

Town of Halfmoon Planning Board

May 14, 2007 Minutes

Those present at the May 14, 2007 Planning Board meeting were:

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

Alternate

Planning Board Members: Bob Beck
Jerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the May 14, 2007 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 23, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the April 23, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Mr. Beck sat in for Mr. Nadeau in his absence.

Public Hearings:

05.127 PH Stone Crest Preserve, Vosburgh Road/Werner Road – Major Subdivision/GEIS

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: This project involves a proposed residential subdivision. The parcel is approximately 187-acres of land in the R-1 Residential district. The proposal is for 90 single-family lots. All lots comply with the R-1 Residential zone and plan. The project is located between Vosburgh Road and Werner Road. Approximately 20% or 37-acres would be retained by the existing landowners. The remaining acreage would be subdivided into single-family lots. A parcel would be deeded over to the Town for stormwater management facilities, which would be serving this project. We would protect sensitive environmental features on this site such as wetlands and steep slopes. The project is proposing a land preservation area, which would be

established by a restricted covenant deed for each property. The conditions and restricted covenant would be referenced by a deed for each of the lots where such overlay is located. The project would be served by all essential utilities. The stormwater management system would be constructed to comply with Town standards as required by NYSDEC in regards to lot protection and also in regards to stormwater quality. The water supply would be provided from existing water mains, which are located on Werner Road and Vosburgh Road. There is adequate pressure and volume available. A portion of the project is outside of the existing water district and the applicant would apply to the Town to have the water extended from the existing water supply. The wastewater facilities would involve construction of a public wastewater collection system that would comply with the requirements of the Saratoga County Sewer District (SCSD) and New York State Pollutant Discharge Elimination System (SPEDES). The sewer connection would connect to the existing SCSD facilities located at the intersection of Route 146 and Vosburgh Road. The traffic generated by this project was documented with a detailed traffic study and I would ask the traffic consultant for this project from Creighton-Manning (CME) to address this topic. Mr. Mark Nadolny, of CME, stated the following: We performed a traffic study for this project. As Mr. Zdrahal has indicated the proposal is for 90-units with two access points. One access would be on Werner Road and the other access would be on Vosburgh Road. Vosburgh Road currently has a sharp horizontal curve that is proposed to be re-aligned so that Vosburgh Road continues straight into the site with the eastbound approach 'T'-ing into that major approach. We looked at 2 study area intersections for this project and we physically counted traffic during the AM and PM peak hours of the commuter traffic. This would be the time that this development would generate the most traffic at Werner Road and Route 146 located to the south of the project and at Vosburgh Road and Route 146 opposite the Sheldon Hills PDD intersection. We also installed automatic traffic recorders (ATR's) on Werner Road and at Vosburgh Road. The ATR's collect speed and vehicle counts over the course of the day. Speed on Werner Road transitions from a 30 mph to 40 mph zone. However, the operating speed that we found at this point was 47 mph, which is 7 miles over the limit. At Vosburgh Road the posted limit is 40 mph, however, due to the sharp curve, the operating speed rate at fifty-percentile speed was 30 mph. However, this would change now that the curve will be gone and the road will be re-aligned. We had some existing conditions to determine a base line and we wanted to know what would go on in the future in what we call the no-build conditions. The no-build condition is the condition that would exist before the design year and then 3 years out without the project. In order to do this, we increased traffic at the general growth rate of 2%, which is based on historic traffic volumes if it was 2% per year for 3 years. In addition to this, we also increased traffic based on other known projects that were improved and proposed in the project area. This included the Sheldon Hills PDD, the Tanski PDD, Clemente Industrial Park and also the Fellows Road PDD. So all the traffic was added to existing traffic volume so you could get a no-build scenario without this project. To determine how much traffic this project would increase on the surrounding road network, this was based on the Institute of Transportation Engineers (ITE) trip generation handbook. This is a handbook that tells you how much a development of this size will generate over the course of your typical AM and PM peak hours of commuter traffic. The proposed 90 single-family homes will generate 72 trips in the AM and 97 trips in the PM (this is split with entering and exiting). Of course, this is going to generate more traffic than that on either side of the peak hour but during the one critical hour when the traffic adjacent to the project is the highest, this is how much traffic it will typically generate. We then distribute that traffic on to the road network to determine how much of a change at the study area intersections we have and from that change we can see what kind of impacts this development

would be responsible for. We run this through a computer model called the Highway Capacity Software. This evaluates how much delay you experience as you approach an intersection and this is graded on a level of service 'A' through 'F'. 'A' meaning very good where you would experience low delay and an 'F' which is considered an unacceptable amount of delay experienced at an intersection. We looked at the Route 146/Werner Road intersection. In the future without this project the northbound Fellows Road approach will no longer be there based on the proposed Fellows Road PDD where the northbound approach to that intersection is proposed to be terminated and would be a 3-way intersection. So the southbound Werner Road left turn onto Route 146 is the critical movement. In the AM without this project it experiences approximately a 26 second delay and in the future with this project it would only increase by 2 seconds to a 28 second delay. In the PM it currently experiences a 40 second delay and with the project it would increase approximately 6 seconds to a 46 second delay. In the peak hour this is considered a level of service 'E' which is considered an acceptable operating condition for a road during the peak hour especially on a road to an arterial like Route 146 that generates a high amount of traffic during those peak hours. We also looked at the Vosburgh Road/Route 146 intersection. In the future that intersection will have a signal that will eventually be warranted by Sheldon Hills who have to continue to look at that intersection based on their development thresholds and when a signal is installed there, all the traffic from this intersection will operate adequately in the future. We did a warrant analysis to see what would happen if this proposed development developed quicker than Sheldon Hills and if a signal is not installed and this proposed development would not require the installation of a traffic signal. Sheldon Hills is really the driving force to this signal at Vosburgh Road and Route 146. We also looked at sight distance and stopping sight distance at the intersection roads. Intersection sight distance is the distance that is needed in order to make a safe turn into and out of the site where you would look left and right and also looking straight on the road to make a left turn in. At Werner Road at the access road looking left and looking straight to make a left turn in was more than adequate and looking right was slightly limited due to some trees on the existing embankment located on the corner of Cold Springs Drive. We also looked at stopping sight distance. Stopping sight distance is the distance ahead that you need in order to come to a complete stop if there was an object in the road. For example; if a vehicle was stopped waiting to make a left turn waiting for a gap in the traffic, someone coming around a horizontal curve needs enough time in order to come to a complete stop or else they would drive into the back of the stopped vehicle. Stopping sight distance in the northbound direction on Werner Road was more than adequate. However, in the southbound direction sight distance was limited again by the trees and an embankment along the horizontal curve and therefore, we are recommending that those trees and the embankment be graded to the height of the existing road which would provide adequate stopping sight distance at this site. Stopping and intersection sight distance at Vosburgh Road was not performed because we are changing the intersection but we made sure that the project engineers design that for the 40 mph design speed. That was the traffic study that we conducted, however, there were a couple of additional issues that the Planning Board wanted us to take a look at. One of which was the sight distance at Lot #90 because this lot has a driveway that comes out onto a horizontal curve. We installed another traffic recorder near Lot #90 to see what the speeds were like at that location. There is a 40 mph speed limit, however, there is 20 mph curve warning signs in this area due to curve. We expected the speeds to be lower than 40 mph, however, they were actually at 30 to 38 mph. So we needed enough stopping sight distance for someone to come to a complete stop if someone was entering and exiting this driveway. In the eastbound direction there was more than adequate distance. However, in the westbound direction we

found that the sight distance was limited because of steep contours with the rock embankment coming up the adjacent property. The applicant has contacted this property owner, who has agreed to let the applicant grade out and clear that section of the embankment and rock to provide the necessary stopping sight distance. This will not only improve sight distance for the driveway but would also improve the sight distance for people who are currently driving on the road, so it has an added public benefit. The second issue that was raised by the Board was the location of the Helping Hands School, which is located north of the project. The school's driveway is approximately 450 FT north and we had a letter sent to us from the owner of the school to document the peak times of the school. It is estimated that this development will only send 4 to 5 vehicles to the north, as it is not the direction someone would go coming from this development. So, we are not adding a lot of traffic going towards the school. In addition to this, the peak hour of school doesn't necessarily coincide with the peak hour of your typical commuter traffic so we would be adding less traffic during the peak of the school. In the owner's 26 years of running this school, he can only remember one accident, which was a minor fender bender in the front of his driveway. There is not a history of accidents that the owner can remember. We do not think this is an issue considering that there is an adequate distance between these two points. These are some of the issues that the Planning Board had asked us to look at and we can answer any additional questions that the Planning Board or the public may have. Mr. Watts asked if anyone from the Public wished to speak. Mr. Ron Fellows, of Werner Road, stated the following: I have a concern with sight distance on Route 146 from Werner Road. My driveway is near the end of Werner Road (eastern Werner Road) and I am asking if the 'Y' intersection of Werner Road could be closed at the Route 146 intersection and use the intersection near NYSEG where there is better sight distance both ways. When I am at that intersection if I am taking a left and another vehicle is taking a right or going straight, I cannot see past that vehicle to see if there is any traffic coming. Mr. Mark Nadolny stated the following: This is a good point. We did not look at this intersection as a part of this project; however, we have looked at this intersection for something that was done for another project. What is happening here is the split at this location is giving it separate left and right hand turn lanes for exiting. If the left turns are relocated, this road is going to experience a lot more delay and it would fail. We did not recommend this because that would negatively impact this intersection. Mr. Bianchino stated the following: One of the things that the Town has looked at is when the Fellows Road re-alignment is completed on the south side, it is also the Town's intent to do exactly what you are suggesting. The objective is to create an intersection where the existing Werner Road at NYSEG and the old SAAB dealership would be the access. Mr. Fellows stated at worse they could make this a 'T' intersection instead of a 'Y'. Mr. Earl Kehoe, of 85 Vosburgh Road, asked if his driveway would be extended where the road is going to be shifted. Mr. Nadolny stated no, because the improvement would be made on the other side of the road. Mr. Gordy Maxwell, of 48 Werner Road, stated the following: I am employed by the Town's Highway Department, and ask if there was anything that was being done to control the speed on Werner Road. Mr. Nadolny stated there wasn't much they could do other than enforcement but what we are recommending is the removal of trees and some of the embankment on the corner so people coming around can better see the road. Mr. Maxwell stated I can foresee a problem at this intersection with traffic. Mr. Nadolny stated we think that most people coming from this development would be light volume because most people would be going to Route 146 or Vosburgh Road. Mr. Maxwell stated the following: We get a lot of traffic going from Route 146 to Route 9 utilizing Werner Road, to Cemetery Road, Anthony Road and then to Farm to Market Road. Also, I still would like to know what is going to be done about the speed on Werner Road. Mr. Watts stated the following: This is a legitimate question,

but the enforcement issue is really not one of the developers concerns. I will pass along your concerns to the Town Board regarding people driving improperly who will pass these concerns along to the Sheriff's Department and the New York State Police. The Town has allocated funds for additional deputy Sheriff's and hopefully they would step-up their enforcement activities. Mr. Bruce Fellows, of Werner Road, stated the following. I have a concern regarding the future connection to the cul-de-sac and if there would be a 60 FT right-of-way. If there is a future connection in this location near our home, my concern is regarding the possibility that the value of our property may be affected. Mr. Zdrahal stated he would look into Mr. Fellows' concerns. Mr. Watts closed the Public Hearing at 7:28 pm. Mr. Higgins asked if the trees and the embankment that are proposed to be removed on Werner Road were in the right-of-way or on private property. Mr. Zdrahal stated they were in the right-of-way. Mr. Higgins stated in regards to Lot #90 Mr. Nadolny mentioned an 'E' class was a 46 second time delay and asked how long was an 'F' time delay. Mr. Nadolny stated I believe it is 50 seconds for an unsignalized intersection. Mr. Higgins stated that this was almost an unsatisfactory intersection based on the afternoon travel. Mr. Nadolny stated the following: Yes, it is getting close. The potential mitigation at that location would be separate left and right turn lanes that are already there where the road forks. Mr. Higgins stated Mr. Ron Fellows mentioned when cars pull up along side each other, the person can't look the other way to see whether it is safe to pull out or not. Mr. Nadolny stated the following: Currently the intersection of Werner Road and Route 146 splits for left and right turns and I believe there were maybe one to two vehicles that actually made that right turn. This is because people who come to this intersection to make a right turn typically don't come this way because they go to another location to make the right turn. We put them here for a worse case scenario but the left turn is the critical move. Other than installing a signal at this intersection, which would not be warranted, there is really nothing else we can do to mitigate that level 'E'. The level service 'E' is considered an acceptable condition during a peak hour. Mr. Higgins asked if this level 'E' service is at the road that is going to be closed off or the road by the south. Mr. Nadolny stated the following: It is the southbound left turn to make a left onto Route 146. The reason why this is the most critical is because in order to make the left the traffic has to wait for the through traffic from each direction on Route 146. Mr. Watts asked who considers it as acceptable if it is a level of service 'E'. Mr. Nadolny stated the following: NYSDOT will typically consider that an acceptable condition during a peak hour. It would be similar to the other intersections along this arterial during that one peak hour and if it is considered acceptable, they are not going to put in a signal at all these locations in order to mitigate that. This is something they will let go for that one peak hour out of 24 hours. Mr. Watts asked if this is written in some manual or if there is any documentation from the NYSDOT where there is something that says this is acceptable. Mr. Nadolny stated I believe in the Highway Capacity Manual there is a section that says when you try to get a level of service 'C' and a 'D' and when it gets to an 'E' and an 'F' this is when we start to look at mitigation and I believe there is a sentence in their that says depending on the price of improvement, it would be considered an acceptable operating condition. Mr. Watts asked Mr. Nadolny if he could provide that material to the Board for review. Mr. Nadolny stated yes. Mr. Higgins stated if we are getting that close, is the applicant willing to put some money into escrow for a future traffic light should the light be justified. Mr. Zdrahal stated as far as putting money into escrow, a portion of this project is in the proposed GEIS. Mr. Higgins stated that this intersection is not located in the GEIS and the fees are for use in the GEIS area. Mrs. Murphy stated the following: The portions of homes located within the Northern Halfmoon GEIS are required to pay mitigation fees. The applicant has agreed to pay the same fee for the residential lots outside of the Northern Halfmoon GEIS area. Those fees can be utilized at the

Town's discretion. Mr. Higgins asked if the sight distance is acceptable based on what the speed limit is. Mr. Nadolny stated the following: The speed limit is 40 mph with curve warning signs of 20 mph. We recorded speeds of 38 and 39 mph. When we did the stopping sight distance, I believe we did it for 40 mph to make sure. I can confirm with you and make sure that was done for the 40 mph posted speed limit. We did it for how fast they were actually going which was 38 to 39 mph. Mr. Higgins stated I think it should be done for at least the posted speed limit not for less. Mr. Nadolny stated one mile a hour difference is going to be virtually the same, but I can make sure that we did it for 40 mph and not 38 or 39 mph. Mr. Higgins asked where the stop signs were going to be in the intersection that is proposed to be changed. Mr. Nadolny stated the following: We had recommended an all-way stop condition at that location because the current driver behavior is that the Vosburgh Road is a through move and they do not want people rolling through the stop sign thinking that they have the through move. It is up to the Town on what they would rather do because it can go either way. Mr. Ruchlicki stated the following: From my own experience coming either to the 'Y' intersection that is proposed to be modified at Route 146 or coming out near SAAB, when I come to the Town Hall around 6:00 pm, the traffic is quite busy on Route 146. With the traffic that would be generated from this proposed project at peak hours, I think there is going to be a problem at this location. The traffic that is currently on Route 146 doesn't really have anything to do with the traffic that would be coming from this development. Also, you mentioned that trees would be removed in the right-of-way near the entrance, but did you take into consideration snow banks over 2 FT high in that area and are you still going to be able to see. How high off of the road surface was the visibility checked. Mr. Nadolny stated you would check for the height of road or right along the line of the road and it depends on how far back the banks are going to be pushed back and I cannot tell you how far the snow banks would be pushed back by the snow plow.

This item was tabled for the applicant to address concerns raised at tonight's Public Hearing.

05.159 PH Sportsplex of Halfmoon, 6 Corporate Drive – Major Subdivision

Mr. Watts opened the Public Hearing at 7:39 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Tom Andress, of ABD Engineering, stated the following: This proposal is for a lot line adjustment/subdivision for Lot #3. This is being done in conjunction with the Halfmoon Sportsplex, which is Lot #6 in the Abele Park. As part of the approved PDD amendment legislation, the applicant is to convey an existing C-1 parcel, along with a portion of Lot #3 of the Abele PDD to the Sportsplex lot. The applicant is proposing to convey the existing 0.44-acre C-1 parcel (behind Pai's Tae Kwon Do) and subdivide 0.33-acres off of Lot #3 to Lot #6. The total would be a 0.76-acre lot to be conveyed to the Sportplex, for the utilization of a 74 auxiliary parking space lot. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:40 pm. Mr. Higgins asked if this parking area would be dedicated strictly to the Sportsplex and won't be used by the adjoining office building. Mr. Andress stated this was correct, this lot is set-up for the Sportsplex and there is parking available on the remaining land for Lot #3 and also meets the requirements. Mr. Berkowitz asked if this public hearing is only for the subdivision. Mrs. Murphy stated the following: The applicant filed a PDD which was approved by the Town Board in order to move forward with the plans for the site plan amendment which really is more a use than an actual layout design. The applicant needs to go forward with the subdivision to make sure all the property is actually a part of the PDD. Tonight the Board would just be approving the subdivision but understand that the change to the PDD was really the subdivision and the use not so much the site plan layout. They are not changing the size of the building. Mr.

Andress stated the following: No, we are not changing the size of the building for for Lot #3. There is a site plan showing the parking, which needs to be sent to the Town for technical review by CHA.

Mr. Berkowitz made a motion to approve the major subdivision for the Sportsplex of Halfmoon. Mr. Roberts seconded. Motion carried.

The parking site plan was referred to CHA for their review.

07.042 PH Hinkell Subdivision, 41 Canal Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:44 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. David Flanders, of David A. Flanders Associates, stated the following: The Hinkell's are proposing a minor subdivision of a 5.2-acre parcel on the northwesterly side of Canal Road, also known as Towpath Road. The proposal is to subdivide the parcel into 3 lots. The most northerly lot is along the road, which would be a little over 30,000 SF. The most southerly lot contains slightly over 1-acre and the third lot is the balance of the land which would be a flag lot utilizing a 40 FT wide access for a common driveway to be serviced by the rear lot. All 3 lots would have public water and each lot is to have their own individual on-site septic system. There has been an easement created between Lots #1 and #3 for a shared driveway. Mr. Frank Valigorsky, owner of property in the rear of the proposed subdivision asked if the hill in the rear of the property would be stable and if there would be any erosion. Mr. Flanders stated they are not planning on disturbing the hill and where the proposed house is to be built there would be a stonewall. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:46 pm. Mr. Higgins asked if the existing shed and an existing mobile home frame have been removed. Mr. Flanders stated yes, they both have been removed. Mr. Higgins asked if the Board needed any kind of verbiage as far as the easement for the common driveway. Mrs. Murphy stated the following: Mr. Flanders has sent me the actual description and I believe there was just a little miscommunication, as he did not send me the easement language. A decision can be made conditioned upon my approval of the shared driveway language.

Mr. Roberts made a motion to approve the Hinkell minor subdivision contingent upon the Town Attorney accepting the shared driveway easement language. Mr. Higgins seconded. Motion carried.

New Business:

07.046 NB New Country Buick/Pontiac/GMC, 205 Route 146 – Addition to Site Plan

Mr. Brian Ragone, of Environmental Design Partnership, stated the following: I am before the Board tonight representing New Country Buick/Pontiac/GMC addition to site plan application. On April 23, 2007 this Planning Board approved the change of tenant application for New Country to move across the street to the former Chrysler-Jeep building. At this time we removed part of the application, which was the proposed canopy feature in front of the building. The proposal is for an addition to site plan to add a canopy over the front walkway. The proposed canopy is approximately 4 FT x 33 FT and is 132 SF. The proposed canopy would extend further out into the setback line, which would be 4 FT into the setback. Underneath the canopy would be the GMC logo above the doorway and on either side the Pontiac symbol and the GMC symbol. Mrs. Murphy stated the following: Because the proposed overhang would violate the setback, the Planning Board would have to deny the application.

Mr. Ouimet made a motion to deny the New County Buick/Pontiac/GMC addition to site plan on the basis of the proposed "canopy" structure encroached on the required 70 FT front yard setback. Mr. Berkowitz seconded. Motion carried.

07.047 NB Steven Williams Real Estate, 1426 Vischer Ferry Road – Change of Tenant & Sign

Mr. Steven Williams, the applicant, stated the following: I am a real estate broker and I am in contract to purchase the building at 1426 Vischer Ferry Road. I intend to open a real estate office at this location. I don't envision any impact on the neighborhood. There is parking available for 8 vehicles. I have applied for 4 full-time employees and 4-part time employees. There is some additional office space available in the building, which at some point I may choose to rent out. At that point I would come back to the Board for a tenant approval. Mr. Watts stated the following: With the prior tenant at this location, the business was very successful and they sometimes had 20 cars parked at the site at one time, which violated the Town's ordinance on parking. I want you to understand that if you intend to utilize the basement you would have to get an approval from this Board. Mr. Williams stated I am aware of this and I am also aware of the previously problems and I would avoid those problems. Mr. Roberts stated he had a concern with the parking and asked the applicant to make sure there is no parking on the road or grass. Mr. Williams stated there is additional space available where the parking could be expanded. Mr. Roberts stated the previous tenant had said the same thing and stated there could be no parking other than in the 8 parking spaces. Mr. Williams stated correct. Mr. Higgins asked if there was room to back out of the parking spaces and are you able to turn around so you can pull out so you are not backing out onto the roadway. Mr. Williams stated yes there is adequate room to back out without going into the roadway. Mr. Roberts stated he had reviewed the sign and it was conforming. Mr. Watts asked the applicant to please advertise the business as being located in Halfmoon.

Mr. Roberts made a motion to approve the change of tenant and sign application for Steven Williams Real Estate on the condition the change of tenancy occupancy is for the first floor only and advised the applicant that if they wish to utilize the basement for offices it would be required to meet building code and a they would have to submit a revised site plan for parking. Mr. Ruchlicki seconded. Motion carried.

07.048 NB Sta-Brite Cleaners, 1683 Route 9 (St. John Plaza) – Change of Tenant

Mr. James Reeks, of Bast Hatfield, stated the following: We have submitted a change of tenant application for new ownership for the Sta-Brite Cleaners in St. John Plaza. The new owner is Mr. Ali Awan of Mahboob Enterprises, LLC. Mr. Awan is also the owner of Majestic Cleaners located at 1624 Route 9 in Halfmoon and has been in business for over 5 years at this location. It is Mr. Awan's intent to continue operating Sta-Brite as a dry cleaning business with the same hours of operation; 7:00 am to 7:00 pm Monday through Friday, 8:00 am to 5:00 pm on Saturday and closed on Sunday. He anticipates having no more than 3 people on a maximum shift. The previous owner of Sta-Brite Cleaners has operated the dry cleaning business since 2002. Mr. Roberts asked if there would be a sign application. Mr. Reeks stated I believe the sign is presently on the building and the name of the business would remain the same. There would be no changes to the signage.

Mr. Berkowitz made a motion to approve Sta-Brite Cleaners change of tenant application. Mr. Ruchlicki seconded. Motion carried.

**07.049 NB Tailgator's Sports Tavern, LLC, 1683 Route 9 (St. John Plaza) -
Change of Tenant & Sign**

Mr. Jim Reeks, of Bast Hatfield, stated the following: This application is for a business that is to be opened by Mr. Jim Crocetto and his wife Sonya. The concept would be a restaurant with bar for family operation. They would have an all-around sports motif with TV's etc. Tailgator' Tavern is going to have superb service and hospitality with a menu featuring burgers, Italian sauces and spaghetti dishes and chili. There would be a manager and 4 employees. There would be 3 part-time people, a chef, a waitress and a bartender. Their hours of operation would be 11:00 am to 2:00 am. It is our opinion that during the day there is not a lot of sporting events on TV so the clientele is basically going to be in the evening when most of the clientele for this plaza would be gone. The Adirondack Tae Kwon Do is not open on Saturdays and Sundays. Another tenant, H & R Block, is only open 2 months a year and Sheron's Uniforms has 2 employees. We feel that the traffic and parking is more than sufficient for the proposed restaurant. They would not have any specials and the restaurant would be strictly a family operation where families can come to have a quick meal and a drink. Mr. Higgins stated that the application's narrative stated that they would not have any live entertainment. Mr. Reeks stated that is correct. Mr. Roberts stated the following: As a word of caution, we have been told this before with other establishments in Town and after they came before the Board, they felt as though they needed to have live entertainment to keep their business going and this became a mess. If you are saying no live entertainment, I hope you mean no live entertainment. Mr. Reeks stated we are saying 100% no live entertainment, no drink specials and nothing along those lines. Mr. Higgins asked if there would be any huge parties for the Super Bowl or anything like that. Mr. Reeks stated the following: No, we understand the concerns and the gentleman that is planning on opening this restaurant is also here tonight to answer any questions the Board may have about the operation. This operation would occupy about 2000 SF, which was the former Mocha Lisa Café. Mr. Berkowitz asked what the legal limit was for the number of people that can be inside this space. Mr. Reeks stated they have seating capacity for 45 people. Mr. Berkowitz asked what was the legal capacity per fire code. Mr. Reeks stated I do not have that answer. Mr. Watts stated our Code Enforcement personnel would look into this. Mr. Watts stated the following: One of the issues that we looked at with this particular plaza is the utilization of parking which is our major concern. I believe there are 24 land-banked parking spaces at this site and with the mix of current businesses at the plaza. I don't believe parking would be an issue. Should parking become an issue, I am sure they would be willing to use the land-banked spaces but at this time we don't need to do that. Mr. Reeks stated the following: As the landlord, we want our tenants to be happy and we especially want customers to have ease of access to the businesses. If we find that there is a problem with parking, we certainly want to use those land-banked spaces to satisfy our tenants. Mr. Watts stated while you have offered up that this proposed business would not have any drink specials or Happy Hour, this is not part of our approval process and I don't want you constrained as business. Mr. Reeks stated the concern is we did not want the bar over running the whole place and we wanted a high quality type operation and feel that we have the proper tenant to do that. Mr. Roberts asked if the sign would have any neon. Mr. Reeks stated no. Mr. Watts asked the applicant to please advertise as "Tailgators of Halfmoon".

Mr. Roberts made a motion to approve Tailgator's Sports Tavern, LLC change of tenant and sign application on the condition that the owner of Plaza is aware that if parking becomes an issue that the 24 land banked parking will need to be utilized. Mr. Ouimet seconded. Motion carried.

**07.050 NB New Comer-Cannon Funeral Home, 1 & 3 Lawrence Circle –
Concept-Commercial Site Plan**

Mr. Frank Fazio, of L. Sipperly & Associates, stated the following: Mr. Cannon and Mr. Hasselbeck, of New Comer-Cannon, are also present at tonight's meeting. I believe the Board is familiar with the location of this site from previous submittals and I will not go too far into the site conditions other than the topography such that there is a hill at top that goes from the northeast to the southwest. The site zoned C-1 Commercial and the property is approximately 1.5-acres. The property currently has 2-single family homes located on it, which obviously would be removed for this project. The property is located on Lawrence Circle, which starts on Route 146 and winds around to Old Route 146. The site also has municipal water and sanitary sewer service. The proposal is for a New Comer-Cannon Funeral Home. The proposed one-story building would be approximately 8350 SF and would be located in the center of the parcel. The site access would be off of Lawrence Circle and we are proposing full access driveways at two locations and an exit only in the southwest corner. The operation would be such that there would be 2 canopy areas, one on the east side and one on the west side. When leaving the site the procession would come out onto Lawrence Circle and then proceed to the traffic signal. The site would have 2 main viewing rooms, one on each side of the building. The viewing room on the east side of the building would have a divider that could be divided into two smaller viewing rooms. There would be just one viewing in each room per night. The site could accommodate the traffic and the parking. The hours of operation for the facility are 8:00 am to 5:00 pm. Visitor viewing hours would usually be from 5:00 pm to 8:00 pm. Based on parking requirements the site would need 105 parking spaces. New Comer-Cannon has a lot of facilities around the country and typically requires around 70 parking spaces. We did an analysis using the Town's requirements. We did an analysis of just the public areas of the building as in this building there is a lot of preparation rooms, garage area, storage areas, flower storage and things of this sort. When we did the calculation based on the viewing rooms, the lobby area and the common areas open to the public, we calculated about 55 parking spaces that would be required. We would be providing 70 parking spaces and this also allows for 6 parking spaces for the employees. The parking would be located on the north and south sides of the building and there are also some parking spaces on the west side of the building. The site soils consist of sandy materials and stormwater management retentions are proposed so there would be no impact any of the existing drainage systems. Mr. Berkowitz asked what would happen if there were a large funeral. Mr. Fazio stated the following: We are proposing 70 parking spaces and if there were any overflow possibly they could use Lawrence Circle but we wouldn't want to encourage that. Sometimes we make agreements with adjoining landowners to utilize their property for additional parking; such as nearby shopping center. Based on a lot of these facilities and the parking, they adapt quite well. Mr. Berkowitz stated there are other facilities in this area that have the required parking that also have an overflow problem with parking. Mr. Fazio stated the following: We have looked at this and yes, this does happen a lot but it is infrequent and doesn't happen all the time. I guess you could say that some of the parking would occur on Lawrence Circle but we are proposing to improve the road and widen it in locations. We would also have people who would monitor the situation and they could control the parking and people come in and out of the facility. Mr. Higgins stated the following: They

cannot control what time people come to a wake or a funeral and I agree with Mr. Berkowitz with the overflow parking on Lawrence Circle. This is ridiculous as Lawrence Circle is barely one car width wide now unless you are going to pull off and parking on someone's front lawn. We have looked at this site before and we had serious health and safety concerns and in my personal opinion I don't see that this is going to work at this site. I feel this proposal is way too intense for this site. I have been to the funeral home in the Colonie area and you needed twice as much parking for cars at that site. People were parking in a parking lot next to the funeral home the day that I was there. I don't see that this is going to work in this site at all. Mr. Roberts stated I agree with Mr. Higgins especially if there are two funerals or two wakes going at once, I believe there would be overflow parking. Mr. Polak stated the following: Currently they have problems getting emergency vehicles down Lawrence Circle without any people parking there. There would absolutely be no parking allowed on Lawrence Circle because there would be no access to the residents living in the back if there was an emergency. Mr. Ouimet stated the following: I also agree with all the comments the Board has made regarding the parking and the issues of people coming to access and utilize the facility given the traffic on Route 146 and Old Route 146. In my opinion at peak times this would pose safety issues for entering and exiting Lawrence Circle. Another thing about the parking that concerns me is that this is not a facility that would operate just in the summertime and springtime. The Town does have an ordinance that prohibits all parking on the town roads in the wintertime and did asked if they took this into consideration. Mr. Fazio stated we probably discussed the frequency of this happening because we have all these facilities all over the place and if this was an issue, this was looked at for every one of those facilities. Mr. Hasselbeck, Senior Vice-President of Operations for New-Corner Cannon Funeral Service Group, stated the following: To answer your question regarding parking, the 70 parking spaces is actually adequate in our 16 facilities that we have across the country. Most of us are reflecting on a situation where we have gone to a funeral for a dignitary or an important person where there is a shortage of parking. In those situations we do our best to have people work the parking lots to find the people parking spaces and control the traffic flow. Is it going to happen? I hope so because I hope that we have that kind of business in this community. The downside is we really don't foresee that happening on a regular basis. The majority of our services happen in the evening where we have visitation and people don't come and stay for the entire visitation. It would be a come and go traffic flow. If it is a 5:00 pm to 8:00 pm visitation, the people are not there from 5:00 pm to 8:00 pm. The visitors may be there for 30 minutes and then their parking space would be vacated. Mr. Berkowitz asked if they have been in the Route 146 and Old Route 146 area between 5:00 pm and 7:00 pm and do you know how busy that area is at this time. Mr. Hasselbeck stated the following: Yes, I have. I was in that area this evening. Mr. Berkowitz stated this area would be even busier in another 6 months to a year when the Shop of Halfmoon Plaza is complete. Mr. Hasselbeck stated yes, and this is why we were basically focusing all of our traffic on to Lawrence Circle exiting on to Route 146 and we would have the advantage of using the traffic light as an exit from the facility. Mr. Berkowitz stated still it would be a nightmare trying to getting in and out of there and if it is a popular funeral it is going to be impossible to get in and out of there. Mr. Watts stated the following: One of the differences in the funeral homes where people have to park other places than the parking lot of the facility, is that this particular site is very constrained and there is nowhere for people to go. I personally see the same safety and health issues with this site that the other Planning Board members see. This is particularly a self-contained site and this site would have to take care of the parking by itself and this is the issue that the Planning Board is seeing with this site. Mr. Hasselbeck stated the following: I understand and I appreciate that, as we also do not want

people walking on Route 146, as this would be a dangerous situation. More importantly, what we tried to do is look at what the building requirements are and what our experience were with the number of parking spaces needed. In fact we probably have more parking spaces than any other funeral homes in Town based upon the existing market. We have been told that the rules have changed on how many parking spaces are now required and this is why we are proposing the 70 parking spaces and we feel this is adequate for this site. We just ask that you give us an opportunity to add further discussions on this. Mr. Watts stated there is a funeral home on Route 9 where there have been some really tough conditions with Sheriffs, Troopers, cars and cones all over Route 9 when there is a popular person there. This is something that has happened in the past but it doesn't make it a safe thing for people to be parking on Route 9 for any reason, as our Town gets busier. Any proposed business that comes in has to be looked at with a different standard as this Town expands. Mr. Hasselbeck stated I think we are drawing on the existences of those big funerals that we've all been to but this is not the norm in the funeral industry. Mr. Watts stated we are worried about the ones that are busy from a safety and health perspective. Mr. Roberts stated it is not only the use, but the site itself is the problem with all the traffic coming out on to Route 146. Mr. Watts stated what we are wrestling with is with the information you presented; we don't see a comfortable place where the cars can go. Mr. Higgins stated your design does not meet the minimum standards that the Town requires for that site for a building that size. Mr. Hasselbeck stated we did take out the garage and the prep room space, which would give us 55 required parking spaces and we have proposed 70 parking spaces. Mr. Higgins stated the Town regulations call for a certain number of parking spaces per square footage of a building. Mr. Hasselbeck stated we have had discussions with Mr. Williams about trying to understand what are the actual requirements for public space verses private space for a funeral home and we are not sure of the clarification on that. Mr. Higgins stated he was not comfortable with people having to walk along Route 146 or Old Route 146 or parking along Lawrence Circle even if this happens once a year. Mr. Ouimet stated the following: I agree with Mr. Higgins as it is more where the site is located, not what you did with trying to calculate a smaller number of useable parking spaces. The physical location of that site clearly presents a very difficult site for us to deal with. It has an odd access off of Route 146 and it comes off of Old Route 146 and it is in the middle of a residential area where there would be school buses and kids coming and going. There is also the issue of parking and a big overflow of parking with the big funerals. Plus it is not highly uncommon to this business to have 2 funerals or 2 viewings at one time. Mr. Hasselbeck stated it is somewhat as we try to stagger the visits because we know that we don't want to have everybody coming at one time. Mr. Ouimet stated the following: It might happen more frequently then on rare occasions. I don't think a funeral for a dignitary would be a standard, but a standard would be to have 2 viewings going on at the same time. I also think this is an issue that cannot be solved by downsizing the physical plan that you are proposing because of the physical location of the site. Nothing really goes away even if it is smaller. There is a problem coming in and out of that particularly tight corner and from a health and safety standpoint that I think we all have seen. Mr. Hasselbeck asked the Board are you saying if we were to downsize the plan and add more parking we would be acceptable on the site. Mr. Ouimet stated the following: I don't think I am saying that at all, I am saying just the opposite. Even if you downsized the plan and increased the parking, the physical site itself promotes a safety problem for us with cars coming in and out of the site. The business that you are operating in is one of visiting and leaving with entering and exiting the site. The other issue is the access to Lawrence Circle from Route 146. While you are encouraging the exiting of the facility to be over on Old Route 146, you are not prohibiting the exiting from Route 146 so you

could go either way. Even if you try to get your visitors to leave the other way, there is no guarantee that they will and there are the people that live on Lawrence Circle as well. I feel this is a bad site for the proposed use because it would be way too intense for that area. Mr. Watts stated the following: This Board does not see this as a viable site for a funeral home. We have nothing against New Comer-Cannon but this site was also not acceptable for a Dunkin Donuts. There may be other sites in Town that would work better. We certainly are not anti-business in the appropriate sites in Halfmoon but I think the Board has spoken unanimously relative to the fact this is not a good site from safety and health issues.

Mr. Roberts made a motion to deny the New Comer-Cannon Funeral Home commercial site plan based upon the use is too intense for the site and there are strong health & safety issues with regards to traffic and access to the site. Mr. Ouimet seconded. Motion carried.

07.051 NB Halfmoon Sandwich & Salad Shop, 1615 Route 9 – Change of Tenant & Sign

Mr. Shawn Lee, the applicant, stated the following: My partner, Matt D'Errico, and I would like to open a deli and ice-cream store at 1615 Route 9 (formerly known as Jimmy's Italian Ice and Hot Dogs). The store would be renamed Halfmoon Sandwich & Salad Shop. We are also proposing to replace the existing sign with the same size wall mounted and the sign would be flood lit. Our hours of operation would be from 6:00 am to 7:00 pm for the deli and food side of the business and from 11:00 am to 9:00 pm for the ice cream stand. The ice cream stand would be seasonal for the first few years until we see how well the business works. There are currently 21 parking spaces and we would have 4 full-time and 2 part-time employees. Mr. Berkowitz asked if they would have seating inside. Mr. Lee stated no, we would be removing the existing seating that is there now. Mr. Berkowitz asked if it would be a fully take-out business. Mr. Lee stated yes. Mr. Berkowitz asked if they would sell retail. Mr. Lee stated yes, small perishable products such as eggs, milk, bread, potato chips and things of that nature. Mr. Berkowitz asked if they would sell alcoholic beverages. Mr. Lee stated we possibly might obtain a beer license. Mr. Watts asked if this was stated in the applicant's narrative. Mr. D'Errico stated we have no plans on obtaining the beer license at this time or cigarettes. Mr. Watts asked if the proposed business would be a take-out deli with delivery and walk-up ice cream. Mr. Lee stated yes. Mr. Williams asked when they intend to sell beer would they have draft beer or bottled beer. Mr. Lee stated it would be strictly take out bottled beer. Mr. Watts stated the following: You have come to the Board for an application for a business of one sort but then you are talking about a business of another sort which might require different parking configurations. I am not saying you couldn't do it, but what exactly do you want to do. Mr. Watts asked if the parking lot was paved. Mr. Lee stated the parking lot was partially paved. Mr. Higgins asked if they would be paving the remainder of the parking lot. Mr. D'Errico stated they would be leaving the parking lot as is. Mr. Higgins asked where the seasonal outdoor seating would be located. Mr. D'Errico stated the existing picnic tables were not part of the lease agreement and the landlord would remove those picnic tables. Mr. Berkowitz asked if the applicant would utilize the rear play area. Mr. Lee stated the play area would also be removed. Mr. Berkowitz asked if business would be like a Sorrentino's or Fred the Butcher type of place or more like a deli. Mr. Lee stated it would be more of a take-out food operation and we would not sell raw meats such as a butcher. Mr. D'Errico stated we would be selling salads from a salad case, sliced meats and sandwiches and we would also offer catering. Mr. Williams stated I met with the applicants and at that time it was my understanding that it would be a deli type use and ice cream sales. Mr. Watts asked regarding the parking lot not being paved and haven't we asked people to get the parking lots paved in the past. Mr. Higgins stated the

following: I think with commercial applications, where there would be a lot of traffic, we have asked the applicant to pave their lots. We are also concerned about cars backing up on to Route 9 and asked that the applicant to make the traffic flow through their parking lot easy for people to get in and out of the site. Mr. Higgins asked the applicants if they would be leasing the property. Mr. Lee stated yes. Mr. Higgins asked if the applicants had talked to the landlord about paving the gravel area of the parking lot. Mr. Lee stated no. Mr. Higgins stated I know this has been a stipulation for some of the other applications that have come before this Board. Mr. Roberts asked why the owner of the property, who was the previous occupant, was not asked to pave the parking lot. Mr. Higgins stated when the former occupant first opened his operation it was seasonal then he went into opening the interior unit for a year round applicant. Mr. Watts asked what the parking requirements were for this location. Mr. Williams stated the following: If it is going to be a delicatessen with retail, the requirement is 1 space for every 200 SF. So for the 2000 SF space, 10 spaces would be required. If there are tables, the requirement would be 15 spaces plus 1 space for every outside table. This is the requirement for a drive-in restaurant and for retail the requirement is 10 spaces and this site currently has 21 parking spaces. Mrs. Zepko stated the following: We were not aware of the retail sales and I don't know if that would necessarily add any more people coming to the site that wouldn't already be utilizing it. As far as paving the parking area, I don't really see that as a necessity as there are no problems that we know of. Mr. Williams further stated if it is a take-out business it would be more of an in and out traffic. Mr. Watts stated if the applicants do make changes in the future, they would have to come back to this Board for an approval. Mr. Roberts stated this is the site that had a flashing arrow board sign and we don't want to see that and also sandwich board signs are not permitted.

Mr. Berkowitz made a motion to approve the change of tenant application for Halfmoon Sandwich & Salad Shop. Mr. Ouimet seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Halfmoon Sandwich & Salad Shop. Mr. Ruchlicki seconded. Motion carried.

07.052 NB Hedley & Co., LLC, 1593 Route 9 - Sign

Mr. Mike Remillard, of Sign Perfect, stated the following: I am proposing a 32 SF electric sign that would be internally lit. We have a total of 32 SF without the oval street #. Mr. Roberts asked if this sign was a new sign or a replacement. Mr. Remillard stated it is a new sign. Mr. Roberts asked if the sign would have neon. Mr. Remillard stated no neon. Mr. Roberts stated that the sign could not be placed in the right-of-way. Mr. Remillard stated the setback was 30 FT. Mr. Roberts asked Mr. Remillard to double check the location as it looked very close to the right-of-way. Mr. Roberts stated that the sign could overhang into the right-of-way but the base has to be completely clear of the right-of-way. Mr. Remillard stated I am aware of that. Mr. Higgins asked if the new building and the old building were all one site. Mr. Remillard stated I don't believe the old building is part of this site.

Mr. Roberts made a motion to approve Hedley & Co., LLC sign application contingent on the sign not being placed in the State right-of-way. Mr. Ouimet seconded. Motion carried.

07.053 NB Ed Dalheim PDD, 69 Button Road – Addition to Site Plan

Mr. Ed Dalheim, the applicant, stated the following: I am proposing a site plan approval for 69 Button Road which is where my place of business is located. I am proposing a 6,400 SF addition to the existing facility. We would not change any of the parking. We are also proposing a gravel driveway coming in from existing residence driveway. This addition is proposed for a maintenance facility for increased maintenance for our trucks. It would be a

bigger facility to accommodate the tractor-trailers. It would be a taller building and would be a metal structure possibility with an overhead crane. Mr. Roberts asked if they would have any new employees. Mr. Dalheim stated no, we employ 20 to 25 seasonal employees year round. Mr. Roberts asked if the applicant only maintained his own equipment. Mr. Dalheim stated the following: Correct, I only maintain my own equipment. We have an on-site crushing operation and we need a facility to store our equipment during the winter months. Mr. Higgins asked the height of the proposed facility. Mr. Dalheim stated the following: The proposed building would possibly be higher than the existing facility but I am going to try to fit it in with the esthetics of what my existing building looks like. We are going to try to match the rooflines but this facility would sit back further so as it goes back further we would also increase the height. Looking at it from the road the esthetics would be the same as the existing building. The total height would be around 30 FT. We are looking at 25 FT for the crane height inside so we would need the 30 FT. Mr. Higgins asked what the allow height was in that zone. Mr. Williams stated 35 FT. Mr. Berkowitz asked if there was parking on the site. Mr. Dalheim stated we would not be increasing the parking. Mr. Higgins asked if the facility would be built per New York State Standards. Mr. Dalheim stated yes, absolutely. Mr. Watts asked if the site plan shows the parking area. Mr. Williams stated yes.

Mr. Bertkowitz made a motion to approve the Ed Dalheim PDD addition to site plan application with the condition that the applicant provides a revised site plan showing the employee parking area. Mr. Ruchlicki seconded. Motion carried.

07.054 NB Cosmo Prof (aka-Ace Beauty Supply), 1603 Route 9 (Towne Center Plaza) - Sign

Mr. Pat Boni, of Saxton Sign Corp., stated the following: The Ace Beauty Supply is changing their name to Cosmo Prof. The applicant is proposing to reface both of the existing signs with new panels to reflect the changed name. The dimensions would not be changed.

Mr. Robert made a motion to approve the Cosmo Prof sign application. Mr. Higgins seconded. Motion carried.

Old Business:

04.220 OB St. Luke's Episcopal Church, McBride Road – Addition to Site Plan

Mr. George Owad stated the following: My wife Barbara and I are Board members of St. Luke's Church which is located in Mechanicville. We previously have been before this Board for a site plan approval for St. Luke's Church on McBride Road. In the first phase we are proposing to move the all purposes building 100 Ft further back from McBride Road. We found that this building would have been closer to the road than we wanted. The reasons why we would like to move the building back is:

- 1) It preserves a more esthetic look for the area.
- 2) It provides a better location when we get into Phase II and III for the rectory as it would be further away from the lot line with the Chlopecki property.
- 3) Since we have not started our building, we have learned that the Howland Park development is coming into the area and they would have a sewer line. We are currently in negotiations with Howland Park and also we are talking to the Saratoga County Sewer District to see if we would be able to hook up a system to their sewer line.
- 4) It is our understanding that the trail will proceed along the eastern edge of Howland Park and will cross over St. Luke's property at the southwest corner.

This would not change any of the detention ponds or any of the other requirements. If we do not hook up to the sewer in a timely manner, we do have enough property to have a septic

system. Mr. Bianchino stated the following: We did take a look at this and we didn't have any issues with the revisions to the site plan to accommodate the changes. The connection would be made to the sewer once it becomes available. Also, we were looking for a way to get trail from Howland Park down to the A & M properties so we were able to accommodate both of these things. Mr. Higgins asked how long would you be required to use the storage tank. Mrs. Barbara Owad stated the following: It depends on how soon Howland Park's infrastructure is in place. According to Mr. Ivan Zdrahal we can begin with the hook up. Mr. Owad stated the questions also is how soon would we be able break ground and start building. Mr. Higgins asked how long would it be from when Howland Park is up and operational do you plan on hooking up. Mr. Owad stated we would hook up right away as it would be to our advantage to hook up as soon as possible because we don't want to go to a raised system that would cost us another \$60,000. Mr. Watts stated the issue is that we don't want a long term holding tank situation so if you are not able to hook up with Howland, you would have to go to the other system. Mr. Owad stated the following: I think what is going to happen is we are trying to get the construction going and the construction may be pushed back far enough where Howland Park maybe available when we are ready to start. At this time we cannot give a time. When we think we are ready to go there is always another hurdle. We are going to be working with the SCSD and our attorney. Construction may not be complete by the end of this year and we don't where Howland Park stands in terms of the approvals and when they would be putting their utilities in. We don't want to keep this at 6 months to a year or more.

Mr. Higgins made a motion to approve the St. Luke's Episcopal Church addition to site plan application contingent upon the site connects to public sewer system or constructs a private septic system within 1-year of issuance of the Certificate of Occupancy. Mr. Berkowitz seconded. Motion carried.

05.252 OB Walgreen's Store, 1476 Route 9 – Commercial Site Plan

Mr. Rob Spiak, of Bohler Engineering, stated the following: I am representing Mr. Tom Burke for a Walgreen's development at the intersection of Route 9 and Route 236. We were previously before this board with this application in December 2005. Since the original submission we have made some changes. We had a lot of work to do with the NYSDOT to make sure we had their concurrence with this project. We have submitted our full set of design documents for this project. We are proposing a 14,820 SF Walgreen's retail drug store with a single drive-thru lane. We are lining up our access at the existing traffic signal on Route 236. We will be doing work at that intersection regarding the signal system. We have met with the NYSDOT and they are in concurrence with our geometry on this although the signal doesn't meet the standards in order to get a fourth leg so we will be replacing the entire system. Main access to this site would be through that signalized intersection. We will be providing some improvements on Route 9 with a new left turn lane into the property. The remaining legs of the intersection are pretty well set up for this. We also have an exit only, a right-out only on the southern portion of the site to facilitate getting our delivery trucks out of the site. Delivery trucks would come into the main entrance, circulate around the property and exit on southbound Route 9. There is no public sanitary sewer in the area so we are proposing a re-circulated sand filter system, which would discharge to the brook in the rear. We are working with the NYSEDEC on SPEDES permits for that system. We also have a wetland pocket wet pond design for the stormwater management in the rear of the property. Public water is available to the property located in the vicinity of Route 9. The building would be a fully sprinklered. We have received comments back from Mr. Frank Tironi and he is looking for a fire hydrant on the property. There would be landscaping along the front and side of the property. We have a

retaining wall along the parking area and we are staying well away from the brook to minimize or eliminate any disturbance to the existing creek. Mr. Berkowitz stated in the original proposal the Board expressed concerns regarding the size of the building for this size of a lot and you are now proposing an even larger building. Mr. Spiak stated the following: I think the original proposal was for a 14,600 SF building. We are dealing with the unique configuration of the lot and previously we had less green space. At that time we also had proposed a long and narrow building and only had 10 FT of green space in the front. We are trying to get the building and everything forward. Based on some of the comments we heard regarding the green space, we now are trying to get a larger green buffer along the front of the property. One of the concerns was that the code requires 74 parking spaces, but what could we live with and this is where we came up with 50 parking spaces that would allow us to provide that extra green landscaping space. Mr. Watts stated the following: When you were previously before this Board, we asked for an architectural rendering of the building, more green space in front of the building and the actual number of parking spaces you would need. With the 50 spaces you show, would you still have space available where parking spaces could be land banked? Mr. Spiak stated the following: We were looking at this because we would like to avoid a variance here but due to the fact that we don't have sanitary sewer available, the sand filter area and the stormwater management system would take up a lot of space in the rear. If this is something that the Board really looked at, we could probably get another 12 parking spaces to land bank by relocating the transformer and doing something with the tanks. The two utility systems are using up a lot of the area that we previously thought we might have used for land banking. Mr. Higgins stated maybe you should have made the building smaller. Mr. Spiak stated the following: There is a lot of infrastructure that we weren't anticipating with not having public utilities. Our tenant is happy with the 50 parking spaces. Mr. Higgins stated it is not the tenant; it is this Board who is concerned with the parking. Also, how far would the retaining wall be from the property line? Mr. Spiak stated it is about 8 FT off the property line. Mrs. Murphy asked Mr. Williams if the retaining wall would be considered for the setback requirements. Mr. Williams stated it would be for the building setback. Mr. Higgins asked how high the retaining wall would be. Mr. Spiak stated at the highest point it would be 12 FT. Mr. Williams stated the following: The side yard setback for the building was 15 FT on both sides. I am not sure if this is feasible or not but the former Romano's Restaurant across the street from this site is on sewer. This would alleviate the on-site sewer system and allow for land-banked parking. Mr. Spiak stated we were told by the SCSD that the closest connection point would be by Salty's Restaurant and hence not a viable economic option. Mr. Ruchlicki asked how the retaining wall would be constructed. Mr. Spiak stated the wall would be poured concrete with a segmental finish. Mr. Ruchlicki asked if there would be provisions available to retain traffic. Mr. Spiak stated yes, there would be a guide rail. Mr. Berkowitz asked what the average wait would be for people in the drive-thru. Mr. Spiak stated the following: It is a single drive-thru window for both drop-off and pick-up and generally people will drop off their prescriptions and the time varies as to how long they may wait. A lot of people drop off the prescriptions on their way to work or will run errands and pick the prescriptions up later. Mr. Watts asked who were the adjacent landowners to this parcel. Mr. Spiak stated there is a creek and vegetative buffer in one area, residential properties, Adirondack Tire and S&K Nursery. Mr. Higgins asked where the tractor-trailers would unload. Mr. Spiak stated the trucks would unload back in the concrete area and there is also an area of striped pavement there that is about 25 FT wide. Mr. Berkowitz asked how the trucks would make a left-hand turn out of the site. Mr. Spiak stated trucks would not make a left-hand turn because the truck circulation is set up to come around the building and utilize the slip ramp out southbound on Route 9 only

and a tractor-trailer would physically be unable to make this movement to get back to the traffic signal. The applicant is well aware that this would be the only option. The smaller box type vehicles would be able to make the left-hand turn. Mr. Ruchlicki asked if the stormwater discharge would be attached to the creek. Mr. Spiak stated ultimately that is the overflow and it would go down to the creek. Mr. Ruchlicki asked what the classification was for the creek. Mr. Spiak stated the following: To the best of our knowledge there is no classification on that stream. We can have an environmental specialist look at this. Mrs. Murphy stated the following: Understand that unless there is a solution with regards to the parking this Board would not have the authority to grant an approval for this project. We are referring this to the Town's Engineer in hopes that you can come up with a way to either account for the missing parking spaces or somehow reconfigure the building working with them. Otherwise this Board would be forced to deny the application based on its non-compliance with our zoning standards. Mr. Spiak stated it is our intent to seek a variance from the ZBA. Mr. Watts stated I don't know if you want to go down that path at this point because that is a self-imposed hardship because you are choosing to build on that lot and I don't know if the ZBA has clear authority to approve this that way. When we previously looked at this relative to the parking issues, it was with the understanding that there would be land-banked parking spaces. Mr. Spiak stated that was our hope also but we had to add the sewer system. Mr. Watts stated they should look into the public sewer also to see if there are some possibilities there because in the long run it would be better. At this time we are going to refer this to CHA to see if we can work out some of those engineering issues. Mr. Williams stated this application should also be referred to the Saratoga County Planning Board. Mr. Watts stated okay, I agree.

This item was tabled for the applicant to review the possibility of connecting to public sewer and for the applicant's response to comments from the Planning Board. This item was also tabled and referred the site plan to CHA and Saratoga County Planning Board.

06.133 OB Beeche Light Industrial Shop & Warehouse, Routes 4 & 32 (Hudson River Road) – Addition to Site Plan

Mr. Robert Jarvis, Atty. is representing Mr. Greg Beeche for Beeche Light Industrial Shop and Warehouse addition to site plan application. Mr. Jarvis stated the following: Since the time the Board granted the approval for Mr. Beeche's site plan for a 13,000 SF building, the size of the building was increased by 560 SF meaning that the footprint of the building had changed. The size increase represents 2 ½ percent of the overall building site plan space and about 4.3 percent of the size of building #1 as originally configured. The increase in the square footage is the only thing that has change. This addition would not affect any of the factors that the Board originally looked at in reviewing the site plan such as property setbacks, building codes, parking configurations, water supply, septic or stormwater management. We are before the Board for an approval of this very slight increase in building size. Mr. Watts asked if the increase in square footage would affect the parking requirements. Mr. Jarvis stated Mr. Beeche already has a number of extra parking spaces banked on the site. Mr. Ruchlicki stated the original submittal was for 21 land banked parking spaces. Mr. Watts stated the parking would be adequate with the increased square footage.

Mr. Roberts made a motion to approve the addition to site plan application for Beeche Light Industrial Shop & Warehouse. Mr. Ruchlicki seconded. Motion carried.

07.039 OB Soroka Subdivision, 104 Ushers Road – Lot Line Adjustment

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am representing the Soroka's for a revised lot line adjustment from the previous meeting. At this

time we are requesting a lot line adjustment around the house from the existing 16,635 SF parcel to a 60,000 SF parcel to meet the current zoning. Mr. Higgins stated the original proposal stated there was a 43,577 SF lot and the area was to increase to 45,581 SF and asked if there is a change proposed to that lot. Mr. Rabideau stated no, that lot is not changing. Mr. Berkowitz made a motion to set a Public Hearing for the May 29, 2007 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 14, 2007 Planning Board Meeting at 9:17 pm. Mr. Beck seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary