

Town of Halfmoon Planning Board

May 9, 2011 Minutes

Those present at the May 9, 2011 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
John Ouimet

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the May 9, 2011 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 25, 2011 Planning Board Minutes. Mr. Roberts made a motion to approve the April 25, 2011 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried. Mr. Ouimet abstained due to his absence from the April 25, 2011 Planning Board Meeting.

Public Hearings:

11.020 PH RGH Enterprises, 4 Liebich Lane – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:05 pm. Mr. Watts asked if anyone would like to have the public notice read. Mr. Mike Stiles asked for the notice to be read. Mr. Watts read the public hearing notice for the record. Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I'm representing the applicant, RGH Industries. For the subdivision portion of this application the project itself is located on the end of Liebich Lane, which comes off of Route 9 behind SYSCO. The map shows that this minor subdivision is part of an overall Planned Development District (PDD), which is called Rolling Hills. The PDD is a mix of both Light Industrial land use and Residential land use. Phase I for that project has been recently completed and they are currently under construction in Phase II of the residential portion of the project. With the Light Industrial section, there is approximately 110-acres and this would be the first lot of that 110-acres that would be developed as part of the PDD. Highlighted in blue shading is the small 8-acre parcel that we are subdividing as part of this project. The map was presented at the last Planning Board Meeting showing approximately 8-acres of property that would be allocated for the development of the Medical Office Supply Building. The road that currently exists in front of SYSCO would be extended about 1,200 FT in order to gain access to this lot and the lot itself would have about 200 to 300 FT of frontage along Liebich Lane where it would gain access. Mr. Watts asked if anyone from the public wished to speak. Mr. Mike Stiles stated the following: I'm from the Route 9 farm in front of this parcel. This parcel

doesn't front my property but it does drain eventually out and around and down and everything on that project has been flowing in there since VanPatten sold it to Valente. With the eruption of the earth, the water brings down all the dirt and the papers and such things as I told you in a letter and it will eventually, even with the retention, it would still bring material down to my property and I would like to know how you expect to hold it back and so on. Mr. Vuillaume stated the following: Mr. Stiles' is correct in the fact that the overall drainage for the Light Industrial parcel that is being developed currently does drain towards a low point where there is an existing storm basin. Along with that storm basin are several wetland fingers that also drain towards that low spot. Currently there is a mining permit for the construction activities that are occurring out there. However, as part of this project, this 8-acre piece would be taken out of what is called "the life of mine permit" for the project. So, this project would have its own individual stormwater managements that would deal with the drainage that comes off of this site independently of what is going on as part of the mine. As part of that, we were required to prepare what is called a Stormwater Pollution Prevention Plan (SWPPP) and that plan basically details how the stormwater is going to be managed on the property and how erosion control would also be managed to make sure that it is safe drainage corridors further downstream. Mr. Watts closed the Public Hearing at 7:06 pm. Mr. Higgins asked what is the percentage for the greenspace? Mr. Vuillaume stated that goes more with the site plan and I believe our greenspace is 57 percent on the 8-acres. Mr. Higgins stated as far as the subdivision, there are still terms of the subdivision that are to be written and approved by the Town's Attorney and asked if that was correct. Mr. Watts stated that would be part of the commercial site plan application, not the subdivision. Mr. Higgins stated okay. Mr. Watts asked Mr. Bianchino if he had a chance to review the drainage and the stormwater issues? Mr. Bianchino stated the following: We reviewed the stormwater as it relates to the proposed site plan development and they are proposing on-site stormwater management in accordance with the New York State Department of Environmental Conservation (NYSDEC) new regulations. So, I would expect that the impacts off-site would be negligible. Mr. Watts asked with the SWPPP? Mr. Bianchino stated yes.

Mr. Ouimet made a motion to approve the minor subdivision application for RGH Enterprises. Mr. Berkowitz seconded. Motion carried.

11.021 OB RGH Enterprises, 4 Liebich Lane – Commercial Site Plan

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: As far as the site plan goes for this project, we presented this at your last Planning Board meeting and I do believe that we have addressed all the outstanding issues from the engineering comments that CHA had prepared. As you know, we are proposing approximately a 75,000 SF building on this site with 57 parking spaces to be constructed as part of the first part of the development. As you may recall, the zoning really requires about 119 parking spaces; so, we would be landbanking 62 parking spaces that would be reserved for the future if needed. Currently, I believe they would only be employing 42 people and obviously they have several vehicles that would be entering and exiting the site during the day. So, we feel that the 57 parking spaces that we're providing is more than adequate for the site plan. Again, we've discussed things as far as the grading and the slopes. There are some steep slopes that are currently on the property and we have hired a geotechnical engineer that studied that and put together a geotechnical report that outlines in detail how the slopes are to be graded and maintained. We have also had several discussions with R.J. Valente who is overseeing the construction of Liebich Lane and I believe an agreement was reached with the Town to construct the remainder of that road all the way to its termination point at Tabor Road by the end of the year. I'm not sure if a specific date was decided upon. Mrs. Murphy stated the following: At this point in time, I'm waiting for a contract from Mr. Valente's attorney detailing who they are utilizing to complete the construction of the road and when that would be done. However, I would strongly recommend to this Board that this project be

conditioned upon R.J. Valente entering into a contract with the Town with regards to those dating issues. I will tell the Board that there is a contract out there that limits Mr. Valente's ability to get Certificates of Occupancies (C.O.'s) and building permits. So, we can enforce this many different ways. We're just putting in yet another level of security for the Town. Mr. Vuillaume stated yes, that seems reasonable. Mr. Watts stated the following: The Town Supervisor and I met with Mr. Marrotta and Mr. Valente last Friday and we indicated the concerns of the Town relative to the completion of Liebich Lane from Tabor Road right through so people can get over to Route 9. It was agreed that that would be completed by this construction season. So, before the blacktop plants close, that the road would be constructed in accordance with our Town standards for the road. So, that will be completed. As Mrs. Murphy has said; should that not occur, then there would be an issue of building permits, C.O.'s, etc. for any parts or any phases of construction at that site. We discussed that in some detail at the last meeting and then to clarify the issues we had a follow-up meeting last Friday. This was something that the residents in that area wanted to alleviate some of traffic concerns and that road will be completed. Mr. Nadeau asked do we have an actual date? Mrs. Murphy stated my intention is to put in an actual date in that agreement. Mr. Higgins stated in Mr. Bianchino's CHA comment letter he also recommended some additional site plantings up on top of the hill. Mr. Vuillaume stated the following: Sure, that is something that I think we can add. On the current drawing we show a row of evergreens and deciduous trees at the top of the slope. Previously I had shown the Board some photographs of that area and it is rather sparse up in through this area. So, I think what we'll do is once the grading is done, is that we are going to increase the number of plants but we may have to move them around a little bit from what is shown on the plans. Based on what is actually left as far as vegetation goes, there isn't a lot of vegetation that is going to come out for the rest of this grading. So, I think where we have the plants currently shown is probably one of the better locations for this screening to occur. But yes, you can see that there is plenty of room to add additional plantings as recommended by CHA. So, we will add some plantings on the top of the hill. Mr. Higgins stated okay. Mr. Watts stated during the construction phases we will be visiting the site to make sure and then we will be following up as we do with any other project like that to make sure that the plantings take place.

Mr. Higgins made a motion to approve the commercial site plan application for RGH Enterprises contingent upon the owner of the Rolling Hills PDD providing to the Town a contract that is acceptable to the Town Attorney outlining conditions to be enforced regarding the completion of Liebich Lane prior to a set date that will be in the agreement for this project and CHA's sign off. Mr. Nadeau seconded. Motion carried.

Mr. Higgins made a motion to grant a Negative Declaration to the State Environmental Quality Review Act (SEQRA). Mr. Nadeau seconded. Motion carried.

11.034 PH Lefner Lot Line Adjustment, Hudson River Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:05 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Stephen Connors, Atty., of Rosch & Connors, PLLC, stated the following: I'm here tonight representing Rosemary Lefner who is the owner of multiple lots here in the Town. The largest lot, tax map # 274.-1-24.12 is a 21-acre parcel that has a metal barn or storage garage, which was placed at the edge of the lot and is over the line onto another parcel owned by my client. Rosemary Lefner entered into a contract to sell the property and about that time it was discovered that the barn went over the lot line for this parcel. We are proposing a lot line adjustment between 2 lots owned by Rosemary Lefner to be 12 FT in all spaces around that existing metal building. That would bring the lot size of the larger lot to 23.4-acres and the smaller lot would lose that .07-acres. We are not looking to change the use and we are not looking to put up any additional buildings at this time. Also, as part of the application, once this was submitted it was pointed out that

Mrs. Lefner owned 2 additional lots, which are landlocked. So, our application was amended to include a request to join 2 of the lots with a lot that has 50 FT of frontage. So, essentially we would be doing away with the 2 landlocked parcels and joining them into a single lot. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Higgins asked if both the lots were zoned R-1 Residential. Mr. Williams stated the lots are zoned Light Industrial/Commercial (LI/C). Mr. Higgins asked what is the side yard and rear yard setbacks? Mr. Williams stated 10 FT.

Mr. Roberts made a motion to approve the minor subdivision application for the Lefner Lot Line Adjustment. Mr. Higgins seconded. Motion carried.

New Business:

**11.040 NB Mechanicville Hydroelectric Station-Service Bldg., 951 Hudson River Road
– Commercial Site Plan**

Mr. James Besha, of the Albany Engineering Corporation, stated the following: We are the owner of the Mechanicville Hydroelectric Station, which is the oldest hydroelectric station in the United States and possibly the world. The hydroelectric station was built in 1897, it is still operating today and it has operated continuously. We are proposing to demolish part of the building, which is a non-historic part. The building itself is on the National Registrar but there is a portion of the building that is non-historic and that portion is going to be taken down as part of our Federally approved Cultural Resource Management Plan. We are going to replace it with an outbuilding, which would be a 40 FT x 80 FT metal building that will eventually be faced with brick from the demolished portion. This building would be used for storage and service of the hydroelectric station. The building is zoned M-1 Industrial, a public service utility. We have about a 23-acre parcel and as I mentioned the building is 40 FT x 80 FT. Mr. Watts stated the following: I would like to say that personally I think that you have done a wonderful job down there and the place is beautiful. I know that you are expanding your ability for people to come and look at it and when we met previously you mentioned that you are trying to expand the opportunity for children and people to go in there to look at a very historic building, which is very interesting. I commend you on doing a wonderful job. I believe you will need to obtain a demolition permit and a building permit.

Mr. Berkowitz made a motion to approve the commercial site plan application for the Mechanicville Hydroelectric Station-Service Building. Mr. Roberts seconded. Motion carried.

11.041 NB Cross Fit, 1580 Route 9 (Pai's Tae Kwon Do) – Change of Tenant

Mr. Kwang Pai, owner of Pai's Tae Kwon Do, stated the following: With me tonight is the applicant/owner, Mr. Caleb Nelson. Cross Fit is a fitness club and they would be renting about 4,300 SF of tenant space. We are before the Board tonight for a change of tenant approval. Currently we have 78 parking spaces and we would be adding 10 more parking spaces in the front the building. I know that parking was one of the concerns but today when they held classes back to back, I went outside and I checked the parking spaces and we had about 43 vacant parking spaces. So, when they come in we would be limiting 20 clients per hour and I think we would have adequate parking. Mr. Watts stated for clarification, just to make sure, this would give Cross Fit close to 30 parking spaces to operate. Cross Fit has stated that they would have between 10 to 15 clients per class. Did you say that they would have 20 parking spaces? Mr. Pai stated as they start out with the 15 clients and if they get bigger, I believe they would be limiting it to 20 clients. The issue as we see it is that we just want to make sure that you understand that there is limited parking and we want you to make sure that everybody stays within the parking lot and that they are not parking out of the lot. Mr. Higgins asked when you have your graduations or your main competitions, do you do them on site or do you do them

off-site? Mr. Pai stated the following: The major events we do twice a year and for the championships we went down to SUNY Albany for the events. For 2 of the major events that were black belt ceremonies, we are renting the Schenectady High School gym. We are trying to minimize the off-site parking. Every three months we have a belt promotion for color belts, which is small event that we can schedule it so we can spread it around, so people are not parking on the road. Mr. Higgins stated the following: I think that is what Mr. Watts is referring to because there was a problem at one time a few years ago where people were parking on what is now a through-road. So, we want to make sure that you can contain the parking to within your site. Mr. Berkowitz asked when does the applicant plan on moving in? Mr. Pai stated the plan is June 1st. Mr. Berkowitz asked is the parking lot going to be finished by then? Mr. Pai stated right now they are putting down 14 inches of gravel and we are ready for the binder next. Mr. Berkowitz asked does the parking lot have to be finished before they receive a Certificate of Occupancy (C.O.)? Mr. Watts stated the following: Yes, we would have to do a final inspection and that depends on if it is useable. We will keep an eye on it. Mr. Berkowitz asked if Mr. Nelson would be bringing in existing cliental or if he was just starting out? Mr. Nelson stated we are expecting minimal cliental to be coming in at the beginning and we are not expecting droves of people coming in at first. Mr. Watts asked the applicant to please advertise that they are located in Halfmoon. Mr. Nelson stated okay.

Mr. Berkowitz made a motion to approve the change of tenant application for Cross Fit condition on no parking on Corporate Drive or Route 9. Mr. Ouimet seconded. Motion carried.

11.042 NB Stewart's Shop #112, 1403 Route 9 – Addition to Site Plan

Mr. Tom Lewis, of Stewart's Corporation, stated the following: We are looking at all of our shops to see where we can make improvements. One of the difficulties for this Stewart's site is people making a left turn in when approaching from the north and people making a left turn out when trying to head south. We are proposing to add an additional curb cut out to Terminal Road that lies just south of the our site. By doing this, we can add three extra parking spaces. This proposal would allow us to utilize the existing traffic light at the Route 9/Crescent Vischer Ferry intersection. We would have to re-locate the "Welcome to Halfmoon" sign a few feet. I notified the New York State Department of Transportation (NYSDOT) and I spoke with Mr. Kevin Novak regarding traffic signals in the area. If they said not to bother, we were not going to bother. Everything seemed fine with a left turn in but we also needed a left turn out onto Route 9. Mr. Novak stated that he liked the idea and they didn't have an issue with it but discussed looking at existing curb cuts for modifications. Regarding the one full access curb cut on Route 9 that this site has, we know at a minimum that there would not be a left out allowed and it wouldn't be the end of the world if we were to lose the whole curb cut altogether. If that is the Board's wish, this proposal is much better than the existing condition. We just assume to have the left hand turn in. Mr. Ruchlicki stated with the proposed in and out on Terminal Road, if you came out there, you would benefit by the function of that traffic light. Mr. Lewis stated that's right and the traffic lights operate on a sequence. Mr. Ruchlicki stated I know what you are saying; the traffic signals work in unison as far as the traffic and nobody would be trapped between the 2 traffic signals. Knowing now that that would be a functional entrance with the traffic light, why would you have the curb cut in the middle as a left in only and how would you regulate that. Mr. Lewis stated it would be regulated by modifying the curb cut so that left outs not be possible. Mr. Berkowitz asked how are the structures on Terminal Road zoned. Mr. Williams stated they are zoned commercial but the first building, the Knox Building, is used as apartments. Mr. Nadeau asked what is the pattern most used by their customers to enter and exit the site. Mr. Lewis stated most utilize the existing full access curb cut off of Route 9 and very little people use the Churchill Road curb cut. Mr. Higgins asked where will the Welcome to Halfmoon sign be moved to? Mr. Lewis stated it would be moved several feet toward Route 9. Mr. Higgins asked if that would affect sight distance from Terminal Road. Mr. Lewis stated

no. Mr. Higgins asked if the sign would be located in the State ROW. Mr. Lewis stated no. Mr. Roberts asked what would be the impact to the greenspace requirements. Mr. Lewis stated the following: It will decrease because the proposed entrance would be constructed within some of the existing greenspace. It would go about 36% down to about 25%. Mr. Berkowitz asked if gas tankers would be able to deliver the gas. Mr. Lewis stated that would not be affected. Mr. Watts asked if Terminal Road is a substandard road. Mr. Bianchino stated he would look at it but feels when the intersection of Terminal Road and Route 9 was reconstructed during the Crescent Bridge work that the intersection throat was brought to NYSDOT's standards. Mr. Watts asked if the proposal would affect the handicap fishing area that is off of Terminal Road. Mr. Bianchino stated the parking and access to the fishing pier is further down the road and should not be affected. Mr. Ouimet asked if you are traveling east on Crescent Vischer Ferry Road and you want to go to Stewart's through the proposed Terminal Road access you would have to veer south on Route 9 to access Terminal Road, meaning it is not a straight in. Mr. Lewis stated it is not straight in. Mr. Ouimet stated the only purpose of the Terminal Road access is to be able to head south on Rt 9 from the Stewarts site. Any other direction and you would use what access already exists. Mr. Lewis stated we are offering to limit the existing curb cut as a left in only and if the Board feels that the existing full access curb cut needs to be eliminated in place of the Terminal Road access, than that would be okay. Mr. Watts stated the following: Your parking will be increased from 18 to 21 spaces. What sizes are the spaces? Mr. Lewis stated it looks like there is a mix of 9ft wide or 10 ft wide spaces. Mr. Watts the following: I recall that the spaces seem to be small and more like 9ft wide spaces. The Town ordinance requires 10ft wide parking spaces. Mr. Lewis stated we can look at the site's parking spaces if needed. Mr. Watts stated we would like to bring the site into compliance if needed. Mr. Ruchlicki asked if the existing full curb cut on Route 9 was eliminated than it could be replaced with greenery. Mr. Lewis stated yes. Mr. Nadeau asked if the existing Churchill access would remain. Mr. Lewis stated yes. Mr. Nadeau stated if the Route 9 curb cut was eliminated and a customer missed the Terminal Road access they would need to use Churchill to gain access. Mr. Lewis stated yes.

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

11.043 NB Lands of CindyLee Murdza, 157 Plant Road – Special Use Permit

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here representing CindyLee Murdza in her request for a special use permit on a parcel of land located at 157 Plant Road. The parcel is located near one of the entrances to the Martindale Mobile Home Park. The applicant wishes to replace the existing single-family home, which is a mobile home at this point in time, with a new single-family modular home. A special use permit is required for this action because it's a residential use and the parcel is located in a C-1, Commercial zone. One of the reasons we feel that the special use permit should be granted is the fact that the parcel is .32-acre and it would be very limited for a commercial use especially with the new stormwater management designs that are required for these. Also, the fact that, at this point in time, this is a residential use and the area consists of predominantly residential uses. Across the road the area is vacant and it probably would be commercial at some point in time but we have looked at that site for other people and we feel that if a commercial use does go in there, that most of it would be up by Route 146 and a section of it would probably be used for a stormwater management plan. So, the intensity as far as a commercial use would be farther north so it would be somewhat of a buffer in transition. Upon review by the Planning Department, we are going to move this proposed building back so that the porch that was going to be on the front will be in the back of the building now. That is the applicant's request for the Board's consideration. Mr. Higgins stated the following: Are there any other wells on any of the surrounding lots? I see the one well that is going to be abandoned, but I was just wondering if there are any other wells. Mr. Rabideau stated I'm not sure but I believe that there is a water main so it's probably tied

into the water and the applicant is going to tie into the public water. Mr. Nadeau asked with the pre-existing use, are we able to make these changes? Mrs. Murphy stated the following: There is a section in the local law, that the Board doesn't use that much, that allows for this Board to make this change subject to a public hearing or a special use permit procedure, which is basically having the public hearing. I do want to caution the applicant though that just because the engineer may think that neighboring properties are going to develop a certain way, this Board is not making any representations that that's going to happen or not going to happen so you have to proceed with that in mind.

Mr. Roberts made a motion to set a public hearing for the May 23, 2011 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

11.044 NB Family Tents, 44 Halfmoon Drive – In-Home Occupation & Sign

Mr. Al Ferro, the applicant, stated the following: We are applying to put a sign in front of our house. Mr. Watts stated the following: You're applying for an in-home occupation so you can put a sign in front of your house. If and when the in-home occupation is approved, then you can put the sign in front of your house because you are located in a residential area.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 6 SF

Sign Dimensions: 1.5ft x 2ft

Sided: one-sided Two-sided

Location of Sign: in front lawn

Lighted: Internal Flood - none

Brief Description: The applicant has a 6 SF sign for the business. This size sign conforms to Town Code for In-Home Occupations.

Mr. Roberts made a motion to set a public hearing for the May 23, 2011 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

11.045 NB New Country Porsche, 205 Route 146 – Change of Tenant & Sign

Mr. Dan Tompkins, of the Environmental Design Partnership, stated the following: I'm representing Country Realty Company and New Country Motor Car Group. This is the current Buick dealership across from the Toyota complex that I presented recently. Tonight we are applying for two things; a change of tenancy and a sign permit for the pylon sign. They anticipate switching over to Porsche within a couple of weeks and it's a 2-step process as I outlined in the narrative. It is not a new franchise point; it's a point that is being transferred so the transfer has to happen immediately. They go from one location to another location so that if someone needs their car serviced, they are not stranded. What they want to do in the first phase is to simply occupy the building. They want to get in and occupy the building and I will be coming back in a month or two with a site change application and that would be the second step. This thing was originally approved as a Chrysler-Jeep dealership years ago and it was transferred to Buick not too long ago and now the decision is to occupy it with Porsche. Nothing is going to happen to the building in terms of the square footage; it would be the existing building. Nothing is going to happen with the site; they just want to occupy it as is. The only thing that would happen esthetically to the building is, and you might recall when it was Buick, I applied for a variance for a portal feature on the front of the building. It is like a kit that they added onto the front and that would be removed because it was a GMC portal feature. Also, the existing GMC sign would be replaced with a Porsche sign. Mr. Tompkins passed out photographs to the Board of the monument sign to be replaced. Mr. Tompkins stated the following: The sign detail is exactly what's on

the site plan and the only difference is the one that I got from the vendor recently as the site plan had indicated was the dealer name which will say New Country. It is a fully compliant sign for a change and there is no variance necessary. It is less than 16 FT in height; in fact it's less than 15 FT in height. It is one of those monolithic style signs that has the cladding all the way down to the ground. All we're really looking to do is to swap the signs. There is a panel of florescent lights behind the badge and there are one or two bulbs behind the New Country. From what I can tell on detail, the rest of the sign is not illuminated, so those two areas would pop out a little bit more. Like I said, in perhaps a month or two, they still have to work out exactly how to change the front of the building in the future and that has nothing to do with this application. When they decide that between the architect and Porsche, then I'll come in for what would be the site change application. Mr. Higgins stated the following: I mentioned this previously on this site and your picture shows it; they park cars in areas where they are not suppose to be parking cars. Your site plan does not show a display spot on the grass. Mr. Tompkins stated you are absolutely correct. Mr. Higgins further stated also, across the street, and I mentioned this to you before when you were here, and the next day they had 3 cars parked on the entrance ramps. I don't know how we can get to the applicant that he is suppose to park in the designated areas and not just anywhere they want to park. Mr. Tompkins stated I can't argue with you because you are right. Mr. Watts asked Mr. Tompkins to pass this information back to the applicant. Mr. Tompkins stated that's exactly what I'm going to do. Mr. Watts stated the following: I don't want to be sending our Code Enforcement Officers to the site. This has happened before with other dealerships where I had to send our Code Enforcement Officers to the site to make the people cleanup things on lots, move cars and to get the cars out of the State's right-of-way. It seems to be an occupational disease of automobile dealerships to try to get a few extra spots and to get better visibility. I don't know that you couldn't come in and ask for different places. So, please pass along this information. Mr. Roberts asked if the sign would be internally lit. Mr. Tompkins stated it is.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 14' 9.5" tall, and 145.54 SF

Sign Dimensions: 14.79' x 4.92'

Sided: one-sided Two-sided

Location of Sign: same as existing pylon at front of site

Lighted: Internal Flood

Brief Description: The applicant wishes to replace the existing pylon sign with a new sign in the same location. The new sign will closely resemble the pylon signs that the Toyota dealership currently has placed on their site. The sign will display the Porsche logo and it will be internally lit.

Mr. Roberts made a motion to approve the change of tenant and sign application for New Country Porsche conditioned on parking display vehicles in designated areas only and the sign is not placed in the State's right-of-way. Mr. Nadeau seconded. Motion carried.

1.047 NB Time Warner Cable Head End Addition (Phase I & II), 7 Milfords Way – Addition to Site Plan

Mr. Mike Dennis, of MADesign, stated the following: I'm here tonight representing Time Warner Cable. Time Warner Cable has had a presents on this site for 35 years. I believe we were before this Board about 10 years ago to put an addition on the existing building. The existing building is 16 FT wide x 32 FT long and it basically holds the electronics required for Time Warner Cable to bring all the services that they bring to Halfmoon and Clifton Park. At this point we are looking to put another 400 SF additional onto the building and this time we are going to do it with concrete block and steel as rather than the wood frame and vinyl, which is what the building is now. Sometime in the future in Phase II we are going to replace the existing structure, which is 16 FT x 32 FT with the same concrete and steel

construction just for more security, better fireproofing and a more substantial building. Mr. Watts asked would the building be the same size? Mr. Dennis stated the following: Yes, exactly the same size. So, when we're all done, we're asking for Phase I for the 400 SF building, which would be a 20 FT x 20 FT addition to the north side. Then sometime in the future in Phase II we would like to go back and replace the existing building that would be a 20 FT x 30 FT building so it would not be exactly the same size. So, we will end up with a 1,000 SF building. We would not be clearing any trees, there are no plumbing services to the building and there are no toilets. It would be an unoccupied building except when there are repairs and maintenance taking place. We have one parking space on the west side of the building for the repair trucks. We are going to be adding stairs that the building currently does have to make access safer and more efficient. The entrance now is on the north side of the building and we are going to be turning the entrance to face directly out towards the road. Also, there would be some minor grading happening in one corner of the site because the tower is actually at the high point of the property and this is how this building ended up where it is currently. Building this addition would be located on vacant/cleared space. The original tower was put here in 1976, the first building was built in 1992 and we put on an addition to this building on in 2002. We're anticipating that this building would not get bigger in the future. There are two things that are happening; the demand is increasing but at the same time the equipment that serves that demand is shrinking just like everything else because telephones and computers are all getting smaller. As the demand increases, we're anticipating that the equipment would get smaller. As this equipment is changed out, we would be increasing the amount the space that is available. So, with Phase I and II, I think we're going to be set for a long time. Mr. Watts asked is there any need to refer this application to CHA? Mr. Williams stated there would be minimal grading and minimal disturbance to the site. Mr. Bianchino agreed with Mr. Williams. Mr. Dennis stated we will be submitting a complete set of building plans for this addition to obtain our building permit. Mrs. Murphy stated the reason why there is only one parking space is an "other" under our parking ordinance so this is appropriate for this use. Mr. Watts stated the following: Yes, there is nobody working there and the one parking space is for a repair/maintenance vehicle to park when maintenance or repair is required. Do you maintain the road? Mr. Dennis stated the Town plows the road.

Mr. Higgins made a motion to approve the addition to site plan application for Time Warner Cable Head End Addition (Phase I & II). Mr. Berkowitz seconded. Motion carried.

11.048 NB The Fitness Artist Studio, 1581 Route 9 (Rekucki Plaza) – Sign

Mr. Travis Gil, the applicant, stated the following: I am the owner of The Fitness Artist Studio and I'm looking for a sign approval. Mr. Roberts stated the following: I have looked at the sign application and it looks fine. They would just be replacing what was there before and it fits with the rest of the plaza.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 20 SF

Sign Dimensions: 2ft x 20 ft

Sided: one-sided Two-sided

Location of Sign: above the storefront

Lighted: Internal Flood

Brief Description: The applicant wishes to place a business identification sign above its storefront. This sign is within the allotted signage for the plaza.

Mr. Roberts made a motion to approve the sign application for The Fitness Artist Studio. Mr. Nadeau seconded. Motion carried.

11.049 NB Tailgators Sports Tavern, 1683 Route 9 (St. John Plaza) – Change of Tenant

Mr. Tom Pratico, of Bast Hatfield and the Rexford Group, stated the following: We are here tonight to discuss a change in tenancy. Actually, it is more of a change in ownership of the Tailgators Restaurant in St. John Plaza. The present owner's have decided to sell their business to Mr. Jim Sherwood who is with me this evening to answer any questions. I would also like to state that the Tailgators as it exists, would remain the same; the signage, the parking and the seating inside. Mr. Watts stated the following: There were issues at the plaza with the previous tenant and I would like to know what Mr. Sherwood's plans are. The narrative was a bit sparse in terms of "a sports pub, which would consist of food and beverage sales". What is the clientele that you're looking for, what are your hours of operation and what assurances are you going to give us and the other tenants in the plaza that it would not be a disorderly premise? Mr. Jim Sherwood, new owner of the Tailgators Sports Tavern, stated the following: The type of clientele that currently visits Tailgators are those that are sports enthusiasts. We have 11 flat screen TV's. The clientele come in to eat and drink and to watch the various sports events such as football and baseball depending on what sports season it is. I don't really see a major change in the type of clientele. We do want to concentrate a little bit more on the food aspect of our business and we would like to be able to increase our food sales. I think that has been an area of the business that has been neglected. Our hours of operation would be, we open up at 11:00 am depending on the day of the week. Thursday, Friday and Saturday are the busier evenings and we are open to 2:00 am on those particular nights. On Sunday, Monday and Tuesday; it ranges anywhere from 10:00 pm to midnight on those nights. I think what has been missing in the past at Tailgators is on-site supervision by the owners. Whereas the type of operation that I run is that I'm pretty much there all the time. So, there would be more of a concentrated on-site supervision and I think that would curtail some of the negative activity that I have heard about that existed in the past. Mr. Pratico stated I have heard some good comments from the other tenants in the plaza since Mr. Sherwood has been running the day-to-day operations of Tailgators. Mr. Higgins stated the application says 4:00 am on Thursday through Saturday, so are you changing the hours now. Mr. Sherwood stated the following: We're not changing from the standpoint that when we submitted our application for the liquor license, we did specify 4:00 am in the event we are busy to stay open that late. I have found in the last 6 weeks that I have been at Tailgators that there's not a whole lot of business approaching 4:00 am. Mr. Higgins asked so are you planning on keep 4:00 am as your closing time? Mr. Sherwood stated we would like to keep 4:00 am as the official closing time. Mr. Watts asked Mr. Sherwood what businesses or establishments he previously operated. Mr. Sherwood stated the following: I had a nightclub called Club 388 in Saratoga that used to be the Newberry, which was a very successful nightclub business. Then following the Newberry it was operated by a person who ran it as the Grotto. The Grotto was closed for about 3 months and then following the closure, I became involved and opened Club 388 and I was there for 2 seasons. Prior to that, back in the 90's, I owned a restaurant up in Lake George called the Boardwalk and I was there from 1992 to 1999. Mr. Watts stated the issues that existed at Newberry's, as I remember it, and or the Grotto did you have any of those issues when it was Club 388? Mr. Sherwood stated I don't know in particular those exact issues you are referring to but we had no issues with the city or with my existing landlord. Mr. Watts asked so you didn't have any issues with the liquor authority or police issues at that site? Mr. Sherwood stated at Club 388, we did not. Mr. Watts stated but there were some issues with the previously people that were in there wasn't there? Mr. Sherwood stated the following: It is my understanding that I believe there were some issues. I think the issues were more when the Grotto came into the picture. Mr. Watts stated I seem to remember that there were some issues and not the kind of issues that we want in the Town of Halfmoon. Mr. Sherwood stated I couldn't agree with you more and I wasn't a party or involved in that business. Mr. Watts stated the following: We don't want a repeat performance of some of the issues

that were going on previously at Tailgators and the owners of the plaza lost tenants due to those issues. It went from a pretty good spot to some difficulties and I'm sure you are aware of them. Mr. Sherwood stated yes I am.

Mr. Roberts made a motion to approve the change of tenant application for Tailgators Sports Tavern and the applicant was asked to be diligent on maintaining an orderly business. Mr. Ruchlicki seconded. Motion carried.

11.050 NB Anvil Fence & Supply Co. Inc., 1626 Route 9 – Sign

Mr. Kenn Fischer, President of Anvil Fence & Supply Co. Inc., stated the following: Up until August we had our name on the building and in August we had a fire that melted the sign. When we re-sided the building, we chose not to have our name on the building. We have been at this location since 1984. I have been telling people when they are coming south on Route 9, if they see an old block abandoned building next door that says "antiques", our driveway is the next one. So, I've been doing that for 20 years and now we thought we should have a sign instead. Mr. Roberts asked where is the sign going to be located? Mr. Fischer stated the sign would be located to the left of the driveway. Mr. Roberts stated please make sure that the sign is not placed in the State's right-of-way and asked if the sign would be lit. Mr. Fischer state no.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 100 SF

Sign Dimensions: 5ft x 10 ft

Sided: one-sided Two-sided

Location of Sign: In front of the site, left of driveway.

Lighted: Internal Flood - not lighted

Brief Description: The applicant wishes to place a freestanding sign in front of their site. The proposed material for the sign is "banner-like" material. The applicant stated that the sign will be supported by a hard, fixed frame and will otherwise be a permanent freestanding sign. This sign conforms to the size allowed per Town Code.

Mr. Roberts made a motion to approve the sign application for Anvil Fence & Supply Co. Inc. contingent on the location of the sign is not placed in the State's right-of-way. Mr. Nadeau seconded. Motion carried.

11.051 NB E Studio LLC, 1705 Route 9 (Shoppes of Halfmoon) – Change of Tenant & Sign

Mr. Tanski, owner of the Shoppes of Halfmoon, stated the following: E Studio is a yoga/fitness studio. They plan on having 2 people working at this location in the Shoppes of Halfmoon. One person would work at the desk and the other person would work in the back. I believe all the signage has been approved for this plaza. Mr. Roberts stated right, but we like to have a description of the proposed signage. Mr. Tanski stated the following: The sign would be a green sign with white letters and it would be 16 SF just like the rest of the signs in the plaza. The only sign that is different is the Subway sign because that was a corporate logo. The applicant has stated that they would have 10 to 12 people there at one time and there is plenty of parking available. Most of the activity would be in the morning. The hours of operation would be 7:00 am to 9:00 am and 6:00 pm to 9:00 pm Monday through Sunday. They would have 1 full-time and 6 part-time employees. Mr. Watts wished the applicant good luck and asked to please advertise that they are located in the Town of Halfmoon.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 16 SF

Sign Dimensions: 2ft x 8 ft

Sided: one-sided Two-sided

Location of Sign: Above the storefront

Lighted: Internal Flood

Brief Description: The applicant wishes to place its sign above their storefront. All signs within this plaza are uniformed at 16 SF each. The sign conforms to the Town's Code.

Mr. Roberts made a motion to approve the change of tenant and sign application for E Studio LLC. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 9, 2011 Planning Board Meeting at 8:21 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary

DRAFT MINUTES
Town of Halfmoon Planning Board
May 9, 2011

Those present at the May 9, 2011 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
John Ouimet

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the May 9, 2011 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 25, 2011 Planning Board Minutes. Mr. Roberts made a motion to approve the April 25, 2011 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried. Mr. Ouimet abstained due to his absence from the April 25, 2011 Planning Board Meeting.

Public Hearings:

11.020 PH RGH Enterprises, 4 Liebich Lane – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:05 pm. Mr. Watts asked if anyone would like to have the public notice read. Mr. Mike Stiles asked for the notice to be read. Mr. Watts read the public hearing notice for the record. Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I'm representing the applicant, RGH Industries. For the subdivision portion of this application the project itself is located on the end of Liebich Lane, which comes off of Route 9 behind SYSCO. The map shows that this minor subdivision is part of an overall Planned Development District (PDD), which is called Rolling Hills. The PDD is a mix of both Light Industrial land use and Residential land use. Phase I for that project has been recently completed and they are currently under construction in Phase II of the residential portion of the project. With the Light Industrial section, there is approximately 110-acres and this would be the first lot of that 110-acres that would be developed as part of the PDD. Highlighted in blue shading is the small 8-acre parcel that we are subdividing as part of this project. The map was presented at the last Planning Board Meeting showing approximately 8-acres of property that would be allocated for the development of the Medical Office Supply Building. The road that currently exists in front of SYSCO would be extended about 1,200 FT in order to gain access to this lot and the lot itself would have about 200 to 300 FT of frontage along Liebich Lane where it would gain access. Mr. Watts asked if anyone from the public wished to speak. Mr. Mike Stiles stated the following: I'm from the Route 9 farm in front of this parcel. This parcel doesn't front my property but it does drain eventually out and around and down and everything on that project has been flowing in there since VanPatten sold it to Valente. With the eruption of the earth, the water brings down all the dirt and the papers and such things as I told you in a letter and it will eventually, even with the retention, it would still bring material down to my property and I would like to know how you expect to hold it back and so on. Mr. Vuillaume stated the following: Mr. Stiles' is correct in the fact that the overall drainage for the Light Industrial parcel that is being developed currently does drain towards a low point where there is an existing storm basin. Along with that storm basin are several wetland fingers that also drain towards that low spot. Currently there is a mining permit for the construction activities that are occurring out there. However, as part of this project, this 8-acre piece would be taken out of what is called "the life of mine permit" for the project. So, this project would have its own individual stormwater managements that would deal with the drainage that comes off of this site independently of what is going on as part of the mine. As part of that, we were required to prepare what is called a Stormwater Pollution Prevention Plan (SWPPP) and that plan basically details how the stormwater is going to be managed on the property and how erosion control would also be managed to make sure that it is safe drainage corridors further downstream. Mr. Watts closed the Public Hearing at 7:06 pm. Mr. Higgins asked what is the percentage for the greenspace? Mr. Vuillaume stated that goes more with the site plan and I believe our greenspace is 57 percent on the 8-acres. Mr. Higgins stated as far as the subdivision, there are still terms of the subdivision that are to be written and approved by the Town's Attorney and asked if that was correct. Mr. Watts stated

that would be part of the commercial site plan application, not the subdivision. Mr. Higgins stated okay. Mr. Watts asked Mr. Bianchino if he had a chance to review the drainage and the stormwater issues? Mr. Bianchino stated the following: We reviewed the stormwater as it relates to the proposed site plan development and they are proposing on-site stormwater management in accordance with the New York State Department of Environmental Conservation (NYSDEC) new regulations. So, I would expect that the impacts off-site would be negligible. Mr. Watts asked with the SWPPP? Mr. Bianchino stated yes.

Mr. Ouimet made a motion to approve the minor subdivision application for RGH Enterprises. Mr. Berkowitz seconded. Motion carried.

11.021 OB RGH Enterprises, 4 Liebich Lane – Commercial Site Plan

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: As far as the site plan goes for this project, we presented this at your last Planning Board meeting and I do believe that we have addressed all the outstanding issues from the engineering comments that CHA had prepared. As you know, we are proposing approximately a 75,000 SF building on this site with 57 parking spaces to be constructed as part of the first part of the development. As you may recall, the zoning really requires about 119 parking spaces; so, we would be landbanking 62 parking spaces that would be reserved for the future if needed. Currently, I believe they would only be employing 42 people and obviously they have several vehicles that would be entering and exiting the site during the day. So, we feel that the 57 parking spaces that we're providing is more than adequate for the site plan. Again, we've discussed things as far as the grading and the slopes. There are some steep slopes that are currently on the property and we have hired a geotechnical engineer that studied that and put together a geotechnical report that outlines in detail how the slopes are to be graded and maintained. We have also had several discussions with R.J. Valente who is overseeing the construction of Liebich Lane and I believe an agreement was reached with the Town to construct the remainder of that road all the way to its termination point at Tabor Road by the end of the year. I'm not sure if a specific date was decided upon. Mrs. Murphy stated the following: At this point in time, I'm waiting for a contract from Mr. Valente's attorney detailing who they are utilizing to complete the construction of the road and when that would be done. However, I would strongly recommend to this Board that this project be conditioned upon R.J. Valente entering into a contract with the Town with regards to those dating issues. I will tell the Board that there is a contract out there that limits Mr. Valente's ability to get Certificates of Occupancies (C.O.'s) and building permits. So, we can enforce this many different ways. We're just putting in yet another level of security for the Town. Mr. Vuillaume stated yes, that seems reasonable. Mr. Watts stated the following: The Town Supervisor and I met with Mr. Marrotta and Mr. Valente last Friday and we indicated the concerns of the Town relative to the completion of Liebich Lane from Tabor Road right through so people can get over to Route 9. It was agreed that that would be completed by this construction season. So, before the blacktop plants close, that the road would be constructed in accordance with our Town standards for the road. So, that will be completed. As Mrs. Murphy has said; should that not occur, then there would be an issue of building permits, C.O.'s, etc. for any parts or any phases of construction at that site. We discussed that in some detail at the last meeting and then to clarify the issues we had a follow-up meeting last Friday. This was something that the residents in that area wanted to alleviate some of traffic concerns and that road will be completed. Mr. Nadeau asked do we have an actual date? Mrs. Murphy stated my intention is to put in an actual date in that agreement. Mr. Higgins stated in Mr. Bianchino's CHA comment letter he also recommended some additional site plantings up on top of the hill. Mr. Vuillaume stated the following: Sure, that is something that I think we can add. On the current drawing we show a row of evergreens and deciduous trees at the top of the slope. Previously I had shown the Board some photographs of that area and it is rather sparse up in through this area. So, I think what we'll do is once the grading is

done, is that we are going to increase the number of plants but we may have to move them around a little bit from what is shown on the plans. Based on what is actually left as far as vegetation goes, there isn't a lot of vegetation that is going to come out for the rest of this grading. So, I think where we have the plants currently shown is probably one of the better locations for this screening to occur. But yes, you can see that there is plenty of room to add additional plantings as recommended by CHA. So, we will add some plantings on the top of the hill. Mr. Higgins stated okay. Mr. Watts stated during the construction phases we will be visiting the site to make sure and then we will be following up as we do with any other project like that to make sure that the plantings take place.

Mr. Higgins made a motion to approve the commercial site plan application for RGH Enterprises contingent upon the owner of the Rolling Hills PDD providing to the Town a contract that is acceptable to the Town Attorney outlining conditions to be enforced regarding the completion of Liebich Lane prior to a set date that will be in the agreement for this project and CHA's sign off. Mr. Nadeau seconded. Motion carried.

Mr. Higgins made a motion to grant a Negative Declaration to the State Environmental Quality Review Act (SEQRA). Mr. Nadeau seconded. Motion carried.

11.034 PH Lefner Lot Line Adjustment, Hudson River Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:05 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Stephen Connors, Atty., of Rosch & Connors, PLLC, stated the following: I'm here tonight representing Rosemary Lefner who is the owner of multiple lots here in the Town. The largest lot, tax map # 274.-1-24.12 is a 21-acre parcel that has a metal barn or storage garage, which was placed at the edge of the lot and is over the line onto another parcel owned by my client. Rosemary Lefner entered into a contract to sell the property and about that time it was discovered that the barn went over the lot line for this parcel. We are proposing a lot line adjustment between 2 lots owned by Rosemary Lefner to be 12 FT in all spaces around that existing metal building. That would bring the lot size of the larger lot to 23.4-acres and the smaller lot would lose that .07-acres. We are not looking to change the use and we are not looking to put up any additional buildings at this time. Also, as part of the application, once this was submitted it was pointed out that Mrs. Lefner owned 2 additional lots, which are landlocked. So, our application was amended to include a request to join 2 of the lots with a lot that has 50 FT of frontage. So, essentially we would be doing away with the 2 landlocked parcels and joining them into a single lot. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Higgins asked if both the lots were zoned R-1 Residential. Mr. Williams stated the lots are zoned Light Industrial/Commercial (LI/C). Mr. Higgins asked what is the side yard and rear yard setbacks? Mr. Williams stated 10 FT.

Mr. Roberts made a motion to approve the minor subdivision application for the Lefner Lot Line Adjustment. Mr. Higgins seconded. Motion carried.

New Business:

11.040 NB Mechanicville Hydroelectric Station-Service Bldg., 951 Hudson River Road – Commercial Site Plan

Mr. James Basha, of the Albany Engineering Corporation, stated the following: We are the owner of the Mechanicville Hydroelectric Station, which is the oldest hydroelectric station in the United States and possibly the world. The hydroelectric station was built in 1897, it is still operating today and it has operated continuously. We are proposing to demolish part of the building, which is a non-historic part. The building itself is on the National Registrar but there is a portion of the building that is non-historic and that portion is going to be taken down as part of our Federally approved Cultural Resource

Management Plan. We are going to replace it with an outbuilding, which would be a 40 FT x 80 FT metal building that will eventually be faced with brick from the demolished portion. This building would be used for storage and service of the hydroelectric station. The building is zoned M-1 Industrial, a public service utility. We have about a 23-acre parcel and as I mentioned the building is 40 FT x 80 FT. Mr. Watts stated the following: I would like to say that personally I think that you have done a wonderful job down there and the place is beautiful. I know that you are expanding your ability for people to come and look at it and when we met previously you mentioned that you are trying to expand the opportunity for children and people to go in there to look at a very historic building, which is very interesting. I commend you on doing a wonderful job. I believe you will need to obtain a demolition permit and a building permit.

Mr. Berkowitz made a motion to approve the commercial site plan application for the Mechanicville Hydroelectric Station-Service Building. Mr. Roberts seconded. Motion carried.

11.041 NB Cross Fit, 1580 Route 9 (Pai's Tae Kwon Do) – Change of Tenant

Mr. Kwang Pai, owner of Pai's Tae Kwon Do, stated the following: With me tonight is the applicant/owner, Mr. Caleb Nelson. Cross Fit is a fitness club and they would be renting about 4,300 SF of tenant space. We are before the Board tonight for a change of tenant approval. Currently we have 78 parking spaces and we would be adding 10 more parking spaces in the front the building. I know that parking was one of the concerns but today when they held classes back to back, I went outside and I checked the parking spaces and we had about 43 vacant parking spaces. So, when they come in we would be limiting 20 clients per hour and I think we would have adequate parking. Mr. Watts stated for clarification, just to make sure, this would give Cross Fit close to 30 parking spaces to operate. Cross Fit has stated that they would have between 10 to 15 clients per class. Did you say that they would have 20 parking spaces? Mr. Pai stated as they start out with the 15 clients and if they get bigger, I believe they would be limiting it to 20 clients. The issue as we see it is that we just want to make sure that you understand that there is limited parking and we want you to make sure that everybody stays within the parking lot and that they are not parking out of the lot. Mr. Higgins asked when you have your graduations or your main competitions, do you do them on site or do you do them off-site? Mr. Pai stated the following: The major events we do twice a year and for the championships we went down to SUNY Albany for the events. For 2 of the major events that were black belt ceremonies, we are renting the Schenectady High School gym. We are trying to minimize the off-site parking. Every three months we have a belt promotion for color belts, which is small event that we can schedule it so we can spread it around, so people are not parking on the road. Mr. Higgins stated the following: I think that is what Mr. Watts is referring to because there was a problem at one time a few years ago where people were parking on what is now a through-road. So, we want to make sure that you can contain the parking to within your site. Mr. Berkowitz asked when does the applicant plan on moving in? Mr. Pai stated the plan is June 1st. Mr. Berkowitz asked is the parking lot going to be finished by then? Mr. Pai stated right now they are putting down 14 inches of gravel and we are ready for the binder next. Mr. Berkowitz asked does the parking lot have to be finished before they receive a Certificate of Occupancy (C.O.)? Mr. Watts stated the following: Yes, we would have to do a final inspection and that depends on if it is useable. We will keep an eye on it. Mr. Berkowitz asked if Mr. Nelson would be bringing in existing cliental or if he was just starting out? Mr. Nelson stated we are expecting minimal cliental to be coming in at the beginning and we are not expecting droves of people coming in at first. Mr. Watts asked the applicant to please advertise that they are located in Halfmoon. Mr. Nelson stated okay.

Mr. Berkowitz made a motion to approve the change of tenant application for Cross Fit condition on no parking on Corporate Drive or Route 9. Mr. Ouimet seconded. Motion carried.

11.042 NB Stewart's Shop #112, 1403 Route 9 – Addition to Site Plan

Mr. Tom Lewis, of Stewart's Corporation, stated the following: We are looking at all of our shops to see where we can make improvements. One of the difficulties for this Stewart's site is people making a left turn in when approaching from the north and people making a left turn out when trying to head south. We are proposing to add an additional curb cut out to Terminal Road that lies just south of the our site. By doing this, we can add three extra parking spaces. This proposal would allow us to utilize the existing traffic light at the Route 9/Crescent Vischer Ferry intersection. We would have to re-locate the "Welcome to Halfmoon" sign a few feet. I notified the New York State Department of Transportation (NYSDOT) and I spoke with Mr. Kevin Novak regarding traffic signals in the area. If they said not to bother, we were not going to bother. Everything seemed fine with a left turn in but we also needed a left turn out onto Route 9. Mr. Novak stated that he liked the idea and they didn't have an issue with it but discussed looking at existing curb cuts for modifications. Regarding the one full access curb cut on Route 9 that this site has, we know at a minimum that there would not be a left out allowed and it wouldn't be the end of the world if we were to lose the whole curb cut altogether. If that is the Board's wish, this proposal is much better than the existing condition. We just assume to have the left hand turn in. Mr. Ruchlicki stated with the proposed in and out on Terminal Road, if you came out there, you would benefit by the function of that traffic light. Mr. Lewis stated that's right and the traffic lights operate on a sequence. Mr. Ruchlicki stated I know what you are saying; the traffic signals work in unison as far as the traffic and nobody would be trapped between the 2 traffic signals. Knowing now that that would be a functional entrance with the traffic light, why would you have the curb cut in the middle as a left in only and how would you regulate that. Mr. Lewis stated it would be regulated by modifying the curb cut so that left outs not be possible. Mr. Berkowitz asked how are the structures on Terminal Road zoned. Mr. Williams stated they are zoned commercial but the first building, the Knox Building, is used as apartments. Mr. Nadeau asked what is the pattern most used by their customers to enter and exit the site. Mr. Lewis stated most utilize the existing full access curb cut off of Route 9 and very little people use the Churchill Road curb cut. Mr. Higgins asked where will the Welcome to Halfmoon sign be moved to? Mr. Lewis stated it would be moved several feet toward Route 9. Mr. Higgins asked if that would affect sight distance from Terminal Road. Mr. Lewis stated no. Mr. Higgins asked if the sign would be located in the State ROW. Mr. Lewis stated no. Mr. Roberts asked what would be the impact to the greenspace requirements. Mr. Lewis stated the following: It will decrease because the proposed entrance would be constructed within some of the existing greenspace. It would go about 36% down to about 25%. Mr. Berkowitz asked if gas tankers would be able to deliver the gas. Mr. Lewis stated that would not be affected. Mr. Watts asked if Terminal Road is a substandard road. Mr. Bianchino stated he would look at it but feels when the intersection of Terminal Road and Route 9 was reconstructed during the Crescent Bridge work that the intersection throat was brought to NYSDOT's standards. Mr. Watts asked if the proposal would affect the handicap fishing area that is off of Terminal Road. Mr. Bianchino stated the parking and access to the fishing pier is further down the road and should not be affected. Mr. Ouimet asked if you are traveling east on Crescent Vischer Ferry Road and you want to go to Stewart's through the proposed Terminal Road access you would have to veer south on Route 9 to access Terminal Road, meaning it is not a straight in. Mr. Lewis stated it is not straight in. Mr. Ouimet stated the only purpose of the Terminal Road access is to be able to head south on Rt 9 from the Stewarts site. Any other direction and you would use what access already exists. Mr. Lewis stated we are offering to limit the existing curb cut as a left in only and if the Board feels that the existing full access curb cut needs to be eliminated in place of the Terminal Road access, than that would be okay. Mr. Watts stated the following: Your parking will be increased from 18 to 21 spaces. What sizes are the spaces? Mr. Lewis

stated it looks like there is a mix of 9ft wide or 10 ft wide spaces. Mr. Watts the following: I recall that the spaces seem to be small and more like 9ft wide spaces. The Town ordinance requires 10ft wide parking spaces. Mr. Lewis stated we can look at the site's parking spaces if needed. Mr. Watts stated we would like to bring the site into compliance if needed. Mr. Ruchlicki asked if the existing full curb cut on Route 9 was eliminated than it could be replaced with greenery. Mr. Lewis stated yes. Mr. Nadeau asked if the existing Churchill access would remain. Mr. Lewis stated yes. Mr. Nadeau stated if the Route 9 curb cut was eliminated and a customer missed the Terminal Road access they would need to use Churchill to gain access. Mr. Lewis stated yes.

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

11.043 NB Lands of CindyLee Murdza, 157 Plant Road – Special Use Permit

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here representing CindyLee Murdza in her request for a special use permit on a parcel of land located at 157 Plant Road. The parcel is located near one of the entrances to the Martindale Mobile Home Park. The applicant wishes to replace the existing single-family home, which is a mobile home at this point in time, with a new single-family modular home. A special use permit is required for this action because it's a residential use and the parcel is located in a C-1, Commercial zone. One of the reasons we feel that the special use permit should be granted is the fact that the parcel is .32-acre and it would be very limited for a commercial use especially with the new stormwater management designs that are required for these. Also, the fact that, at this point in time, this is a residential use and the area consists of predominantly residential uses. Across the road the area is vacant and it probably would be commercial at some point in time but we have looked at that site for other people and we feel that if a commercial use does go in there, that most of it would be up by Route 146 and a section of it would probably be used for a stormwater management plan. So, the intensity as far as a commercial use would be farther north so it would be somewhat of a buffer in transition. Upon review by the Planning Department, we are going to move this proposed building back so that the porch that was going to be on the front will be in the back of the building now. That is the applicant's request for the Board's consideration. Mr. Higgins stated the following: Are there any other wells on any of the surrounding lots? I see the one well that is going to be abandoned, but I was just wondering if there are any other wells. Mr. Rabideau stated I'm not sure but I believe that there is a water main so it's probably tied into the water and the applicant is going to tie into the public water. Mr. Nadeau asked with the pre-existing use, are we able to make these changes? Mrs. Murphy stated the following: There is a section in the local law, that the Board doesn't use that much, that allows for this Board to make this change subject to a public hearing or a special use permit procedure, which is basically having the public hearing. I do want to caution the applicant though that just because the engineer may think that neighboring properties are going to develop a certain way, this Board is not making any representations that that's going to happen or not going to happen so you have to proceed with that in mind.

Mr. Roberts made a motion to set a public hearing for the May 23, 2011 Planning Board meeting. Mr. Quimet seconded. Motion carried.

11.044 NB Family Tents, 44 Halfmoon Drive – In-Home Occupation & Sign

Mr. Al Ferro, the applicant, stated the following: We are applying to put a sign in front of our house. Mr. Watts stated the following: You're applying for an in-home occupation so you can put a sign in front of your house. If and when the in-home occupation is approved, then you can put the sign in front of your house because you are located in a residential area.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 6 SF

Sign Dimensions: 1.5ft x 2ft

Sided: one-sided Two-sided

Location of Sign: in front lawn

Lighted: Internal Flood - none

Brief Description: The applicant has a 6 SF sign for the business. This size sign conforms to Town Code for In-Home Occupations.

Mr. Roberts made a motion to set a public hearing for the May 23, 2011 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

11.045 NB New Country Porsche, 205 Route 146 – Change of Tenant & Sign

Mr. Dan Tompkins, of the Environmental Design Partnership, stated the following: I'm representing Country Realty Company and New Country Motor Car Group. This is the current Buick dealership across from the Toyota complex that I presented recently. Tonight we are applying for two things; a change of tenancy and a sign permit for the pylon sign. They anticipate switching over to Porsche within a couple of weeks and it's a 2-step process as I outlined in the narrative. It is not a new franchise point; it's a point that is being transferred so the transfer has to happen immediately. They go from one location to another location so that if someone needs their car serviced, they are not stranded. What they want to do in the first phase is to simply occupy the building. They want to get in and occupy the building and I will be coming back in a month or two with a site change application and that would be the second step. This thing was originally approved as a Chrysler-Jeep dealership years ago and it was transferred to Buick not too long ago and now the decision is to occupy it with Porsche. Nothing is going to happen to the building in terms of the square footage; it would be the existing building. Nothing is going to happen with the site; they just want to occupy it as is. The only thing that would happen esthetically to the building is, and you might recall when it was Buick, I applied for a variance for a portal feature on the front of the building. It is like a kit that they added onto the front and that would be removed because it was a GMC portal feature. Also, the existing GMC sign would be replaced with a Porsche sign. Mr. Tompkins passed out photographs to the Board of the monument sign to be replaced. Mr. Tompkins stated the following: The sign detail is exactly what's on the site plan and the only difference is the one that I got from the vendor recently as the site plan had indicated was the dealer name which will say New Country. It is a fully compliant sign for a change and there is no variance necessary. It is less than 16 FT in height; in fact it's less than 15 FT in height. It is one of those monolithic style signs that has the cladding all the way down to the ground. All we're really looking to do is to swap the signs. There is a panel of florescent lights behind the badge and there are one or two bulbs behind the New Country. From what I can tell on detail, the rest of the sign is not illuminated, so those two areas would pop out a little bit more. Like I said, in perhaps a month or two, they still have to work out exactly how to change the front of the building in the future and that has nothing to do with this application. When they decide that between the architect and Porsche, then I'll come in for what would be the site change application. Mr. Higgins stated the following: I mentioned this previously on this site and your picture shows it; they park cars in areas where they are not suppose to be parking cars. Your site plan does not show a display spot on the grass. Mr. Tompkins stated you are absolutely correct. Mr. Higgins further stated also, across the street, and I mentioned this to you before when you were here, and the next day they had 3 cars parked on the entrance ramps. I don't know how we can get to the applicant that he is suppose to park in the designated areas and not just anywhere they want to park. Mr. Tompkins stated I can't argue with you because you are right. Mr. Watts asked Mr. Tompkins to pass this information back to the applicant. Mr. Tompkins stated that's exactly what I'm going to do. Mr. Watts stated the following: I

don't want to be sending our Code Enforcement Officers to the site. This has happened before with other dealerships where I had to send our Code Enforcement Officers to the site to make the people cleanup things on lots, move cars and to get the cars out of the State's right-of-way. It seems to be an occupational disease of automobile dealerships to try to get a few extra spots and to get better visibility. I don't know that you couldn't come in and ask for different places. So, please pass along this information. Mr. Roberts asked if the sign would be internally lit. Mr. Tompkins stated it is.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 14' 9.5" tall, and 145.54 SF

Sign Dimensions: 14.79' x 4.92'

Sided: one-sided Two-sided

Location of Sign: same as existing pylon at front of site

Lighted: Internal Flood

Brief Description: The applicant wishes to replace the existing pylon sign with a new sign in the same location. The new sign will closely resemble the pylon signs that the Toyota dealership currently has placed on their site. The sign will display the Porsche logo and it will be internally lit.

Mr. Roberts made a motion to approve the change of tenant and sign application for New Country Porsche conditioned on parking display vehicles in designated areas only and the sign is not placed in the State's right-of-way. Mr. Nadeau seconded. Motion carried.

1.047 NB Time Warner Cable Head End Addition (Phase I & II), 7 Milfords Way – Addition to Site Plan

Mr. Mike Dennis, of MADesign, stated the following: I'm here tonight representing Time Warner Cable. Time Warner Cable has had a presents on this site for 35 years. I believe we were before this Board about 10 years ago to put an addition on the existing building. The existing building is 16 FT wide x 32 FT long and it basically holds the electronics required for Time Warner Cable to bring all the services that they bring to Halfmoon and Clifton Park. At this point we are looking to put another 400 SF additional onto the building and this time we are going to do it with concrete block and steel as rather than the wood frame and vinyl, which is what the building is now. Sometime in the future in Phase II we are going to replace the existing structure, which is 16 FT x 32 FT with the same concrete and steel construction just for more security, better fireproofing and a more substantial building. Mr. Watts asked would the building be the same size? Mr. Dennis stated the following: Yes, exactly the same size. So, when we're all done, we're asking for Phase I for the 400 SF building, which would be a 20 FT x 20 FT addition to the north side. Then sometime in the future in Phase II we would like to go back and replace the existing building that would be a 20 FT x 30 FT building so it would not be exactly the same size. So, we will end up with a 1,000 SF building. We would not be clearing any trees, there are no plumbing services to the building and there are no toilets. It would be an unoccupied building except when there are repairs and maintenance taking place. We have one parking space on the west side of the building for the repair trucks. We are going to be adding stairs that the building currently does have to make access safer and more efficient. The entrance now is on the north side of the building and we are going to be turning the entrance to face directly out towards the road. Also, there would be some minor grading happening in one corner of the site because the tower is actually at the high point of the property and this is how this building ended up where it is currently. Building this addition would be located on vacant/cleared space. The original tower was put here in 1976, the first building was built in 1992 and we put on an addition to this building on in 2002. We're anticipating that this building would not get bigger in the future. There are two things that are happening; the demand is increasing but at the same time the equipment that serves that demand is shrinking just like everything else because telephones and computers are all getting smaller. As the demand increases,

we're anticipating that the equipment would get smaller. As this equipment is changed out, we would be increasing the amount the space that is available. So, with Phase I and II, I think we're going to be set for a long time. Mr. Watts asked is there any need to refer this application to CHA? Mr. Williams stated there would be minimal grading and minimal disturbance to the site. Mr. Bianchino agreed with Mr. Williams. Mr. Dennis stated we will be submitting a complete set of building plans for this addition to obtain our building permit. Mrs. Murphy stated the reason why there is only one parking space is an "other" under our parking ordinance so this is appropriate for this use. Mr. Watts stated the following: Yes, there is nobody working there and the one parking space is for a repair/maintenance vehicle to park when maintenance or repair is required. Do you maintain the road? Mr. Dennis stated the Town plows the road.

Mr. Higgins made a motion to approve the addition to site plan application for Time Warner Cable Head End Addition (Phase I & II). Mr. Berkowitz seconded. Motion carried.

11.048 NB The Fitness Artist Studio, 1581 Route 9 (Rekucki Plaza) – Sign

Mr. Travis Gil, the applicant, stated the following: I am the owner of The Fitness Artist Studio and I'm looking for a sign approval. Mr. Roberts stated the following: I have looked at the sign application and it looks fine. They would just be replacing what was there before and it fits with the rest of the plaza.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 20 SF

Sign Dimensions: 2ft x 20 ft

Sided: one-sided Two-sided

Location of Sign: above the storefront

Lighted: Internal Flood

Brief Description: The applicant wishes to place a business identification sign above its storefront. This sign is within the allotted signage for the plaza.

Mr. Roberts made a motion to approve the sign application for The Fitness Artist Studio. Mr. Nadeau seconded. Motion carried.

11.049 NB Tailgators Sports Tavern, 1683 Route 9 (St. John Plaza) – Change of Tenant

Mr. Tom Pratico, of Bast Hatfield and the Rexford Group, stated the following: We are here tonight to discuss a change in tenancy. Actually, it is more of a change in ownership of the Tailgators Restaurant in St. John Plaza. The present owner's have decided to sell their business to Mr. Jim Sherwood who is with me this evening to answer any questions. I would also like to state that the Tailgators as it exists, would remain the same; the signage, the parking and the seating inside. Mr. Watts stated the following: There were issues at the plaza with the previous tenant and I would like to know what Mr. Sherwood's plans are. The narrative was a bit sparse in terms of "a sports pub, which would consist of food and beverage sales". What is the cliental that you're looking for, what are your hours of operation and what assurances are you going to give us and the other tenants in the plaza that it would not be a disorderly premise? Mr. Jim Sherwood, new owner of the Tailgators Sports Tavern, stated the following: The type of cliental that currently visits Tailgators are those that are sports enthusiast. We have 11 flat screen TV's. The cliental come in to eat and drink and to watch the various sports events such as football and baseball depending on what sports season it is. I don't really see a major change in the type of cliental. We do want to concentrate a little bit more on the food aspect of our business and we would like to be able to increase our food sales. I think that has been an area of the business

that has been neglected. Our hours of operation would be, we open up at 11:00 am depending on the day of the week. Thursday, Friday and Saturday are the busier evenings and we are open to 2:00 am on those particular nights. On Sunday, Monday and Tuesday; it ranges anywhere from 10:00 pm to midnight on those nights. I think what has been missing in the past at Tailgators is on-site supervision by the owners. Whereas the type of operation that I run is that I'm pretty much there all the time. So, there would be more of a concentrated on-site supervision and I think that would curtail some of the negative activity that I have heard about that existed in the past. Mr. Pratico stated I have heard some good comments from the other tenants in the plaza since Mr. Sherwood has been running the day-to-day operations of Tailgators. Mr. Higgins stated the application says 4:00 am on Thursday through Saturday, so are you changing the hours now. Mr. Sherwood stated the following: We're not changing from the standpoint that when we submitted our application for the liquor license, we did specify 4:00 am in the event we are busy to stay open that late. I have found in the last 6 weeks that I have been at Tailgators that there's not a whole lot of business approaching 4:00 am. Mr. Higgins asked so are you planning on keep 4:00 am as your closing time? Mr. Sherwood stated we would like to keep 4:00 am as the official closing time. Mr. Watts asked Mr. Sherwood what businesses or establishments he previously operated. Mr. Sherwood stated the following: I had a nightclub called Club 388 in Saratoga that used to be the Newberry, which was a very successful nightclub business. Then following the Newberry it was operated by a person who ran it as the Grotto. The Grotto was closed for about 3 months and then following the closure, I became involved and opened Club 388 and I was there for 2 seasons. Prior to that, back in the 90's, I owned a restaurant up in Lake George called the Boardwalk and I was there from 1992 to 1999. Mr. Watts stated the issues that existed at Newberry's, as I remember it, and or the Grotto did you have any of those issues when it was Club 388? Mr. Sherwood stated I don't know in particular those exact issues you are referring to but we had no issues with the city or with my existing landlord. Mr. Watts asked so you didn't have any issues with the liquor authority or police issues at that site? Mr. Sherwood stated at Club 388, we did not. Mr. Watts stated but there were some issues with the previously people that were in there wasn't there? Mr. Sherwood stated the following: It is my understanding that I believe there were some issues. I think the issues were more when the Grotto came into the picture. Mr. Watts stated I seem to remember that there were some issues and not the kind of issues that we want in the Town of Halfmoon. Mr. Sherwood stated I couldn't agree with you more and I wasn't a party or involved in that business. Mr. Watts stated the following: We don't want a repeat performance of some of the issues that were going on previously at Tailgators and the owners of the plaza lost tenants due to those issues. It went from a pretty good spot to some difficulties and I'm sure you are aware of them. Mr. Sherwood stated yes I am.

Mr. Roberts made a motion to approve the change of tenant application for Tailgators Sports Tavern and the applicant was asked to be diligent on maintaining an orderly business. Mr. Ruchlicki seconded. Motion carried.

11.050 NB Anvil Fence & Supply Co. Inc., 1626 Route 9 – Sign

Mr. Kenn Fischer, President of Anvil Fence & Supply Co. Inc., stated the following: Up until August we had our name on the building and in August we had a fire that melted the sign. When we re-sided the building, we chose not to have our name on the building. We have been at this location since 1984. I have been telling people when they are coming south on Route 9, if they see an old block abandoned building next door that says "antiques", our driveway is the next one. So, I've been doing that for 20 years and now we thought we should have a sign instead. Mr. Roberts asked where is the sign going to be located? Mr. Fischer stated the sign would be located to the left of the driveway. Mr. Roberts stated please make sure that the sign is not placed in the State's right-of-way and asked if the sign would be lit. Mr. Fischer state no.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 100 SF

Sign Dimensions: 5ft x 10 ft

Sided: one-sided Two-sided

Location of Sign: In front of the site, left of driveway.

Lighted: Internal Flood - not lighted

Brief Description: The applicant wishes to place a freestanding sign in front of their site. The proposed material for the sign is "banner-like" material. The applicant stated that the sign will be supported by a hard, fixed frame and will otherwise be a permanent freestanding sign. This sign conforms to the size allowed per Town Code.

Mr. Roberts made a motion to approve the sign application for Anvil Fence & Supply Co. Inc. contingent on the location of the sign is not placed in the State's right-of-way. Mr. Nadeau seconded. Motion carried.

11.051 NB E Studio LLC, 1705 Route 9 (Shoppes of Halfmoon) – Change of Tenant & Sign

Mr. Tanski, owner of the Shoppes of Halfmoon, stated the following: E Studio is a yoga/fitness studio. They plan on having 2 people working at this location in the Shoppes of Halfmoon. One person would work at the desk and the other person would work in the back. I believe all the signage has been approved for this plaza. Mr. Roberts stated right, but we like to have a description of the proposed signage. Mr. Tanski stated the following: The sign would be a green sign with white letters and it would be 16 SF just like the rest of the signs in the plaza. The only sign that is different is the Subway sign because that was a corporate logo. The applicant has stated that they would have 10 to 12 people there at one time and there is plenty of parking available. Most of the activity would be in the morning. The hours of operation would be 7:00 am to 9:00 am and 6:00 pm to 9:00 pm Monday through Sunday. They would have 1 full-time and 6 part-time employees. Mr. Watts wished the applicant good luck and asked to please advertise that they are located in the Town of Halfmoon.

For the record: The Planning Department's write-up for the sign is as follows:

Sign Size: 16 SF

Sign Dimensions: 2ft x 8 ft

Sided: one-sided Two-sided

Location of Sign: Above the storefront

Lighted: Internal Flood

Brief Description: The applicant wishes to place its sign above their storefront. All signs within this plaza are uniformed at 16 SF each. The sign conforms to the Town's Code.

Mr. Roberts made a motion to approve the change of tenant and sign application for E Studio LLC. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 9, 2011 Planning Board Meeting at 8:21 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary