate that but we can certainly talk about that. Mr. Ouimet stated I think it only mitigates the service end of it and it doesn't mitigate the sales end. Mrs. Zepko stated you do have the Americans with Disabilities Act (ADA) specs that have to be met and you would need to add additional handicap spaces according to ADA requirements. Mr. Tompkins stated the following: Okay. The only thing that I would add to that is to keep in mind in terms of the overall parking; a lot of it is just inventory display and what we would have to do is analyze how many are really service, employee and sales and then we could arrive at a number. That's certainly something that can be resolved. Mr. Watts stated yes, there is plenty of parking. Mr. Ouimet stated I would like to point out if you come back and say that you are going to utilize the two existing spaces over by the service building, I don't think that would be acceptable and it certainly wouldn't be to me. Mr. Tompkins stated I understand that and I do get your point. Mr. Higgins stated the following: Also on the drawing that I'm looking at it doesn't specify which are display spaces and which are customer parking spaces. Presently from experience I know it's very difficult to find customer parking there. A lot of the spaces across of the front are used for used for display, so I think I would like to see you designate which are going to be display and which are going to be customer parking spaces. Mr. Tompkins stated I certainly could do that. Mr. Ruchlicki stated and I'm going to assume that when the car is repaired that they are going to drive it back over to the other building. Mr. Tompkins stated the following: I'm going to ask them about that because I think in a lot of cases the answer is going to be yes but I don't want to say a blanket yes. I know when I have my car repaired I just ask them where the car is parked and then I go get it. Mr. Ruchlicki stated that's what I mean; are they going to leave it over at the other building and then it would force the people to walk across the lot to pick up their car. Mr. Tompkins stated I have to find that out because I didn't ask that question. Mr. Watts stated the following: We are going to refer this to CHA for their review but you do show on the plan the "portal" and asked where are we with that? Mr. Tompkins stated the following: Everyone probably had a chance to look at the project narrative and there is a marketing device shown on the plan that is a freestanding structure that is backlit and it has information on it and the marketers, as part of the Toyota image program, have visualized this thing as something that you literally walk through to get to the front door. We have advised them in preliminary discussions with the Town that it is viewed as a freestanding sign. I don't disagree and New Country and myself have indicated to Toyota that it's not going well and that at the very least it is going to require a sign variance. What I'm hoping is happening and I haven't gotten it in my hand yet but they've indicated that something forthcoming and they are going to have an alternative to that with something hopefully

downsized and maybe even incorporated into the front façade of the building so it's not a freestanding entity. I can't describe it any further than that until I actually receive it. I checked with the client tonight and they hadn't received anything yet. Mr. Watts stated the following: For the record, on July 28, 2010 I wrote to Mr. Tompkins and said that we had discussed the preliminary proposal that you submitted to our office for New Country. "Regarding the "portal", we have reviewed the matter and we consider the entire structure as a sign. As you are aware, the site is already at maximum signage per Town code. In addition the sign would exceed our 200 SF size maximum for any single sign on a commercial site. There also may be issues regarding the proposed illumination and possible visual distractions that would result from the addition of this structure" and I signed that letter. In August I received a letter from Steve Skowbo, Portal Program Manager, asking to have a meeting with us and while I consider this the meeting and the fact that we had already put in writing our position based upon our research. So, I'm assuming we've met our obligation as a Planning Board at this point based upon the information that we have. So, if they are working on some alternative measure, this will be in the process of application. We could meet either informally to discuss it depending upon what it is or we might make a determination that it's okay or we might make a determination that it's not okay. I couldn't speculate beyond that without seeing any more than I saw originally. So that is where we're at with the portal. Mr. Ouimet stated the following: I understand that but I'm a little skeptical at this point in time and I think depending on what the rest of the Board feels. If there is going to be an alternative to this portal or freestanding sign issue, I would not want to see the applicant make purchase commitments to anything until such time as the Board has reviewed the proposal and approved the change in signage if in fact there will be change in signage. I think we ran into a problem many years ago where there was a commitment to purchase a sign that didn't quite make the ordinance requirements and basically it was a hardship argument that was made. So, I would rather not have to deal with a hardship argument knowing this far in advance that some signage changes are being considered until such time the applicant brings it before the Board or else we won't be bound by any prior commitments. Mr. Watts stated good point. Mr. Tompkins stated the following: Our hope from a time standpoint is that we could bring that up to a current timeline. I'm waiting for them to get me some information to share with the Board. Mr. Ouimet stated the following: That is fine. I just don't want to see any financial commitments made by the applicant knowing full well that this Board may not approve necessarily what is being purchased or committed to purchase. Mr. Tompkins stated that makes perfect sense that it has to get a permit and I can't see them putting any money down on something until they know what would happen. Mr. Ouimet stated it has happened in the past. Mr. Higgins stated and also I'd recommend that before we act on anything that the drawings are correct because it is shown on the drawing now and obviously these drawings can't be stamped even if they're approved with it shown there. Mr. Tompkins stated the following: I understand that. The problem that we have is that the business people are trying to make the thing go and we can't wait for the manufacturer to get everything lined up. I had to send something in to get this process going for site plan approval. That is why I made the point in the project narrative in the second paragraph indicating that New Country and Country Realty Company that the success of this whole venture doesn't hinge on this portal at all. Mr. Higgins stated you could have left it off also. Mr. Tompkins stated the following: Yes, but if I left it off and then they went in to try to get a variance, how would that look? So, that's why I chose to bring it right out in the open.

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

10.079 NB Brookview Court Subdivision, 8 & 10 Brookview Court – Lot Line Adjustment

Mr. Tom McMahon, the applicant, stated the following: I am here to request a lot line adjustment between the lot that my wife, Mary Beth and I own at 10 Brookview Court and my neighbors lot at 8 Brookview Court. The size of the parcel in question is .413-acres. Our lot is currently 1.156-acres and it would become 1.569-acres. My neighbors lot is currently 1.592-acres and would become 1.172-acres. Mr. Higgins asked are all the side yard setbacks and everything else all per requirements? Mrs. Zepko stated

yes. Mrs. Murphy asked did we get a consent form from the adjoining landowner? Mr. Williams stated yes.

Mr. Roberts made a motion to set a Public Hearing for the September 27, 2010 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

10.080 NB Continental Motors, 213 Fellows Road – Change of Tenant

The applicant was not present for this application; therefore, no action was taken on this item.

10.081 NB Dudek's Dairy Farm Subdivision, Brookwood Road – Major Subdivision

Ms. Kathy Suchocki stated the following: I am here on behalf of Dudek's Dairy Farm to propose a 1-lot subdivision off of a 41.24-acre lot. The proposed new lot would be 9.26-acres. This lot would be conveyed to Kerry and Matt Sala from the Dudek's Dairy Farm. Eventually a proposed single-family home would be built on the lot within the coming years. The property is zoned R-1 Residential and right now the land is used for agricultural purposes. The remaining lands would remain as such. Mrs. Murphy asked would the remaining farmland have a sufficient amount of road frontage. Mr. Williams stated yes. Mr. Higgins asked regarding water and sewer. Ms. Suchocki stated water is available on Brookwood Road, there is no sewer and the new home would have septic. Mr. Higgins asked how about existing wells? Ms. Suchocki stated the following: There is an existing well that is out of use and according to the owner the well is dry. It is located next to the existing barn structure, it is midway through and it was used for the livestock in that barn. They used to use a retention basin. Mr. Higgins asked is that shown on the drawing? Ms. Suchocki stated it is located near the small circle where the inlet is. Mr. Higgins asked where is says, "concrete" something? Ms. Suchocki stated the following: Right. I don't know if you recall but Dudek's Dairy Farm burned down quite a few years ago and what is left is just the concrete structure. The dairy barn and the milking parlor are what's shown on those maps. Mr. Higgins stated okay, we should have a note on the drawing saying that is an existing well. Ms. Suchocki stated okay.

Mr. Roberts made a motion to set a Public Hearing for the September 27, 2010 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the September 13, 2010 Planning Board Meeting at 7:41 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary