

Town of Halfmoon Planning Board

December 11, 2006 Minutes

Those present at the December 11, 2006 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Marcel Nadeau
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: Bob Lockwood

Mr. Watts opened the December 11, 2006 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the November 27, 2006 Planning Board Minutes. Mr. Roberts made a motion to approve the November 27, 2006 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Leonard sat in for Mr. Berkowitz in his absence.

Public Informational Meetings:

05.159 PIM Sportsplex of Halfmoon, 6 Corporate Drive – Amendment to PDD

Mr. Watts opened the Public Informational Meeting at 7:01 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Ed Abele, the applicant, stated the following: I am here tonight with my partners, Mr. John Daniels, and Mr. Kevin O'Neil and Mr. Mark Nadolny, of Creighton-Manning Engineering. We last met at the November 13, 2006 Planning Board. For 18 months we have been in the process to work out issues with this amendment to the PDD for the Sportsplex of Halfmoon. I will recap some of the request that were made at the November 13, 2006 meeting and to answer any questions following our comments. Mrs. Murphy had asked for a formalization of the easement that would enable 200 additional parking spaces and we have submitted this easement form. One of the requests by the Planning Board was to determine the occupancy for events that would be held at this facility. We are confirming a 1,500-occupant level for the building would be a limit that we think would work well for the types of events that we would be handling. We also would like to

acknowledge that we are doubling our parking capacity. We would also like to acknowledge that the Town's Engineer has confirmed the findings that our traffic engineer had come up with and has reflected in their August 9, 2006 letter. Something that we did not discuss was 4 or 5 items that we are not going to allow which are; no event involving any pornographic or lude exhibits, no rock or musical concerts opened to the general public which are not merely ancillary to another event being posted at the site. This would include any event for which tickets are sold for the main purpose of providing entertainment through a rock or musical concert. There would be no circuses defined as events with entertainment via wild animals, trapeze artist and that sort of thing. No events involving professional wrestling or professional fighting shall be allowed. No events involving exhibits provided by extremist groups defined as groups promoting offensive hatred behavior shall be allowed. No pyrotechnic events would be allowed. These are the things that we would not allow nor welcome at this facility. We have handed out a list of possible events to be hosted by the Sportsplex of Halfmoon. Mr. Daniels read the list of possible events to be hosted by the Sportsplex of Halfmoon.

(See attached list – page 3)

Possible Events to be Hosted by Sportsplex of Halfmoon

Expos (Golf, Ski, etc.)
Ski Expos
Gun Shows
Food Shows
Extreme Sports and Travel Show
Wedding Show
Dog Shows
Fashion Show
Art Show
Flea Markets
Home and Garden Show
Energy Products Trade Show
Plumbing Supplies Trade Show
Electrical Supplies Trade Show
Hotel and Restaurant Equipment
Wholesale Sporting Goods Conventions
Industry Associations (Lumber) Trade Shows
Hospital Equipment Trade Shows
Political Events (fundraisers, speeches, addresses, telecast, public gathering location,
Public Assembly
Public Benefit Events
Media Events
School Performances
Company Picnics
Parties
Meetings
Conventions
Conferences
Assemblies
Parties
Galas
Banquets
Symposiums

This list is not meant to be all inclusive, but rather give a general idea of the types of events that are generally hosted by facilities such as ours.

Mr. Abele stated the following: This presentation was essentially a recap of the points and issues that were raised by the Board. We tried to be brief but very thorough and at this time we respectfully ask for a positive recommendation from the Planning Board to the Town Board. After the referral to the Town Board we would return to the Planning Board for site plan modifications. We also are available to answer any questions that the Board or public may have. Mr. Watts asked if anyone from the Public wished to speak. Ms. Ann Clouthier, a sales representative from the Holiday Inn Express, stated the following: Many of these events have demand in the area. I have been in the industry within the Albany market for about 10 years and I feel that the area north of Albany needs a viable place to have such functions whether it's an association chess tournament or a restaurant equipment show. I feel this proposal would be a great thing for our area. Mr. Luigi Corcione, proprietor of Soccer Unlimited located on Route 9 in Halfmoon, stated the following: I was here 2 years ago in support of the Halfmoon Sportsplex. It is to my benefit that the Sportsplex is there and this proposal I feel would be a benefit to the community and also for myself with more traffic business coming to this area. I am in support of this proposal. Ms. Betsy Bitner, of 34 Deer Run Hollow, stated the following: My property backs up to the Halfmoon Sportsplex and my only concern is the traffic that this proposal would generate. At the current time it is very difficult to get into and out of our development many times during the day when the traffic backs up on Sitterly Road and I only see the traffic getting worse as Sitterly Road is becoming a very popular thoroughfare. I think Sitterly Road needs a left turn lane onto Woodin Road at the traffic light where the traffic backs up. I feel this would alleviate a lot of the traffic problems. Mr. Watts closed the Public Informational Meeting at 7:11 pm. Mr. Roberts asked how they would control and enforce the 1,500 capacity limit. Mr. Abele stated they could have occupancy control turnstile and this could be a condition of the approval. Mr. Ouimet asked if the capacity were not capped at 1,500 would there be enough parking available. Mr. Abele stated the following: Currently the occupancy is rated at 2,000 occupants and they are willing to reduce what we already have. We feel that 500 or so parking spaces with a few people per car would be adequate. We are doubling the parking that we currently have now. Every weekend during the season, the Sportsplex successfully host quite a few people with their sporting events. Mr. Ouimet asked how they propose to control the traffic on Sitterly Road. Mr. Mark Nadolny, of Creighton-Manning, stated the following: The larger scales events that would be held at the Sportsplex which is the greater concern would only happen a couple of times per year so this would not be the norm per say. It would be the norm for smaller types of events that generate less traffic than what is currently being generated from the sporting leagues. For the larger type shows the delays would be limited to Corporate Drive. Obviously there would be an increase of traffic on the entire road network, but it would be limited to a couple days per year and you would not necessarily install a traffic signal for such a limited type of event that would only happen and impact a couple peak hours a couple times a year. It is felt that the majority of these shows that are going to be smaller in nature would not have the impact of what is currently out there right now. Mr. Ouimet stated the following: Currently they have an on-going business park operation and if they were to run even a small scale event of approximately 500 people, they would be adding to the traffic flow if it were to be held during business hours. Mr. Daniels stated the following: On a typical weekend we are already accommodating roughly 6,000 people. The shows that we are proposing would be significantly less than that. We would not be running a trade show while we're running a soccer event. The trade shows would occur in the off-season so the traffic impact that is not occurring right now also would not occur in the future. The Town's engineers have also concluded that Mr. Nadolny's conclusions in his report were acceptable and we would not be negatively impacting the traffic. Mr. Ouimet stated in the

proposal they suggested that the Planning Board would have up to 2 years to comment on traffic impacts. Mr. Ouimet asked why did you pick 2 years and why do you feel that the Board should give up any rights they might have to review traffic conditions after 2 years. Mr. Abele stated the following: When the Boards grant approvals, they are permanent in nature. With this situation being somewhat of a hybrid type of proposal, we thought that offering a window of a couple of years following the approval would give a comfort level to the Board and if the approval had to be tweaked or modified in the future, we wouldn't have a problem with that. It is unusual to have an offer such as this but given the concerns expressed by the Board, we thought it was a good idea. Mr. Watts stated the following: Speaking as the Planning Board Chairman, this is a PDD so there was a change to the zoning. I had mentioned previously that while we are generally supportive of the concept, we are looking into the engineering and traffic issues and traffic studies. One issue was relative to traffic and many of the traffic studies say there would be no impact, but that is in the eye of the beholder. While we do not want to get into the business of approving individual events, we do not want to see any nightmares either nor does the applicant. I would not want to give up our responsibility as a Planning Board or as a Town of giving the right to review the proposed operation for any given term or time should problems occur. While the applicants might be the people in place now for this facility, that's not to say that other people might not be managing it. I do not know if we could put in our PDD legislation some kind of proviso that allows somebody, i.e. – the Planning Board, the Planning Board Chairman, the Town Board, the Director of Code Enforcement to make these types of decisions. It is up to the Town Board to make a determination as to what would be approved in the PDD legislation. I'm personally not comfortable with an open ended or a term that would end. Mr. Roberts stated he agreed with Mr. Watts. Mr. Roberts further stated the Board would need to be able to control the situation. The rest of the Planning Board agreed. Mr. Higgins asked if they would charge for parking. Mr. Abele stated that they did not any decision on this. I don't think we would charge for parking initially, but I am unsure about long-term. Mr. Daniels stated one of the Boards concerns about charging for parking would be that it may cause a traffic problem and we agreed not to charge for parking. Mr. Watts stated charging for parking was not going to occur based upon the fact that if there were parking booths with people taking tickets and making change and the traffic would be coming off a very busy road. Mr. Abele stated they would honor this agreement and ask that we make that a condition. Mr. Higgins stated the following: When you are limiting the number of occupants to 1,500 and you might have a busy show where people are coming and going, there is a potential to have an extra 20 to 30% as far as your parking. The Board has expressed concerns about parking on the roadway in that area which could be a safety concern that we have to consider. Mr. Watts stated that this is a PDD amendment and there is the issue of public benefit above and beyond the business. Mrs. Wormuth stated the following: The Town Board has not looked at the public benefit but we will be addressing this when and if there are changes in the legislation. There were a number of concerns associated with this project that I think the applicant has come to identify and address before this Planning Board that needs to come to light before it happens. I would make a recommendation on the zone change prior to actually amending the legislation and the applicant is aware of this. Mr. Higgins asked where they stood with the additional parking easement. Mrs. Murphy stated the following: I have been provided the easement language, which would allow for the use the parking lot over the weekend and ingress and egress to that parking lot for any type of overflow parking as required per event. So, it would be the decision by the Town Board whether or not they were comfortable with that change in the legislation, which would allow for the overflow parking. Mr. Higgins asked if the parking area was within a reasonable walking distance of the facility. Mrs. Murphy stated yes.

Mrs. Wormuth stated the following: This was something the Town Board hasn't taken into consideration yet, but certainly will with the amendment change because originally this was not a presentation before the Town Board. This was a concern that was raised by the Planning Board and the Town Board. The Town Board has not looked at this because they are waiting for a recommendation from the Planning Board in order to utilize that information to make a decision. Once a recommendation from the Planning Board is made, it goes to the Town Board and would come back to the Planning Board for final site plan and any constraints or revisions that the Board felt were necessary based on site plan. Mrs. Murphy stated this was correct and the positive or negative recommendation to the Town Board would be passed along together with the minutes from the meeting where everyone's concerns were expressed. Mrs. Wormuth asked Mrs. Murphy if the legislation was amended, would the Town Board still have an opportunity to control some of the concerns that were represented i.e. - the s or different things. This doesn't necessarily end therein but on the site plan and how the actuality of the business would operate it would come back for final site plan. Mrs. Murphy stated the following: Yes, it would come back to the Planning Board for site plan review and I have made notes in regards to the concerns on the regulation of the people coming in and out of the site and this would most likely be put in the legislation itself as this is not necessarily a site plan issue it is more of a legislative issue if they are consenting to it. There would also be another Public Hearing before this Board because the applicant has to do a subdivision because they would be adding parcels to the property. Mr. Watts asked if the Town Board would hold a Public Hearing. Mrs. Murphy stated yes, because the Town Board would be amending the PDD. Mr. Roberts made a motion to grant a positive recommendation to the Town Board. Mr. Ouimet seconded. Motion carried by a 6:1 vote with Mr. Nadeau giving a "nay" vote.

05.209 PIM Pino Commercial/Light Industrial Park PDD, Route 146 – Major Subdivision/PDD/GEIS

Mr. Watts opened the Public Informational Meeting at 7:27 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Warren Longacker, of Lansing Engineering, stated the following: The parcel in consideration is approximately 68.3-acres and is currently zoned A/R Agricultural-Residential. The parcel is located on the north side of Route 146 approximately 2,600 FT west of the intersection of Route 146 and U.S. Routes 4 & 32. The applicant is seeking to progress this project as a PDD for the development of 5 lots ranging in size from 4 to 26-acres for office space or light industrial usage. The Town of Halfmoon water supply and the Saratoga County Sewer District would provide the water and sewer for this site located along Route 146. All stormwater management would be occurring on site. Access for all 5 lots would be provided by a new curb cut to the north side of Route 146. The Town and the NYSDOT had expressed some concern regarding this intersection as it has inadequate sight distance. The current sight distance at this intersection is approximately 480 FT and the required sight distance is 610 FT. Creighton-Manning and Associates, the project's traffic engineer, have evaluated this intersection and found that with some grading, removal of a 3 FT embankment and removal of vegetation the 610 FT required sight distance could be achieved. The applicant has offered some community benefits because the project is a PDD. The first benefit would be the donation of 6 recreational lights that are currently on the site. The site was formerly used as a driving range. The 6 light poles range in height from 20 to 25 FT to be donated to the Town for use in recreational fields. The applicant would be donating the light poles, the lights, the fixtures and all wiring and delivered to a site of the Town's choice. The applicant is also willing to donate \$70,000 as a gift to the Town to use as they see fit. This project does meet the objectives of the Comprehensive Master Plan of the Northern

Halfmoon GEIS. We would like to make a request for a recommendation to the Town Board. Mr. Watts asked if anyone from the Public wished to speak. Mr. Watts closed the Public Informational Meeting at 7:30 pm. Mr. Higgins asked the height of the buildings. Mr. Longacker stated the plan was in the conceptual stage but I will check with the applicant to see if they have the height of the buildings. Mr. Higgins stated it was discussed by the Board at the pre-meeting that some of the regulations would be changing as of January 1, 2007 as far as access roads for emergency vehicles with buildings that are in excess of 30 FT high. Mr. Watts asked Mr. Longacker if they were aware of the code changes in the 2007. Mr. Longacker stated no. Mr. Watts stated the new requirements would have to be met so they should be aware of this. Mr. Higgins stated that the applicant should be aware of the responsibilities for the traffic light when it is warranted and who would pay for the traffic signal. Mr. Longacker stated yes. Mrs. Wormuth stated the following: The \$70,000 public benefit donation is not limited to the use in the GEIS area. The \$70,000 donation to the Town is an unrestricted gift to be used at the Town Board's discretion. The donation would not be specific to the GEIS area only but could be used throughout the entire Town as seen fit by the Town Board. Mr. Lockwood asked if this project is assuming that the Clemente project across the street is to happen first. Mr. Longacker stated that is correct due to the utility services. Mr. Lockwood stated he believes the other development is not proposing to put the water line in for quite some time. Mr. Nadeau stated to the west of the entrance of the proposed project there is a nearby residence and requested that they do some buffering to this residence before the plans are finalized. Mr. Longacker acknowledged that he heard Mr. Nadeau's request. Mr. Roberts made a motion to grant a positive recommendation to the Town Board. Mr. Nadeau seconded. Motion carried.

Public Hearing:

06.234 PH Halfmoon Crossing Subdivision, 3/7 Halfmoon Crossing – Major Subdivision

Mr. Watts opened the Public Hearing at 7:34 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Todd Fischer, of Solar Associates, stated the following: We are proposing to subdivide 5.779-acres into 2 lots located on the north side of Halfmoon Crossing between Route 9 and Crossing Blvd. The parcel would be divided where the Berkshire Bank is located which would be a 1.104-acre parcel with a remainder of a 4.675-acre vacant parcel. The reason for this subdivision is due to financial reasons in getting financing for the project. This parcel is located within a PDD and meets all the PDD requirements. Mr. Watts asked if anyone from the Public wished to speak. Mr. Watts closed the Public Hearing at 7:37 pm.

Mr. Nadeau made a motion to approve the major subdivision for Halfmoon Crossing. Mr. Roberts seconded. Motion carried.

New Business:

06.238 NB R.J. Valente (Halfmoon Materials Group, LLC), 118 Button Road – Commercial Site Plan

Mr. Anthony Valente, the applicant, stated the following: We would like to build a new garage on our Button Road site. There is an existing 1-bay garage on the site. We are proposing to build a 3-bay garage to have office space and a space for maintenance on our trucks. Mr. Watts asked if they would be providing DEC's mining permit to the Board. The applicant submitted the mining permit to Mr. Watts. Mr. Watts stated that a quick review of the permit leads me to believe that the permit does not cover the building. Mr. Valente stated no, as it

was outside of the life of mine (the life of mine means the area that you are allowed to dig) and he contacted DEC and they said as long as the building is not inside the life of mine it is not part of the DEC permit. Mr. Watts stated because the building is not inside the life of mine the building is under the Planning Board's jurisdiction. Mr. Watts asked if the DEC's life of mine permit area was going to be extended. Mr. Valente stated no, because this is another parcel of land that is located next to the existing garage. Mr. Higgins asked how many trucks currently park at the existing garage. Mr. Marotta, also with R.J. Valente, stated the following: Depending on the job that we do, our trucks are parked at the individual pits or gravel pits. If we are doing a job in Halfmoon, the majority of the trucks would be parked at this site but that could change by the end of the week if they are doing jobs in other areas. We are relocating out of Rensselaer where we do the majority of our work now. Hopefully in the spring we will be moving out of Rensselaer to Halfmoon. This building proposal would encompass all our building and all our offices for R.J. Valente Industries. Mr. Roberts asked if they would have more vehicles at the site after the proposed building is constructed than they have at the site now. Mr. Marotta stated the following: There would probably be 5 to 6 passenger vehicles. The dump truck traffic that is currently seen would not change and there would be no increase. Mrs. Wormuth asked if they would relocate an operation in another Town in another County to Halfmoon. Mr. Valente stated the following: Just the office people would be relocating to Halfmoon and the truck operation won't change throughout the pits. We also need a larger place to do maintenance on the trucks. Mrs. Wormuth asked if the trucks currently in the Rensselaer pit would be relocated to Halfmoon. Mr. Valente stated no, there would just be 5 extra passenger cars that would be parked at the site. Mr. Polak stated he had concern with this proposed new use in that area because there are quite a few residences in that area so the Board needs to be careful in regards to the hours of operation because this would be a commercial operation in a residential neighborhood. Mr. Valente stated that none of this would change. Mr. Marotta stated that a lot of the maintenance is currently being done outside because they only have the 1-bay garage and with the proposed 3-bay garage the work would now be done inside. Mr. Roberts asked the hours of operation at this site. Mr. Marotta stated 6:30am to 4:00 or 5:00pm depending on the workload. Mr. Nadeau asked if they would bring vehicles from Rensselaer to be serviced at the Halfmoon site. Mr. Marotta stated this would depend on which site the truck is closest to. If a truck needs repair they have shops in Albany, Rensselaer, Clifton Park and in Halfmoon. They currently have a maintenance shop in Halfmoon, which runs everyday, and we are proposing to update it. Mr. Watts stated that the project application stated the hours of operation were 6:00am to 5:00pm six days a week, not Sundays. Mr. Watts asked Mrs. Murphy regarding the zoning information for this site. Mrs. Murphy stated the following: This site is a R-1 Residential zone where they are operating a commercial business so in order to expand on that use this Board would have to deny the application and refer the applicant to the Zoning Board of Appeals. The ZBA can then take formal action, as this Board does not have the authority to grant this particular application because it is an expansion on a pre-existing, non-conforming use. Mr. Ruchlicki asked if the building currently on site is a 24 FT x 40 FT garage. Mr. Valente stated yes, this is the 1-bay garage. Mr. Williams stated that a site plan was submitted with the existing garage on the site. Mr. Watts stated to the applicant that the site plan must show the parking spaces. Mr. Valente stated the following: The current parking area is a graveled lot and the truck drivers and operators would continue to park in the graveled lot. Where there are 8 to 15 personal vehicles parked on any given day. We would pave the parking area for the employees of the proposed building. Mrs. Wormuth asked other than the truck drivers, who works in that area now. Mr. Marotta stated the mechanics. Mrs. Wormuth stated the application states 40 employees and

what the applicant has been saying there would be 8 to 15 truck drivers, mechanics that work in a 1-bay garage plus 5 office people does add up to 40 people. Mr. Marotta stated the following: The 40 people were based on the 40 trucks that they have on the road. It is very possible, if we have a job in the Halfmoon area, every truck that we own is parked at this site but it would only be for a short time because our trucks move from pit to pit. It is not common that all 40 trucks would be at the site it is more common to see about 15 trucks at the site. Mr. Watts stated that the site plan was not properly prepared as it doesn't show the parking and it doesn't show access to the garage. Mrs. Murphy stated the Board doesn't know the turning radiuses, site distances, or inclines and they must have this information before they can make a decision on this application.

This item was tabled for the applicant to produce a site plan for the proposed use of the commercial site plan.

06.239 NB Sheron's Uniforms, 1683 Route 9 (St. John Plaza) – Change of Tenant & Sign

Mr. Tom Pratico, of Bast Hatfield and the Rexford Group, stated the following: I am proposing a change of tenant application for Sheron's Uniforms to move into St. John Plaza. The applicant would occupy about 2,000 SF, which is presently occupied by the Sun Tan Salon and the remaining space of Rainbow Direct, who is moving out of the plaza. The space would be about 2,080 SF. Sheron's Uniforms would have 1 employee and the hours of operation would be 10:00am to 8:00pm six days a week. The sign would be 14 SF, internally lit with no neon and is within the allotted sign square footage for the plaza.

Mr. Roberts made a motion to approve the change of tenant and sign application for Sheron's Uniforms. Mr. Ruchlicki seconded. Motion carried.

06.240 NB Soft-Tex Mfg. Co., 428 Hudson River Road – Change of Tenant-with Site Plan

Mr. Dan Hershberg, of Hershberg and Hershberg, stated the following: I am here to represent Soft-Tex Mfg. who intends to move into an existing warehouse building located at 428 Hudson River Road. Soft-Tex Mfg. wishes to operate a manufacturing warehouse at the current site of Hilti Inc. They wish to occupy an 80,000 SF space in the front of the building and to partition off and develop an office suite of about 5,000 SF. Soft-Tex manufactures feather bedding and pillows and foam products. The office would have up to 12 employees. The manufacturing part of the business would have up to 59 employees. Hilti currently has 2 shifts with 12 employees on each shift. We propose to re-stripe some of the parking area and add a gravel area at the rear of the parking area, which could accommodate additional cars. We feel if we were to build to accommodate 119 parking spaces it would be excessive. We propose to land bank 31 parking spaces in the rear of the parking area. There would 3 to 5 trucks coming to the site each day with raw materials. There would be 2 to 3 trucks leaving the site with finished products. The truck traffic would be consistent with other uses along Hudson River Road. There is an area at the end of the parking lot that has a turnaround. The total expansion area if the entire banked area was built would be 4/10 of an acre. There would be enough parking spaces to meet the applicant's needs. The manufacturing hours of operation would be 7:30am to 3:00pm and the office hours would be 8:00am to 5:00pm or 8:30am to 5:00pm. We feel this would be a good use of the existing area and there would be loading doors to accommodate the number of trucks that come in and out of the site. The actual planned hours of operation would be 7:00am to 3:30pm for the manufacturing portion of the building. Mr. Watts asked if Dr. Ken Peterson from Oregon owned this property. Mr. Hershberg

stated yes. Mr. Watts asked if there was an approved site plan for this property. Mr. Williams stated there was nothing on file. Mr. Hershberg stated Hilti received an approved site plan in 1997. Mr. Watts asked if that approval was a change in tenant process. Mr. Williams stated he could not locate a Hilti file but did locate Planning Board minutes on Hilti. Mr. Nadeau asked what type of chemicals would be stored at this site throughout the manufacturing process. Mr. Art Perry, of Soft-Text, stated the following: There are no chemicals associated with their manufacturing. They have bales of polyester fibers that are processed to open up the fibers and then it is put into pillow tickings to make a bed pillow. Mr. Nadeau asked if they were just assembling the product and not manufacturing at the plant. Mr. Perry stated correct, they are not using raw chemicals to make the polyester fiber. Mr. Higgins stated that there were 2 parking lots in what was previously a truck stacking area and asked if there would be any kind of divisions there or just lines on the ground. Mr. Perry stated it would be striped on the ground because there is a gap where the existing doors are so there would not be a conflict with the parking area. Mr. Higgins asked if any tractor-trailers would be parked at the site for storage of materials or are the trucks loaded and unloaded and then the trucks leave the site. Mr. Hershberg stated the trucks would just unload and reload. Mr. Higgins asked the size of the parking spaces. Mr. Hershberg stated the parking spaces would be 10 FT x 20 Ft with a 22 FT aisle. Mr. Leonard asked if the products would be sold from this site. Mr. Perry stated they would not have retail sales at this site and we are seeking another location for the retail sales. Mr. Nadeau asked if the Fire Marshall would have to check out this operation. Mr. Watts stated we would look at this when we review the building plans. Mr. Nadeau asked if they would require a site plan. Mr. Williams stated the following: Mr. Hershberg has submitted a new site plan dated 2006 for the Board's review showing additional proposed parking. At this time we have not located the approved site plan for this property. Mr. Lockwood asked if there were any wetlands on the property and if the access would be the same. Mr. Hershberg stated the following: There were no wetlands on the property and there is public water and private sewer. I believe the sewer was originally sized for approximately 100 employees, but we have not found a copy of the original paperwork for this. Mr. Higgins stated he had concern with traffic coming and leaving the site along with truck traffic. Mr. Hershberg stated the 59 manufacturing employees come in at one time and the office employees come in at another time and is not consistent with the Hilti employees. Mr. Ruchlicki asked if they would have 2 shifts at the manufacturing site. Mr. Perry stated not at this time. This item was tabled and referred to CHA.

**06.241 NB Lawn Care Storage, 164 Ushers Road – Temporary Storage Bldg.,
Addition to Site Plan**

Mr. Christopher Gennoy, the applicant, stated the following: I am proposing a temporary storage facility on our existing site at 164 Ushers Road. The temporary storage building would be 14 FT X 28 FT and 10 FT high. The temporary structure would be a half round garage to be used to store seasonal equipment. We are a landscaping company and in the winter we also snowplow. We would like to store the snowplows and sanders in the temporary storage in the summer and in the winter we would store our summer landscaping equipment in the storage building to get the equipment out of the elements. Mr. Watts asked if they would put an addition on the existing building. Mr. Gennoy stated the following: No, not at this point because of the cost. This storage building would be a temporary way for us to keep the equipment dry and clean. Mr. Roberts asked how long would they utilize the temporary storage building. Mr. Gennoy stated 3 to 4 years. Mr. Roberts stated he did not consider 3 to 4 years to be a temporary situation. Mr. Williams stated that he spoke with Jeffrey Gennoy, the

applicant, and he explained that they would be bringing in an application for an addition to site plan and this proposed storage building would only be temporary and he believes temporary means short-term use not a long-term use. Mr. Jeffrey Gennoy told him they were in the process of selling part of their business and after the sale they would put on an addition. Mr. Christopher Gennoy stated this was correct. Mrs. Murphy stated the following: This proposal would not be considered as temporary it would be considered as permanent storage. As far as the Board is concerned either temporary or permanent they are additions to the site plan that the Board can either approve or deny based on your belief that it is appropriate for the site plan. Mr. Higgins stated that he and Mr. Ruchlicki were on the committee for the original site plan for this business and asked the applicant if they intend to expand the building, what direction would the building be expanded. Mr. Christopher Gennoy stated they would expand off the back of the existing building. Mr. Higgins stated in the past they have approved temporary storage while the applicant was in process of expanding their building but I do not recall ever approving something that is basically open-ended in this nature. Mr. Roberts stated he believes temporary is for 6 months not for 4 years. Mr. Watts stated the applicant was requesting an open-ended approval. Mr. Ouimet stated the following: I do not consider 1, 2 or 3 years as temporary storage. If they were to have the temporary storage for 6 to 9 months to store equipment while they are in the process of building is one thing but this is something totally different. Mr. Gennoy asked if the Board would consider the temporary storage building if they would take it up and down. Mr. Ouimet stated that the applicant has stated that they have a summertime and wintertime business so they would have something in storage all the time. Mr. Gennoy stated it was more important for them to store the winter equipment. Mr. Watts stated the following: #1 - these structures are unattractive, #2 - we have had Wal-Mart and Cracker Barrel put an addition on their buildings for their seasonal storage and various other places where we have considered this temporary but this is for only 6 months a year not an on-going continuing use. I do not see this proposal as meeting the Board's definition of temporary or any definition of esthetically pleasing either. If we had a deadline when you were going to put a building up by, we might be able to do it but right now I don't see this happening.

Mr. Roberts made a motion to deny the application for Lawn Care Storage's temporary storage building on the basis that the proposed structure was to be used for long-term storage as opposed to temporary storage. Mr. Ouimet seconded. Motion carried.

06.242 NB P & M Construction, 1004 Hudson River Road – Change of Tenant

Mr. Peter Hatalyk, of P & M Construction, stated the following: We are under contract to purchase the old Cloverleaf Plaza across from Jack Byrne that is currently being used by Jack to park cars. The type of construction business we do is maintenance and remodeling for supermarkets. The building is 15,042 SF and we would use approximately 1000 SF for office space and the rest of the building would be used for storage of Hannaford's store equipment, shelving, refrigerated cases, etc. We are proposing to add a loading dock and drive-in overhead door at the front of the building. No one is certain where the septic is located on this site. This building at one time was used as a supermarket and then a clothing outlet. When it was a supermarket it would have had a substantially large septic system. Our employees come to pick up their work trucks at 7:00am on the day shift and 7:00pm on the night shift. There are 21 parking spaces provided on the site for use by our employees and 38 spaces that would continue to be used by Jack Byrne for overflow parking. There is adequate space for tractor-trailer trucks to load and unload on the site. We have 7 maintenance vehicles at the site on weekends. We would not have any heavy equipment at the site and we would

not have any outside storage. Mrs. Murphy stated we have allowed the use of the shared parking arrangement on this location for quite sometime and this Board has approved this on more than one occasion. Mr. Nadeau asked if Jack Byrne's portion of the parking is part of this application's approval. Mrs. Murphy stated this is designated on the site plan. Mrs. Wormuth stated the following: We would hold this applicant to the site plan regardless of what Mr. Byrne wanted to do. It would be the applicant's site plan and the applicant's responsibility to maintain the site in accordance of this Board's approval.

Mr. Nadeau made a motion to approve the change of tenant application for P & M Construction. Mr. Ruchlicki seconded. Motion carried.

Old Business:

**04.172 OB Clemente PDD, Route 146 – Major Commercial Subdivision/
PDD/GEIS**

Mr. Warren Longacker, of Lansing Engineering, stated the following: I am before the Board for the Clemente Route 146 parcel Commercial and Light Industrial PDD to seek the Board's final approval. At this time we have received approvals from the NYSDEC, NYSDOH and the Saratoga County Sewer District. Mr. Higgins asked if the Board had received a drawing of what the storage units would look like. Mr. Longacker stated the following: This would be a separate site plan for the additional lot. This application is just for the subdivision of the 2 lots that would occur for the development of that parcel. Mr. Williams stated the following: We have on record a site plan for the storage facilities. The Board approved and we had a public hearing on this subdivision to create the first lot where the self-storage units would be and the remainder of the parcel would be vacant until specific site plans are submitted. Mrs. Wormuth stated the following: This application is for the final subdivision, not for final site plan and the applicant is aware that this Board had an expectation and they have agreed to do it. Mr. Higgins asked if the Town received the easement language for the future extension to the west for a connection to the lot if it ever became developed. Mrs. Murphy stated the following: No easement language was needed because the road was going to be dedicated to the Town. Currently we are in the process of finalizing the terms for the water agreement so everything has to be contingent upon the site obtaining water.

Mr. Roberts made a motion to grant final approval for the major commercial subdivision/GEIS for the Clemente PDD contingent upon all involved agencies stamp the plans, the water agreement is finalized and CHA's sign off. Mr. Higgins seconded. Motion carried.

06.174 OB Frechette Subdivision, 143 Upper Newtown Road – Minor Subdivision

Mr. Gil VanGuilder of Gilbert VanGuilder & Associates, stated the following: This project has been before the Board in the past and was denied and referred to the Zoning Board of Appeals. The ZBA granted an area variance for the 2nd flaglot. There was a condition of the ZBA approval of the 2 flaglots where emergency vehicles need to be able to pass on the driveway. This could be accomplished by turnouts or an overall driveway width of approximately 20 FT. The 20 FT driveway may not be very esthetically pleasing. A turnout of adequate width for the emergency vehicles to stack along one side of the driveway has been something that we have done in the past in the Town of Halfmoon. We would like some guidance from the Board or from the Town Engineer as to what to do so this may be accomplished. There is a note currently on the plans that states the driveway will be constructed to support a 50,000 LB vehicle, but 16 FT width is probably not adequate for 2 vehicles to pass. Mr. Lockwood asked the driveway depth. Mr. VanGuilder stated the following: The overall total length back to one point was about 600 FT. Our proposal is the way we have done in the past which is a 30 FT

deep turnaround within 100 FT of the structure and the 1st driveway would be constructed so that emergency vehicles can turn into it, back up and pull into it so that they would be out of the way. Mr. Lockwood asked if Mr. VanGuilder knew what situation the ZBA was thinking about. Mr. VanGuilder stated he thinks it was mostly about fire protection. Mr. Lockwood asked what the ZBA was afraid might happen if the driveway wasn't wide enough for these vehicles to pass. Mr. VanGuilder stated the following: There might be some sort of conflict with the vehicles and the vehicle being caught in there. He spoke with active fireman about this and he stated the typical situation was that one vehicle would come in and they would lay a pumper line to the public water supply on the road that would be active next year. So there would not be vehicles driving in and out delivering water to this site. It would be a pumper line to one vehicle that would be handling the fire but the ZBA's concern was there would not be some sort of a conflict that would cause a safety issue. What we have done in some circumstances is to construct the intersection of the driveways so a vehicle could park and it would be configured so the vehicle can turn around. They could also build a turnout so that it would be an additional 12 FT wide for approximately 60 FT in length so that a vehicle could pull off into the gravel, but this would not support a 50,000 LB vehicle. This is one alternative that we could present to the Board. Mr. Watts asked if this was reasonable. Mr. Lockwood stated he thinks so.

Mr. Higgins made a motion to set a Public Hearing for the January 8, 2007 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the December 11, 2006 Planning Board Meeting at 8:39 pm. Mr. Ouimet seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary