

Town of Halfmoon Planning Board

February 8, 2010

Those present at the February 8, 2010 Planning Board meeting were:

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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy
Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the February 8, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the January 26, 2010 Planning Board Minutes. Mr. Berkowitz made a motion to approve the January 26, 2009 Planning Board Minutes. Mr. Roberts seconded. Motion carried. Mr. Ouimet abstained due to his absence from the January 26, 2010 Planning Board Meeting.

New Business:

10.011 NB Kevin Hedley Professional Office Bldg. Phase II -- Adirondack Martial Arts, 1595 Route 9 – Addition to Site Plan

Mr. Kevin Hedley, the applicant, stated the following: The Adirondack Martial Arts Center is currently doing business in the Town of Halfmoon in the St. John Plaza. They are having a lot of difficulties there because of a bar located in the St. John Plaza. The Adirondack Martial Arts Center has a family atmosphere and they don't like being located next to the bar and all the problems that go along with it. My family has been going to the Adirondack Martial Arts Center for better than 10 years now. In speaking with Mr. Michael Yuhasz, the owner of the school; I explained to him that I have available land. We originally came to the Planning Board when I built my current office building on Route 9 and we said we wanted to build another 4,000 SF building, which is exactly the square footage that the Adirondack Martial Arts Center needs. They are currently occupying about 3,500 SF in the St. John Plaza. We have kept the same footprint of the building and we have talked about moving it about 10 FT from the original site plan by moving the building further away from the stream in the rear. The nice thing about the Adirondack Martial Arts Center and my business is that we have complete opposite

parking needs and I have more parking than I need for my building. My next tenant, Benjamin Franklin Plumbing, which is the next item on tonight's agenda, also doesn't need all the parking that is there. So the building that we are proposing, with 20 additional parking spaces, would leave more than enough parking for everything that the Adirondack Martial Arts Center needs. Most of the people that go to the school are children and the moms and dads are there so usually the occupancy of the building is significant greater than parking. In the write-up I identified issues that normally come up with a martial arts center; such as tournaments. The Adirondack Martial Arts Center is an affiliation of another regional martial arts center called Karma. Karma has gotten to the point where they have gotten too large to hold tournaments so any tournaments would be held at area school gymnasiums, at Shenendehowa, and most recently they held a tournament down in East Greenbush. So the sort of things that are happening, I went through with the owner. We went through their entire schedule to try to identify all the occupancy needs; the parking needs and they are all on the chart in the narrative that I gave you. That is what we wish to do, we wish to build a new building to move the martial arts center to keep it here for a nice family oriented business here in the Town. Mr. Higgins stated Mr. Ruchlicki and I were on the original committee for this and originally the building was going to be in back and you were going to tear down your building up front. Mr. Hedley stated the following: No, that building was never scheduled to be torn down. When we were going to build a different building at one point we talked about building one single 20,000 SF building and we were going to tear that building down in the front. Mr. Higgins stated then following: The original proposal that you had when Mr. Ruchlicki and I were on the committee was a single building in the back of the site and the old building in the front was going to be torn down and your original office building was going to be torn down. Then it evolved into that you were going to keep that building and you wanted to keep one building and tear another building down. Mr. Hedley stated the old house was torn down where my current building exists. Mr. Higgins stated correct but when the original proposed building in the back was a 2-story big building, that front building was going to come down. Mr. Hedley stated yes, the old house was always going to come down. Mr. Higgins stated the following: We have gone through a couple of renditions on this site. When you tore down this building and put the new building up front, we spent a lot of time walking around in the back and we discussed the possibility of whether there were wetlands back there. When we walked around in the back the ground was very soggy. Are there proper soil conditions to build a building back there because we were talking about that when we were at the site? Mr. Hedley stated the following: The original soil assessment said there are proper conditions to build a building back there. Also, in the back corner of the building we have an existing water retention system as well. Mr. Higgins asked would there be sufficient parking for the new building along with the other two buildings that are on-site to meet the present Town code? Mr. Hedley stated the following: Yes. Not only does it meet the Town requirements but it also meets the application of what is needed on site. I have limited parking needs, which is in the narrative and I don't use the parking that I have. My tenant, who happens to be in my main building, uses one parking space when he is there and he's not even there full days. My staff is frequently out at clients and even if my staff is all at the site, we still don't even use half the parking spaces that are on my lot. For my current tenant that is proposed, Benjamin Franklin Plumbing, there are 7 or 8 parking spaces on the other building and their lease states that they only get 4 parking spaces plus the handicap space. So they don't even need all the spaces that they have that are on that site. When I went through my write-up, I have a complete narrative of the estimated parking spaces needed at any given time and they never exceed all the parking spaces around the property between the current and proposed parking. Mr. Higgins stated the following: The parking regulations that the Town presently has does not allow for shared usages on the parking. If you were to sell the property somewhere down the road and another owner came in with a more intense use, that's when there could potentially be a problem. So we have to look at the overall conditions on the site not just the present conditions.

Mr. Hedley stated it is my understanding that the parking requirements are 4 or 5 spaces per 1,000 SF. Mr. Williams stated the following: We provided 1 space per 200 SF for office or retail use. When we looked at the required parking for this type of use, the only thing that we came up with that is close in our Schedule B of parking requirements is a physical training area, which is 1 space per every 50 SF of floor area. For a 4,000 SF building would be 82 parking spaces required if it is categorized under physical training. If something is not specifically listed "other", in Schedule B it would involve the Planning Board to determine what the proper parking should be. Mr. Watts stated the following: I'm a little confused with the shared use concern. As the owner of the properties, is this going to be subdivided off and asked if the person that comes in there would own the property? Mr. Hedley stated I would own all the property as I currently do. Mr. Watts asked is that all in one site? Mr. Hedley stated it is one site with 2 separate shared parking areas. Mr. Watts stated I don't see that the shared parking is an issue. Mrs. Murphy stated the following: There wouldn't be shared parking because that is one site that they are developing so that wouldn't be an issue. If different people owned it and you went to subdivide off, then it would be a very different but at this point in time it is one site. Mr. Hedley stated I am not subdividing and I own it all. Mr. Watts stated so then it would be one common lot? Mr. Hedley stated basically it is one common lot but there is a small separate lot off to the side. Mr. Watts stated the following: So the shared parking doesn't seem to be an issue. If you classify it "A" or "B", would there be enough parking if you go with a lesser demand? Mrs. Murphy stated the following: A lesser demand yes; a greater demand no. But I thought we were using recreational facilities; not physical activities but recreational facilities in the past for these. Mrs. Zepko stated it is under the recreational facility use. Mrs. Murphy stated the following: There was one that was less daunting than that. The St. John Plaza doesn't have 1 for every 50 SF so we did something different there. It is a school, it is a training area and it is more in line with that than it would be a physical training area. Mr. Berkowitz asked are there any parking concerns at the St. John Plaza where the Adirondack Martial Arts Center is currently located? Mr. Hedley stated if someone goes there frequently, they could always find a parking space. Mr. Berkowitz asked how many students do you currently have and how many per class? Mr. Hedley stated the following: The total number of students would be in the low 200's and the class size would vary. The maximum number of students they have in any given class is in the 6:45 pm-7:30 pm class which is 35 students, 2 instructors with 1 to 3 spectators so the total would be 38 to 40 people in the room. Some classes are as little as 10 to 15 students. I would say the average number of students would be in the mid 20's to 30's. All these numbers are at the high end. Mr. Berkowitz asked is their peak time around 7:00 pm with the possibility of having 35 cars parked in the lot? Mr. Hedley stated yes that would be the maximum. Mr. Berkowitz asked are there enough parking spots? Mr. Hedley stated the total parking spaces on the 2-lots as proposed is 47 or 48 spots. Mr. Berkowitz asked is everything else pretty much shut down after 6:00 pm? Mr. Hedley stated outside this time of year my office is closed at 5:00 pm and we don't even take appointments after 6:00 pm in my office. Mr. Watts asked what is the maximum number of employees that you have in your building? Mr. Hedley stated 10. Mr. Watts asked what is the required parking for that location. Mr. Williams stated for a 4,000 SF building office use it is 1 space per 200 SF; 21 parking spaces are provided and 20 spaces are required. Mr. Watts asked do people see you by appointment? Mr. Hedley said always by appointment; we don't have people que up in our office. Mr. Watts asked have you ever had a parking issue at your current location? Mr. Hedley stated once when we did a chamber open house. Mr. Watts asked does the Catricala Funeral home utilize your parking lot for overflows? Mr. Hedley stated yes it has been. Mrs. Murphy stated the following: The existing 4,000 SF building has 21 parking spaces and 20 parking spaces are required; how many total parking spaces are on this site? Mr. Williams stated 21 right now. Mrs. Murphy stated Mr. Hedley just said his site encompasses 3 buildings on 1 site. Mrs. Zepko stated if you consider this proposal as well as the house where the plumbing tenant is proposing a change of tenant for tonight and the existing

professional office building in the front, there would be a total of 47 parking spaces for the entire site. Mrs. Murphy asked is this in for use and the site plan or just the site plan? Mrs. Zepko stated both. Mr. Watts stated this application is for an addition to the site plan. Mr. Williams stated this is kind of a different addition to site plan because we know who the tenant is going to be. Mr. Watts stated if you don't know the use, how do we approve 4,000 SF buildings when there could be 20 parking spots required or 60 parking spots. Mr. Bianchino stated the following: Normally what we do is they have some general idea of a type of use so they say it will be office use or a retail use. Then we say that the office use requires 1 space per 200. If they have a 4,000 SF building, they would require 20 parking spaces. If it is retail, we usually assume general retail which is the same; 1 space per 200 and we add something for the extra employees. Mr. Watts asked who is your engineer? Mr. Hedley stated the architect for the current building was Keystone Architectural and the site plan company was Mill West Engineering. Mr. Watts stated and there were issues raised about drainage and didn't you put in a pond? Mr. Hedley stated the following: I don't know the technical term for it but in the back of the lot we do have a water retention system not necessarily a pond. We have drains that go from the building under the parking lot and feed into that. Mr. Dave Flanders, of David A. Flanders Surveying, stated the following: The infiltration beds that were shown on the plan back in 2006 were built as designed on the plan. I have been out at the site and I haven't seen any issues with spongy ground or any soggy areas. Mr. Watts asked as our engineers, if I refer this to CHA would they be looking at any of those issues relative to water, parking and roads? Mr. Bianchino stated yes. Mr. Ouimet stated the following: I think we should look at one other issue. There is only one way in and one way out of this particular site. Assuming full buildout and maximum use where all 40 parking spots are occupied at any given point in time; I think that is what the write-up said that the maximum so far is 40 cars. How are these cars going to get in and out of this site with one driveway? Mr. Hedley stated it is currently wide enough. Mr. Ouimet stated I know but how are you are going to move 40 cars out a single lane crossing north and south on Route 9? Mr. Hedley stated it is not a single lane entering and exiting; it's two lanes wide entering. Mr. Ouimet asked are you going to let them exit on the two lanes? Mr. Hedley stated no, but there is one lane coming in and one lane going out. Mr. Ouimet stated okay but you'll have 40 cars coming out to make a right hand turn or a left hand turn. Mr. Hedley stated correct. Mr. Ouimet stated the following: Some of these classes, tournaments or meetings all exit at the same time. It seems to me that there might be a little traffic jam up here. I am just asking our engineers to take a look at that when they look at the whole site design. Mr. Berkowitz stated they might have to have a right in or a right out. Mr. Ouimet stated yes they might have to but we will leave that up to the engineers. Mr. Higgins stated when Mr. Bianchino is doing his review could we also have him make sure that we have proper clearances for emergency access with fire trucks and things like that also. Mr. Watts asked Mr. Bianchino if that was part of their standard review with a site plan? Mr. Bianchino stated yes. Mr. Ruchlicki stated I would like to ask Mr. Bianchino to also look into the septic system and the capacity being that they are going to have showers and whatnot in this facility. Mr. Hedley stated the following: There are no showers in the facility. The owner wants a shower but that has not been finalized. The students do not take showers at the facility. The shower that we are talking about is only for the owner's use. Mr. Nadeau asked if Catricala's Funeral Home was located north of Mr. Hedley's site. Mr. Hedley stated it is directly north and adjacent to my property. Mr. Higgins asked do you have any kind of written agreement with the funeral home about using their site as overflow parking? Mr. Hedley stated no. Mr. Watts stated that has been going on forever and as you are well aware the funeral home across the street parks cars all over Route 9 and has to have Sheriff's and Deputies there. Sometimes people pass on who a lot of people like and this has seemed to work there without a formal agreement. Mr. Higgins stated all I was thinking of is if there is a major funeral at the same time they're having classes. Mr. Polak stated on the same note

Mr. Catricala does this so cars are not parked on Route 9 and he uses the plaza on the other side as well. Mr. Watts stated I presume that is informal also because I am not aware of anything in writing.

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

10.013 NB Benjamin Franklin Plumbing, 1593 Route 9 – Change of Tenant

Mr. Kevin Hedley, the applicant, stated the following: Benjamin Franklin Plumbing is a company located in Queensbury and they are looking to open up an operation in southern Saratoga County. The applicant stated that their office would operate as a satellite location to develop the southern Saratoga County presence. Their initial focus would be to use the facility as a base location for sales for plumbing and heating installation services. Initially they expect 1 to 2 employees. The car count would parallel the employee count plus the occasionally customer visit. Overnight they would probably be parking between zero and one van. They will receive deliveries at the location; they expect a small box truck 1 to 3 times a week. Most of the deliveries would be furnaces and water heaters. They would keep a small inventory of over the counter items consisting mostly of furnace filters, water filters, humidifier parts and faucets and there would be occasional meetings with customers at the location. Mr. Berkowitz asked if there would be any outside storage? Mr. Hedley stated the following: No and I have written in their lease that they have no outside storage. All the storage would be internal. Mr. Ouimet asked if the lease covered the parking of vehicles overnight? Mr. Hedley stated yes, it is allowed for them to park the vehicle overnight. Mr. Ouimet asked one vehicle or is it limited? Mr. Hedley stated the following: They are allowed the 4 parking spaces in the lease. The lease doesn't say whether they can park 4 vehicles overnight but they told me that they plan to park up to 1 vehicle overnight. Mr. Ouimet asked but they could park 4 vehicles overnight? Mr. Hedley stated theoretically yes. Mr. Higgins stated as far as your restrictions in your lease the tenant realizes they cannot have storage containers or anything like that on-site for storage. Mr. Hedley stated the following: Yes, that it is all written in the lease because I told them that I don't want anything like that; they can't leave outside storage, they can't leave garbage outside and that is actually fairly specific in the lease. My office where I sit looks out at their back door and I don't want to look at any of that. Mr. Higgins asked wasn't there a garage or storage shed or something at the rear of the building? Mr. Hedley stated before the last tenant moved out they brought in one of those pods while they were moving out to store things when they were moving. Mr. Higgins stated I was referring to more of a permanent type of structure. Mr. Hedley stated there is a garage with an overhead garage door. Mr. Higgins asked would this proposed tenant be utilizing that? Mr. Hedley stated yes, that is where they would accept their deliveries of furnaces, water heaters and that sort of thing. Mr. Watts stated from my concern sometimes these types of businesses can get very sloppy and some times we have a few at other locations where we have gotten big promises of "oh no, that won't happen and there won't be things laying around outside". Mr. Hedley stated that is exactly why I put it in the lease because I don't want it happening myself. Mr. Higgins asked do you have a dumpster location? Mr. Hedley stated as you enter the property between all 3 buildings there is a fenced off dumpster area on a cement pad. Mr. Higgins asked are there any provision for old hot water heaters or anything that they bring in and where would they dispose of them? Mr. Hedley stated they would either have to leave them inside until they dispose of them or put them in the dumpster because they can't leave them outside. Mr. Higgins responded okay.

Mr. Berkowitz made a motion to approve the change of tenant application for Benjamin Franklin Plumbing contingent upon no outside storage of materials. Mr. Nadeau seconded. Motion carried.

10.014 NB Capital Financial Advisors of New York, LLC – 7 Corporate Drive – Change of Tenant

Mr. Tom Address, of ABD Engineering, stated the following: This application is basically just a change of tenant for 7 Corporate Drive in the Abele's Business Park. The applicant wishes to occupy 600 SF of office space previously occupied by Yorkshire Management Group. Capital Financial Advisors of New York is a financial consultant company. Mr. Watts asked if they had a sign application. Mr. Address stated not through me but I assume that they would be coming back in for the sign application through a sign company. Mr. Watts stated please ask the applicant to advertise that they are located in Halfmoon. Mr. Address stated yes.

Mr. Ouimet made a motion to approve the change of tenant application for Capital Financial Advisors of New York, LLC. Mr. Higgins seconded. Motion carried.

10.015 NB Caputo's Pizzeria, 1675 Route 9 (J&S Watkins Plaza) – Change of Tenant

Mr. Tom Address, of ABD Engineering, stated the following: This is a proposal for a change of tenant that is located at the far left end of J&S Watkins Plaza previously occupied by the Hockey Store n' More and there is one other open area that was previously occupied by the \$1.00 Store that is located at the L-shaped corner of the plaza which is 2,000 SF. This proposal is for 1,600 SF and we are proposing to put Caputo's Pizzeria in there. It is a regular pizzeria and it would have seating. We submitted a floor plan to the Planning Department showing the floor plan. The seating would be just around the perimeter. There would be no waitress staff taking orders from the tables. You would place your order at the counter, then you would come to the counter to pick up your pizza and then sit down and eat your pizza. Most of the time the pizzas are either being delivered or take-out. Caputo's is also located in Wilton and this is a facility that they would like to bring down to southern Saratoga to Halfmoon. Mr. Berkowitz asked if they would serve anything other than pizza? Mr. Address stated the following: They do. Two-thirds of the space is used for cooking such as; lasagna or other items like that and it would be Italian based. Mr. Berkowitz asked would there be table service? Mr. Address stated there is no table service. Mr. Berkowitz asked is most of their business eat-in or take-out? Mr. Address stated most of their business is take-out. Mr. Nadeau asked doesn't it state in the narrative that there is 32 seats available for dining? Mr. Address stated yes, that is correct. Mr. Nadeau asked but did you say that most of their business is take-out? Mr. Address stated the following: In your packet there is a floor plan and this business would be adjacent to H&R Block. The main entrance is in the front. There would be small tables along the perimeter of the store, there would be main counter area for ordering and the production area is behind the counter. It really is not the traditional restaurant type facility and that is why I said there is not waitress service. Most of the ordering is done over the phone and then they would come to pick it up. However, if you did want to come in for lunch, you would be able to sit at the table and if you wanted to come in for dinner you could also sit at the table. Mr. Berkowitz asked what would you compare this to in Town? Mr. Address stated I am not sure if it is too much different than any of the other pizza places. Mr. Berkowitz asked would it be like Parma Italia, Venezia's or more like Papa John's, which is take-out? Mr. Address stated the bulk of their use is clearly take-out. Mr. Watts asked how can you say it is "clearly take-out" if you have 32 seats for people to sit down at? Mr. Address stated the seats are available and New York Pizza in Schenectady has a very similar type of situation where most of it is running through take-out but they also have seats so people can come in at lunch, but it is not a sit-down type of restaurant. Mrs. Murphy stated the following: Compare it to a McDonald's or a Burger King because nobody gets table service. Most people drive-through but you can sit if you chose to but you have to get your own food. Mr. Address stated the following: Right that would be similar. Mr. Berkowitz stated you could solve your parking problem by decreasing the number of seats. Mr. Address stated the following: Yes we can and that is what I would like to discuss tonight with the Board. I think what we provided to you is

some summaries for the parking use based upon the code and based upon the tenant base in the plaza. I think as you were discussing earlier in the original number, when you are looking at most of these plaza type developments are 1 per 200 SF. But as you go along, a lot of the plazas that have a restaurant, we did 1 space per 200 SF. The St. John Plaza has a restaurant, it has a Tae Kwon Do and they have a number of different facilities. So what we have done is provided a summary of the different uses in there based upon the Town code for the demands starting with H&R Block, which basically is an office type of use, so we do show that that meets the 1 per 200 code. For H&R Block it is their busy season from 9:00 am to 9:00 pm Monday through Friday and Saturday and Sunday is 9:00 am to 5:00 pm. Once they are through the tax season they are available but there are not usually too many people there. For J&S Watkins we had the original setup when we went through the whole approval process for the bakery and the employees and it comes out to be just under 7 parking spaces. The hair salon has 4 full-time employees, so the employees times 3 is 12 spaces. The kitchen store is based on square footage. Classic Interiors is also based upon square footage and the pizzeria we based upon the Town code for the number of seats which would be 32 and it is 1 space per 3 seats so that comes out to be 10.7. The discrepancy that we have here is, as we stated in the narrative, we have 4 employees during the day but up to 8 employees at night and that accounts for mostly the delivery with 1 extra person inside and some more delivery people. So when we run through the numbers during the day and discounting the night, we have 85.3 parking spaces as our demand and we have 86 parking spaces so we just meet the parking demand. If you add the 4 employees in, obviously we are short. We also provided a summary based upon the hours of operation. Basically during the daytime it is the same number we spoke about but from 5:00 pm on, a lot of the tenants are closed down. H&R Block is staying the whole time, J&S Watkins is closed, the hairdresser is closing down and they are not open on Sunday/Saturday, the kitchen store is closing down and is not open on Sunday and Classic Interior is closing down and they are not open on Sunday. We have provided a summary to show that after 5:00 pm we have double and tripled the number of spaces. We go anywhere from 53 to the low of about 28 based upon parking demand. This is not the actual demand out there but this is based upon who is open. When you go out to the site, there are less cars out there then would be evident based upon the parking demand requirements. We are presenting to the Board that the 32 seats would still be acceptable in that the only time we could have 8 employees is going to be after 5:00 pm and after 5:00 pm most of the tenants in the facility are not there. Mr. Ouimet stated the following: Assuming we were to approve this request, you are severely limiting your ability for the vacancies to put in another high intensity use or another use that would use parking. Or are you going to play this numbers game with who's open now and who's closed. Mr. Andress stated the following: No, I think there is one tenant space that is vacant for 2,000 SF and we have counted 10 so we are going to have to come back with someone who meets the 1 space per 200. If we don't, we're not going to be able to make the numbers. Mr. Ouimet asked what happens if one of your existing tenants decides that they want to leave and you want to replace that existing tenant with a higher use tenant? Mr. Andress stated the following: Then we would have to come back to this Board and see if it would make sense. Obviously, it is not going to meet the requirements based upon this code as it currently stands or if we wanted to come back and replace one of them with a bar or something like that. So I think this Board would deny it. We could do a "what if" all day but what we are looking at is what we have now, which is a higher demand than the 1 for 200 based upon a couple of the uses. We are saying that we still meet it based upon these codes except for when we will need 4 employees then we would meet it during the day. We meet it at night by utilizing some of the spaces that would be open. We do have some spaces along the other side of the main access drive that are ours that are adjacent to Aldi's that are 10 FT x 20 FT spaces. Those spaces could be rearranged and painted at 9 FT x 20 FT spaces. We are not proposing that, but I know the last time I was here before the Board one of your questions was is there a potential to gain a few spaces and yes

there is a few spaces that could be gained by that. Mr. Ouimet stated the following: What I really don't understand is why you would max out your parking for this one particular tenant and still having one vacancy at the plaza. You are basically saying to this Board "well you figure out how you are going to deal with the next tenant when you come in with your next application". Mr. Andress stated I don't think I am saying that to the Board. Mr. Ouimet stated the following: You are using all of your existing parking spots through scheduling and the way you're reading availability and what use is intense and what use is not. You are basically leaving us with a fully utilized plaza with not all the stores rented. Mr. Andress stated that is not the case. Mr. Ouimet stated then you could cut back on the number of seats in a sit down restaurant and lower your demand for parking. Mr. Andress stated the following: We could. I guess I'm asking the Board to consider it. I'm asking the Board to consider maybe stepping outside the box for a second to look at the potential that this pizza type of use is going to occur after the hours of the other stores. Mr. Watts stated the following: I think there are really some issues that play here and one of the issues is based upon our write up. There is 103 spaces required and the plaza has 86 parking spaces. Mr. Williams stated there are 81 existing parking spaces and 5 landbanked. Mr. Watts stated so we are already 17 spaces off. Mrs. Zepko stated the following: When Mr. Andress first gave us the review; we came up with 103 spaces. Given the new information that you gave us regarding the maximum number of employees you still need to reduce the seating by just under half to around 18 seats in order to meet the demand at that plaza. Mr. Andress stated right but I think the demand is now 91 verses 86 not 103. Mr. Williams stated the following: The table that Mr. Andress provided us with the tenants at Watkins Plaza dated January 27, 2010, which we received on February 5, 2010, Mrs. Zepko and I agreed with all of those numbers that he gave us with the required parking per the Town Code. The only way that we could see that this would work was if they had 18 seats. Mr. Andress stated the tables that I provided; one has the hours of operation with the parking code and we have an additional parking demand but that has no meaning from the Board's standpoint. Mrs. Murphy asked so you are saying that it meets the parking code as long as there are 4 employees and not 8 employees or if you cut the number of tables. Mr. Andress stated correct. Mr. Watts stated this is not correct factually in terms of the plaza and the need. Mrs. Murphy and I were looking at the zoning ordinance and there is a question as to whether or not based upon the way this is described and asked is this a fast food restaurant or a club and restaurant on the ordinance? Mrs. Murphy stated the following: A fast food restaurant or a club and restaurant; 1 requires one parking space per 3 seats and 1 requires one parking space per 2 seats. The ordinance is designed that if it is table service, it takes more time and requires less parking because it is less of a turnaround as compared to people who just go up to a counter to order something and then sit. Mr. Watts stated I think that is a legitimate question; what is it? Mr. Williams stated in the past with other pizzerias we used 1 parking space for every 3 seats. Mr. Watts asked what was a recent pizzeria that you looked at? Mr. Williams stated Papa John's, Parma Italia and I Love New York Pizza. Mr. Watts stated the following: So they have been going to 1 space per 3 seats? Papa John's doesn't have any waitresses and they have no tables; Parma Italia has waitresses and tables. Mr. Williams stated we limited Parma Italia's tables. Mr. Watts stated another question that comes to my mind is that you are proposing take-out and delivery and where would the delivery people park their cars? Mr. Andress stated the following: Right behind the building there are 4 spaces so that area would be set up for the 4 delivery people. The rest of the employees can park either in the rear in the employee area or they can park in the area that is adjacent to Aldi's. Mr. Watts asked adjacent to Aldi's but within the plaza confines? Mr. Andress stated correct, it is within the J&S Watkins ownership area where there are 18 spaces plus an additional 5 spaces that were land banked, which currently aren't used but they certainly could accommodate the employees. We do have the 4 spaces that are behind the building for the delivery vehicles and the demand for the delivery is going to be in the evening hours. There also may be a demand for delivery on Saturday or Sunday during the day. Mr. Watts asked do we

anticipate how many people would be driving in and out to pick up pizzas based upon the business of their other pizzeria? Mr. Address stated they do have another location in Wilton that is in a large plaza, which is in the Target Plaza up at exit 15 and there is a large parking field for that. Mr. Nadeau asked is that a bigger plaza than this plaza? Mr. Address stated it is; it is where Target and Staples are located and they are all continuous plazas with one going into the next and then it eventually goes to the Wilton Mall. Mr. Nadeau asked so it is much bigger than the J&S plaza? Mr. Address stated yes. Mr. Watts stated the following: I was curious if you remember with Papa John's; we made the applicant indicate to us the people pulling in and out and how's the parking going to work? I think we need more information on this. Mr. Berkowitz asked what about the deliveries; what kind of deliveries are they going to have, what time would they get their deliveries and when would they offload? Mr. Address stated I don't know the frequency of the deliveries. Mr. Higgins stated the following: Maybe this was addressed already but the bakery says 7 employees for 4.6 parking spots. Is that correct or is it supposed to be 1 spot per employee? Mr. Williams stated the following: Back when J&S Watkins came in with the a site plan for their new plaza, they used to have their business there on the same site, their site plan approval got kind of a manufacturing type parking demand. Mr. Address stated the following: We are proposing 1,600 SF for the tenant and there are 4 parking spaces immediately behind it that can handle the delivery people. As far as the question for the deliveries, this site has been set up so that you can deliver and drive around because obviously there are other tenants that need that delivery. So we do have a circular pattern around the facility. Mr. Watts asked deliveries out or deliveries to the site? Mr. Address stated deliveries to the site. Mr. Watts asked what kind of trucks would they be delivering with? Mr. John Caputo, the applicant, stated they would be like a bread truck size. Mr. Address stated so it would be like a single axle box truck. Mr. Watts asked would there be any tractor-trailers? Mr. Caputo stated there is one tractor-trailer that comes but it is a smaller type tractor-trailer. Mr. Watts stated the following: Is this site designed for a tractor-trailer to pull in and out and drop the stuff off? Where would they drop it and where would it go from/to. Mr. Address stated J&S Watkins also has a shot-bed tractor-trailer that delivers. The truck comes in and circulates around to the back or we could set up a driveway for that to be able to come in and out. Mr. Watts stated so there is already a similar type of truck that comes there. Mr. Address stated yes. Mrs. Zepko stated right now we are at 91 parking spots so you are 5 over. Mr. Address stated the following: We are 4 spaces short. One of the questions that came up when I was looking at this is that we have 18 spaces in another area plus 5 additional. These were all set up a number of years ago and the spaces are all 10 FT x 20 FT. So under the new ordinance, especially if they are used for employee parking, it would be at the Board's discretion to allow them to be repainted to 9 FT x 20 FT for 18 spaces. Mr. Watts asked which spaces and how many? Mr. Address stated there are 18 spaces. Mr. Watts stated the following: When we go to 9 FT x 20 FT space, those are designed for parking situations for employees only where there is not movement of cars in and out like a take-out place or where they are shopping. So those kinds of spaces would have to be clearly delineated. Mr. Address stated the following: Right now there is not enough demand in the plaza for anyone to be over there to utilize them because there is not enough employees in the plaza to worry about, but if there are more employees, that is the place to put the employees. Right now they utilize the 8 spaces in the rear but obviously they could utilize the other area. Mr. Berkowitz stated the following: You want us to compromise, think outside the box and change things but what I found out so far is that you are not willing to compromise or think outside the box. All you need to do is decrease it by a few seats and then we will both be there. Mr. Address stated we could certainly do that if that is what we need to do to get an approval tonight. Mr. Caputo asked how many seats do we need to decrease it to? Mr. Watts stated you have to meet the ordinance. Mrs. Zepko stated to meet the ordinance you would need to decrease it to 18 seats. Mr. Berkowitz stated we are willing to work with you and we have been but you still have 32 seats in there. Is the applicant going to need 32 seats from day 1?

Obviously when you have a brand new business that you are moving from Wilton down to Halfmoon, everyone from there is not going to follow and he is not going to need 32 seats on the day that he opens up. If the applicant compromises and has less seats and then later on when the demand gets greater and if there are no parking issues, he can always come back here and get 10 to 12 extra seats that he wanted in the beginning. Is there a problem with that? Mr. Caputo stated I would be willing to do that. Mr. Berkowitz stated and then there would be no parking issues. Mr. Caputo asked if they could have 20 seats. Mrs. Zepko stated you are 5 spots short so we would have to bring it down to 18 seats. Mr. Williams stated it says that your maximum shift is 8 and we added that 8 and we came up with 18 seats. Mr. Caputo stated the only days that we would have a maximum shift is Fridays and Saturdays. Mr. Berkowitz asked is that mostly take-out. Mr. Caputo stated pick up and delivery. Mr. Ouimet stated the following: The take-out part of your business where people call up and place an order to go; your drivers would pick it up and take it out. Where are they going to be moving to and from? Are they going to be doing the take-outs from the back of the building or are they going to do it out the front door? Mr. Caputo stated for people who call in and want a delivery to their home, we would be going out the back of the building. Mr. Ouimet stated so there would be no delivery drivers using the front door and using the parking spaces up in the front. How many spots do you have in the back of the building? Mr. Address stated there are 4 spots immediately behind the building and then behind that there is an additional eight spots. Mr. Ouimet asked so how are you going to dedicate those 4 spots for your delivery drivers? Mr. Caputo stated we would just tell them that is where they should park. Mr. Ouimet stated but if you were parked there that would be 1 spot that they can't use. Mr. Address stated we have the ability to park the rest of the employees in those back spots or in another area. Mr. Ouimet stated given that; I understand that you have that ability but that would mean to me that the customer would pick-up the take-out order, go out the back of the building and then walk all the way around the building to get in their car. Mr. Caputo stated no, if you call to place an order for pick-up, then you would come to the front door. Mr. Address stated there are 4 spaces in the back for the delivery drivers and we could certainly define those parking spots and put up signs "for delivery parking only". Mr. Watts asked would you do that by lease? Mr. Address stated yes, Mr. Watkins would be willing to dedicate those 4 spaces. Mr. Watts asked are those 4 spaces used now for any purpose. Mr. Address stated I think Mr. Watkins parks his car there. Mr. Berkowitz stated the following: He has 2 or 3 cars that he parks back there. I only know this because I drive through there everyday. Mr. Nadeau stated if he parks 2 or 3 cars in the back then you would be down to 1 spot. Mr. Berkowitz stated those 2 to 3 cars that Mr. Watkins parks there are only there during his business hours and they are out of there by 5:00 pm-6:00 pm everyday. Mr. Address stated his car and his wife's car are usually parked there because it is convenient for them to walk in and they could certainly park behind that area. Mr. Berkowitz stated he takes deliveries back there also. Mr. Address stated he does but his actual rear is in another area. Mr. Ouimet stated the following: So they would have 1 delivery driver during the day and that is fine because that probably won't be an issue. How many delivery people would there be at night? Mr. Caputo stated 1 or 2 depending on which night of the week it is; Friday and Saturday we sometimes have 3. Mr. Ouimet stated so you wouldn't have enough spots for the 3 delivery people on Friday and Saturday right? Mr. Address stated yes we would, because as Mr. Watts said, we would be willing to put that into the lease that those spaces would be available just for Caputo's Pizzeria. Mrs. Murphy stated did he just change his maximum number of employees from 8 and made it 7? Mr. Address stated I would like to but one additional employee would come into work out of that 8 inside on Friday and Saturday. Mr. Caputo stated my delivery guys also work inside the pizzeria so they are considered my employees. Mr. Watts asked Mrs. Murphy if she could give the Board a run down as to what authority the Board has at this point. Mrs. Murphy stated the following: There really isn't. We have set parking standards and you either meet them or you don't meet them. If you go for the 18 seats and therefore, come into compliance, you could at

some point come back to get permission to re-stripe and possibly get it and possibly not get it or you could get denied and go for a variance. But this Board won't have the authority to say you can now exceed our parking requirements because they just can't do that. So the choices that the Board has today is to either say go down to 18 or deny. They can't finagle an existing statute. Mr. Address stated I understand. Mr. Ouimet stated that kind of makes it easy but where it gets more difficult is assuming that this use gets approved for 18 seats inside; how many vacancies would be left in the plaza? Mr. Address stated 1. Mr. Ouimet asked what size is that area in the building? Mr. Address stated 2,000 SF. Mr. Ouimet asked and there is no parking allowed for that vacant space? Mr. Address stated we're putting into this computation 10 spots on the 1 per 200 for that. Mr. Ouimet stated so basically what you are telling us is that we could not approve any use for that new tenant, whomever that might be, where the parking would be more than 10 spaces? Mr. Address stated the following: If it wasn't a retail or an office use. If it was a use that had a higher demand, that would be correct. Mr. Ouimet asked but that is what you are telling us and the owner of the plaza is willing to do that? Mr. Address stated the following: Yes. That space has been open for a year and now we have a tenant here who is ready to sign a lease as soon as we can get an approval. Mr. Ouimet stated I just want a commitment from the owner that they know that the next tenant can only have 10 spots. Mr. Berkowitz asked do those 10 spots include employee spots? Mr. Address stated those 10 spots are the 10 spots that are based upon the square footage of the 1 per 200. Mr. Berkowitz asked are the employees included in those 10 spots? Mrs. Murphy stated you don't need to add for employees for office use. Mr. Watts asked should we get a new proposal in with the definitive for our next meeting, which is in two weeks to what you have agreed to because it is different than what we have now? Mr. Address stated I guess what we would like is to commit to the 18 seats and go through because we need to start tenant setup and get going because the space is vacant. Mr. Roberts stated if they are willing to go with 18 seats we could act on that now. Mr. Berkowitz asked could we do it contingent? Mrs. Murphy stated I'm going to do this resolution and we'll be all set. Mr. Watts stated and the parking in the back and no double axle tractor-trailers and all that. Mr. Watts asked the applicant to please advertise that they are located in Halfmoon. Mr. Caputo stated will do.

Mr. Roberts made a motion to approve the change of tenant application for Caputo's Pizzeria contingent on the maximum number of seats is set at 18 to be compliant with the Town's parking requirements. The Planning Board stated that they would entertain some 9 FT x 20 FT parking spaces for employee parking and possibly allowing more seating after site plan review. Mr. Nadeau seconded. Motion carried.

Old Business:

09.099 OB AAA of Halfmoon, 1647 Route 9 – Commercial Site Plan & Sign

Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm also here tonight with Mr. Jim Phelps who is a representative for AAA Northway, the applicant for the project. We are here tonight to request the Board's consideration for site plan approval for the project and also approval for their proposed signage. The existing conditions for the parcel are as follows: The parcel is located at 1647 Route 9, it is approximately 1.34-acres, it is zoned (C-1) Commercial. There are existing structures on the parcel, which are a shed and a couple of trailers. The proposed conditions include a one-story 7,692 SF building. On the right portion of the building approximately 2,613 SF would be utilized as the office and public area and on the left side of the building would be a 10-bay service garage, which would be approximately 5,079 SF. As far as the proposed architecture for the structure, we do show some examples of what the architecture for the building is proposed to be on the left hand side of the rendering that I provided. For parking, the Town does require 55 spaces for the site and we have worked with the Planning Department to develop that number of 55 spaces. AAA is comfortable with

50 spaces so the applicants are proposing 50 spaces for the parcel with 5 spaces landbanked. A dumpster would be located in the back left hand portion of the parcel. Water service would be extended from a water main along Route 9 directly into the site. Sanitary sewer would hook up to a Saratoga County Sewer District (SCSD) manhole on the northern portion of the site. Stormwater would be managed on site through an underground stormwater mitigation system located on the southern portion of the parcel. We have submitted a sign application for the parcel. The building mounted signage is shown and that is approximately 174 SF and the sign would be internally lit. The freestanding sign would be approximately 72 SF and that is an up-lit style of sign. We have received comments from CHA and we have worked with them and I believe that we have addressed those comments. We are here tonight for questions and comments from the Board and consideration for site plan approval and the signage approval. Mr. Ouimet stated the following: For the garage part, where would you enter for service? I know you would bring your car up to the garages but where do you check-in for service? Mr. Lansing stated it is my understanding that the people desiring service would come into the main portion of the building, fill out their paperwork and then their car would be parked on one side of the facility and when the actual service is being performed, they would come in through one of doors on either side of the building. Mr. Ouimet asked would the write-ups be done in the main building part? Mr. Lansing stated correct, that is my understanding. Mr. Ouimet stated the following: The reason why I'm asking is that I noticed that there are 2 handicap spaces and they are at the main building. The question that I would have is if somebody was bringing up their vehicle for service and didn't have to go to the main building but were still required to use the handicap space, there would be quite a distance from the check-in spot to the actual garage spot. As long as it is going to function as you've said, I really don't have an issue with it but if there is going to be a check-in in the garage area or the northern section of the building, then I would ask you to reconfigure where your handicap spot is and put one over there. Mr. Lansing stated we would be willing to do that if it becomes an issue. Mr. Nadeau asked what is the percentage of greenspace at that site? Mr. Lansing stated I think that we are at approximately 30% and 20% is required. Mr. Nadeau asked is there any reason why you put it all in the back and not in the front. Mr. Lansing stated the following: That is just the way the site is configured with trying to get access around the site and with the grading as well. We are trying to match some grades and there is a little bit of a slope in the back and we didn't want to encroach on that too much and have a retaining wall or anything of that nature. Mr. Berkowitz asked is there going to be a night drop box where you would drop your car off and leave your keys? Mr. Jim Phelps, President and CEO of AAA, stated yes we would have a night drop box. Mr. Berkowitz asked where would that be located? Mr. Phelps stated the following: Right in front of the building. Most of the other AAA repair shops have them near the entrance where the service bays are located; on one of the doors or on the wall. Mr. Berkowitz asked where would those people be directed to park and leave their cars overnight? Mr. Phelps stated after the office is closed people wouldn't be leaving their cars overnight. Mr. Berkowitz stated well if people are going to leave their car at night and leave their keys there in the drop box to have service the next day wouldn't they leave their cars there? Mr. Phelps stated what we would typically do is if one of our tow trucks towed one of the cars in after hours they would be able to leave the keys. Mr. Berkowitz stated if I wanted to leave my car at 8:00 pm for service at 7:00 am the next morning, I have to leave my car there overnight with my key in an envelope in a box and asked do you have that? Mr. Phelps stated the following: Ideally we wouldn't encourage that type of service for liability reasons. If there was a car that needed to be dropped off by one of our tow trucks that would be the only instance that we would do that. We wouldn't encourage our members to leave their vehicles there overnight. Mr. Berkowitz stated so the members would have to drive their cars there in the morning, drop the car off and then leave or stay. Mr. Phelps stated correct. Mr. Berkowitz stated so they wouldn't be leaving their cars in the parking lot overnight. Mr. Phelps stated correct. Mr. Watts asked are you sure of that? Mr. Phelps stated we have some tow

trucks and in that business it becomes a liability issue is you a car there overnight. Mr. Watts stated so the basic nature of your business is going to be service for AAA members or whomever else because it would be an authorized repair shop. Mr. Phelps stated correct. Mr. Watts asked if I wanted to get tires put on my car at Warren Tire, I can leave my car at 7:00 pm and put the keys in the door and leave the car overnight. Mr. Phelps stated the following: Starting out that is not our plan for that reason. Any vehicles that need to be left overnight we would leave them in the bays, which would be locked. Mr. Higgins stated you mentioned that there would be 5 landbanked spots and asked where they would be located. Mr. Lansing pointed out where the 5 landbanked parking spaces would be located around the site. Mr. Higgins asked does your calculation of 30% greenspace include those landbanked spaces? Mr. Lansing stated correct. Mr. Higgins stated the following: I kind of agree with what Mr. Berkowitz and Mr. Ouimet were saying; if the customers have to go in through the main door in the front, other than the handicap spaces, you have 3 spots there and you have 10 bays. If people are dropping their cars off in the morning to be worked on, they would pull into one of the parking spaces, go in and see the service manager and give him the keys; would they then take the car out into the back parking lot then walk all the way back over to hand the keys in? It just doesn't seem like a very easily workable spot with only 3 spots in the front to sign up and would work for 10 bays. Mr. Lansing stated we do have spots around the side as well and I would imagine that if somebody is dropping off the car they would have somebody there to pick them up and bring them to work, back home or whatever. I would anticipate that somebody may come in, drop their car off in the back, walk up, do their paperwork and then somebody would drive them away or perhaps they would come up, fill out their paperwork, drive the car around back and then somebody would pick them up. Mr. Watts asked does the left side of the building also have parking spots there? Mr. Lansing stated yes. Mr. Watts asked how far of a walk would that be to the door? Mr. Lansing stated this plan is one inch equals 30 FT so that would be approximately 250 FT from the far end to the front door. Mr. Berkowitz asked would the employees park on the far end of the building? Mr. Lansing stated the employees would park on the far end, yes. Mr. Watts asked where is the entrance door? Mr. Lansing stated it is directly in the front of the building on the right hand side. Mr. Higgins stated the following: Regarding screening; you are showing some fairly large trees. Where is the property line and is that indicated by the big black mark on the bottom? Mr. Lansing stated that is correct. Mr. Higgins stated so basically the whole front of the store is totally open to view from Route 9 other than the few trees that you have across the front. Mr. Lansing stated we are proposing some trees along the front portion and as part of AAA's businesses they would like people to recognize what they do offer. Mr. Higgins stated the following: I don't think you would have any problem recognizing the facility. We would just like to have some small pine trees or something to break it up because you have an awful lot of building that you are going to be looking at as you are driving along Route 9. Mr. Lansing stated maybe just in front of the bays. Mr. Higgins stated that is why I was asking if there was room between the property line and that area. Mr. Lansing stated we could add some lower lying evergreen type trees. Mr. Watts stated the following: If you go and look at what Realty USA did, you will see that all the parking and stuff is in the back and in the front there is some grass. Because it is Route 9, we try to get it to look a little better so I agree that I would like to see if you could add more vegetative screening because otherwise we are basically just looking at pavement. Mr. Higgins stated yes, there is pavement in the whole front of the building. Mr. Watts asked right now is your only access from Route 9? Mr. Lansing stated that is correct. Mr. Watts asked did you explore getting access from Casale's property? Mr. Lansing stated the applicant did explore a connection over towards the Casale property. Mr. Watts asked and that was not successful? Mr. Lansing stated it was not successful. Mr. Watts stated we suggested that, you attempted it but it was not successful. Mr. Lansing stated correct. Mr. Berkowitz asked do the employees drive the cars in and out of the bays? Mr. Phelps stated the employees would do that. Mr. Watts asked where would the people park who go in and pick up their maps, books and

travel information? Mr. Lansing stated there are 5 spaces in on e vicinity, 13 spaces on the side of the building and another 6 immediately in front of the building, 2 of which are handicap accessible spaces. Mr. Watts asked then that would be taking over for the service that was in Dr. Morrison's building? Mr. Phelps stated the following: That used to be in Dr. Morrison's office probably about 15 years ago. Our other offices are in Schenectady on Upper Union Street and Saratoga on West Avenue. Mr. Watts asked Mr. Bianchino if he looked everything over and asked if Mr. Lansing has answered all of CHA's concerns? Mr. Bianchino stated yes we sent a letter on January 27, 2010 to the Board and Mr. Lansing responded the last week indicating that those comments would be addressed. Mr. Higgins asked what type of trees are you depicting, I guess the littler ones are pines and what are the bigger ones? Mr. Lansing stated I apologize that I do not know but I know they are on our landscaping plan. Mr. Watts stated when we do the site plan; we can work with them to make it look nice. Mr. Williams stated in CHA's comments, they asked for larger trees when it was first submitted. Mr. Higgins stated also the additional trees across the front and the approval should be contingent upon that. Mr. Roberts asked how the signs would be lit. Mr. Lansing stated sign on the building would be internally lit and the freestanding sign would have up lighting. Mr. Roberts stated make sure that the monument sign is not shining out into Route 9 and the building sign does not have any exposed neon.

Mr. Berkowitz made a motion to grant a Negative Declaration to SEQRA and made a motion to approve the commercial site plan application for AAA of Halfmoon contingent upon CHA's 1/27/10 review letter is addressed and additional landscape is to be placed in front of the service bays. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for AAA of Halfmoon conditioned on there would be no exposed neon and the sign cannot be placed in the New York State right-of-way. Mr. Nadeau seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the February 8, 2010 Planning Board Meeting at 8:21 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary