

Town of Halfmoon Planning Board

August 23, 2010

Those present at the August 23, 2010 Planning Board meeting were:

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

Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

Mr. Watts opened the August 23, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the August 9, 2010 Planning Board Minutes. Mr. Berkowitz made a motion to approve the August 9, 2010 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Hearing:

10.067 PH Falcon Trace PDD, Fellows Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:00 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Scott Lansing, of Lansing Engineering, stated the following: We're here tonight for a 2-lot minor subdivision of the Lands of Falcon Trace Senior Living LLC. The parcel is located along Fellows Road. The overall parcel is approximately 30.16-acres and it is part of the overall Falcon Trace of Halfmoon Planned Development District (PDD), which I believe the Board is very familiar with. The 30.16-acre lot would be subdivided into 2 lots; Lot #1 would be approximately 26.5-acres and Lot #2 would be approximately 3.5-acres. Lot #2 would be held for potential future commercial use in accordance with the C-1 Commercial zoning and Lot #1 would be part of the PDD and it is proposed for senior apartments. We are here tonight for a public hearing for this minor subdivision. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:02 pm.

Mr. Nadeau made a motion to approve the minor subdivision application for the Falcon Trace PDD. Mr. Ruchlicki seconded. Motion carried.

Old Business:

09.025 OB Falcon Trace of Halfmoon PDD, Fellows Road – Multi-Family/PDD

Mr. Scott Lansing, of Lansing Engineering, stated the following: We're here tonight for the Falcon Trace of Halfmoon Planned Development District (PDD). We've have been through the Town Board process and the Planning Board process. We have obtained PDD approval for the overall project and we are here tonight to go over developments since the last meeting. The primary changes to the plan are that we

have added a 100 FT wide strip that does expand out for a potential future roadway and we did coordinate that with Mr. Mike Bianchino of CHA for either a cross-town connector or a relocation of Upper Newtown Road to connect with a better alignment to Route 146. Outside of that, we have received some minor comments from CHA and I do feel that they are technical in nature and something that we can address in the next few weeks as we hope to get comments back from the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Health (NYSDOH) and the Saratoga County Sewer District. It is also my understanding that the applicant is finalizing the water agreement with the Town. With that, we are requesting the Board's consideration for preliminary approval of the project while we work on those other items and then we would eventually be back before this Board for final approval. Mr. Watts stated Mr. Bianchino has reviewed this project in his review letter. Mr. Polak asked would they be hooking up to the water on Upper Newtown Road. Mr. Lansing stated yes. Mr. Polak asked is it going out to the little loop on the right hand side? Mr. Lansing stated the water is coming down Upper Newtown Road to Fellows Road, all the way down to Route 146 and then terminates past the entrance to the luxury apartments and it would also extend in to service this project as well. Mr. Polak asked does that manhole run down to that point? Mr. Lansing stated no, it would stop just opposite the park entrance. Mr. Bruce Tanski, the applicant, stated it is my understanding that according to Mr. Tironi, that the Abele's are working on a project to come up and tie into that portion. Mr. Polak stated someone was questioning where it was going to end up on the Route 146 side or if it was even going there and how far it was going down and I didn't have an answer for them. Mrs. Murphy asked does the applicant want two separate water extension agreements; one for the subdivided parcel for the commercial and one for the residential or would it be one agreement for the whole project? Mr. Tanski stated I think one agreement is fine for the whole project. Mr. Nadeau asked Mr. Lansing to point out the area for the future road possibility for the Town. Mr. Lansing showed Mr. Nadeau the area along Fellows Road, Route 146 and New Country Toyota. Mr. Lansing stated the following: There was a parcel of land that was once a roadway and I think that may have been abandoned. We did have a meeting with Mr. Bianchino and we did this site as the appropriate location. It starts off as 100 FT and then it widens out significantly so there's potential for many different options for whatever the alignment may possibly be someday down the road. Mr. Berkowitz asked so would that line up with the light? Mr. Lansing stated the following: No it does not. If Route 146 were to be realigned and become more perpendicular with Route 236, the light would have to be shifted over to that point. Mr. Berkowitz asked would it be between the two parking lots? Mr. Lansing stated that is correct. Mr. Watts stated regarding Mr. Bianchino's August 16, 2010; comment letter; "We have reviewed the documents, site plan and water supply. The following comments from our previous review letters remain to be addressed (*additional clarification is provided in italics*), the plans do appear acceptable for the Town to consider them for a preliminary determination. Easement should be established, detail provided for the proposed Geoweb provides limited information to determine if the system can support emergency vehicles. The type of Geoweb is not provided and the thickness of the topsoil is not detailed and then there is what you just discussed with the legal water issues. Final approval should not be considered until a final package is submitted, which includes NYSDEC, NYSDOH, NYSDOT approvals and the Town Board approval of the water district extension". So, if you are comfortable with our questions, we could give a preliminary approval so they can proceed onto the state agencies for their review.

Mr. Berkowitz made a motion to grant preliminary approval for the proposed Falcon Trace of Halfmoon PDD. Mr. Ouimet seconded. Motion carried.

New Business:

10.062 NB Bilinski PDD, Route 146 – Concept-Commercial Site Plan/PDD

Mr. Kevin Dailey, attorney for the applicant, stated the following: I am representing Dr. Jerry Bilinski. There is a Planned Development District (PDD) application with the Town Board. The matter had

previously been referred to the Planning Board for recommendation. At that time this Board declined to recommend positively I think with the thought that perhaps the plan was a little too ambitious. We have gone back to the Town Board, we have downsized the proposed plan and the Town Board has sent the matter once again to the Planning Board for a recommendation. We're hoping that what we have done will meet with your approval. In particular, in looking at the plan, it has been scaled back and we have properly sized the proposed building to 6,000 SF, and previously we were showing 12,800 SF, with the appropriate number of parking spaces and a Town right-of-way for future use by the Town of Halfmoon at a time to be determined. Of importance, what we have done is we have moved the building in back of the 100 FT setback from Route 146, which applies in the Route 146 Overlay Zone, and we have kept all activity outside of the 100 FT buffer zone from the State wetlands. It doesn't leave much to work with but that is the unrestricted area and we're hoping at this time for a positive recommendation back to the Town Board. Mr. Nadeau asked would the remaining 32-acres of wetlands still stay as part of this lot? Mr. Dailey stated the following: Yes, we have made that inquiry so that would remain part of the holding. In the project narrative for this project I had a concern about how we described the right-of-way. We show a 60 FT right-of-way for a future Town road that may be built in 5, 10, 15 or 20 years from now and we weren't exactly sure where to show it in terms of where it might go. The logical point is probably to bring it to upland area in the back that Dr. Bilinski would retain. It would have to cross some wetlands but there are wetland mitigation banks and there are possibilities for the future. I know that the Town would like to keep in its back pocket the possibility of acquiring rights-of-way at some future time if in fact that east/west arterial roadway is ever built. Given the rate of growth in the Town it may be something that would have to be looked at in decades to come. So, we thought it was wise to keep that option open to the Town and part of what we would do here would be to locate this right-of-way opposite Werner Road and to terminate at a point to be determined in the future somewhere at the back property line or side property line as the Town may deem to be appropriate. So, if in fact that happens at some time in the future, we would be maintaining ownership of this piece. So, wherever, you want it, that's where you can have it. Mr. Watts stated I think that would be more with the Town Board with the PDD application. Mr. Dailey stated and we would put that note on the map so that it would always be there. Mr. Ruchlicki stated regarding the "possible retaining wall" that you show to the east of the entrance; is that due in part to the contour of the way that entry would go in there? Mr. Dailey stated as far as I know it's pretty flat in there. Mr. Ruchlicki stated that is why I asked; how high would that be and what would its purpose serve? Mr. Dailey stated I think the engineers put it in simply as a way of keeping it high and dry and keeping water out. Mr. Ruchlicki stated okay, so it's a wall that would buffer that wetland from being encroached upon. Mr. Dailey stated especially in the wintertime when it could freeze. Mr. Ruchlicki stated okay.

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

10.069 NB Girl Scouts of NENY/WEDS LLC, 23 Executive Park Drive – Change of Tenant & Sign

Mr. Michael Lanfear, properties and contracts manager for the Girl Scouts of Northeastern New York, stated the following: We cover 15 counties in the northeastern part of this state. We kind of filled up our office space in Albany and we have decided to move to the Saratoga/Halfmoon area. I have been in contact with Mr. Jeff Williams, the Town's Senior Planner. All we are doing is taking over a new office space. Mr. Watts asked how many employees would you have? Mr. Lanfear stated 10 to 11. Mr. Watts asked Mrs. Zepko if this site had adequate parking. Mrs. Zepko stated yes, we have reviewed this site for parking and it seemed sufficient. Mr. Watts stated we welcome the Girl Scouts to the Town of Halfmoon and in all the advertising that you would do, please make sure you say Halfmoon. Mr. Lanfear stated okay, our marketing department is going to be located in this office and we will mention Halfmoon. Mr. Watts asked Mrs. Zepko regarding the sign application. Mrs. Zepko stated the following: We did review

the sign application and it does meet all of the Town's code requirements. They would just be replacing the tenant panel. The sign size would be 3 SF, one-sided and it would not be lit.

Mr. Berkowitz made a motion to approve the change of tenant application for the Girl Scouts of NENY. Mr. Ruchlicki seconded. Motion carried.

Mr. Nadeau made a motion to approve the sign application for the Girl Scouts of NENY. Mr. Ruchlicki seconded. Motion carried.

10.070 NB Engineered Solutions, PLLC, 9 Corporate Drive – Change of Tenant & Sign

Mr. Tom Andress, of ABD Engineering & Surveying, stated the following: This is a proposed tenant change in the Abele Park located at 9 Corporate Drive. This building has 10,000 SF of office space and the applicant wishes to occupy 1,300 SF at this location. One of the tenants downsized so there is additional space available. Engineered Solutions is a mechanical/electrical engineering company. They would employ 5 people and their hours of operation would be 8:00 am to 5:00 pm Monday through Friday. There are 52 existing parking spaces and there are 28 employees at this site. We are also proposing a sign on an existing leader board that would be 3.5 inches by 48 inches for a total of 1.16 SF.

Mr. Ouimet made a motion to approve the change of tenant and sign application for Engineered Solutions, PLLC. Mr. Berkowitz seconded. Motion carried.

10.071 NB Computer Answers of NY, LLC, 1707 Route 9 (Shoppes of Halfmoon) – Change of Tenant & Sign

Mr. Bruce Tanski, the applicant, stated the following: Computer Answers is a small company just starting up in business. They would sell, maintain and repair computers. There would be 5 full-time and 3 part-time employees. Mr. Watts asked would they have customers coming in and out? Mr. Tanski stated right, people would come in, drop off their computer and then they would leave. Mr. Watts asked would there be sales of computers and things like that? Mr. Tanski stated the following: Yes, used computers. It is my understanding that all the signs for the Shoppes of Halfmoon have been pre-approved for design. All the signs are one-sided, 2 FT x 8 FT for a total of 16 SF and internally lit. The sign would still have the brown mat finish and just like the rest of the existing signs.

Mr. Nadeau made a motion to approve the change of tenant and sign application for Computer Answers of NY, LLC. Mr. Berkowitz seconded. Motion carried.

10.072 NB Sweeney Company, LLC, Ushers Road – Change of Tenant with Site Plan

Mr. Dean Taylor, Associate Broker with RE-MAX Park Place, stated the following: With me tonight is Mr. Jason Sweeney of the Sweeney Company. The property is located at 73 Ushers Road and it is approximately .7-miles west of the Cary Road/Coons Crossing area. It is a 3-acre parcel with 200 FT of frontage and it is zoned Light Industrial/Commercial (LI/C). Mr. Sweeney would like to do this project in two different stages. The first stage is so that he can get in there and put his storage bins in, park his equipment and in the second stage he would like to take the existing building and work with the Town's Building Department at a later date and use that for offices. The driver at this point is that Mr. Sweeney would like to be able to get his yard. Mr. Nadeau asked are there residents on each side of this area? Mr. Taylor stated yes. Mr. Nadeau asked do they plan on having some type of screening for the vehicles that would be parked there? Mr. Taylor stated the following: It is currently an open area and the nearest house is approximately 175 FT on one side. I do have an aerial photo that shows the natural buffer and those are the existing conditions and we're really not looking to change anything. Mr. Sweeney is just looking to be able to put up the aggregate bins. Right now I believe that there is a couple of trailers from

tractor-trailers parked there and then there is an abandoned house. Mr. Ruchlicki asked what are the two small structures down past that hedgerow? Mr. Taylor stated I believe they are sheds. Mr. Sweeney stated one of them is not there anymore. Mr. Taylor stated there is natural screening from the road. Mr. Ruchlicki asked how thick is that tree line behind the Flynn's place? Mr. Taylor stated that is pretty thick because it is all wooded and then there is a ravine that goes down about 15 FT. Mr. Ruchlicki asked are you showing the bins in that location? Mr. Sweeney stated yes and those are back behind the screening and they're also about 5 FT lower in elevation. Mr. Ruchlicki asked what would you use to load the materials out of those bins with? Mr. Sweeney stated we have a small skid steer bobcat. Mr. Ruchlicki stated the following: Okay. I understand that there is enough of a buffer there and it's lower. I'm just wondering how much noise there would be around the neighbors and is that going to be about 100 FT from the property line back or less give or take? Mr. Taylor stated it is between 75 to 100 FT. Mr. Ruchlicki stated okay. Mr. Watts stated this site seems to be surrounded by residences. Mr. Taylor stated yes and the zoning is LI/C. Mr. Watts asked are these homes located in LI/C? Mr. Taylor stated yes they are. Mr. Watts stated they look like fairly substantially sized homes. Mr. Taylor stated yes, the one way in the back sure does. Mr. Nadeau stated there are some elaborate homes in that area and the area was zoned LI/C but we wished we could have changed it. Mr. Watts asked Mrs. Zepko if she looked at the zoning to verify these residences that surround this site? Mrs. Zepko stated yes the homes are in the LI/C zone and the entire area around this parcel is LI/C. There have been several variances granted over the past few years for a residential use in a LI/C zone. Mr. Watts asked so the people who purchased and built homes were aware that that's what they were doing and that a possible use such as Mr. Sweeney's may go in there? Mrs. Zepko stated yes I would have to agree with that. Mr. Watts stated if my memory serves me correctly, when that occurred in the past, people were told that and they were made aware that this is the way the zoning was and that this could occur. Mr. Nadeau stated the only issue I have is sometimes we have done this before where a neighbor might have an issue with something and could they possibly work it out instead of just putting it there and be stuck with it. Mr. Taylor stated the following: The point that I would like to make is that there is currently an abandoned house that would be used for storage. I believe the way that Mr. Sweeney runs his operation it would be a major improvement over what is there now plus should he be able to do this, he does want to get in and work with the Building Department to get that going. He needs a place to have a nice atmosphere to work in. When people come in to look at his retaining walls and so forth, he certainly wants to make a better impression than what's there now. Mr. Nadeau asked who is the neighbor to the east? Mr. Sweeney stated Kilmer. Mr. Watts stated Lands of Kilmer and the rest is the lands of Flynn. Mr. Nadeau stated I was concerned with the Lands of Flynn because I think that is the parcel that sits more toward the front of this site. Mr. Taylor stated the Lands of Flynn are very well screened because of the natural topography and pretty decent vegetation. Mr. Ruchlicki asked what is the make up of that vegetation that is in that corner because when the leaves fall off of those trees is the neighbor going to be able to look out is back window and be able to look down into those bins? Mr. Sweeney stated I think there is a grade drop and he would look over the top of it. There is a majority of deciduous trees and a lot of under brush and walking through that area I can barely see through it. Mr. Ruchlicki stated being that this is in your lot, I would assume that you wouldn't tamper with it anyways and that's not something that you are going to clear out of there. Mr. Sweeney stated no, I have plenty of depth here and I don't really need any space in the front and if I was going to do anything in the future, it would be located way in the back of the site and I would prefer to keep the buffer. Mr. Watts stated the following: You indicated that you would have 6 to 8 dump truck deliveries a month. You indicated on your application that you would be operating business from 7 am to 7 pm Monday through Friday, 8 am to 5 pm on Saturday and no operations on Sunday. Since you are fairly close to residences, we could limit the deliver times because 7 am on a Monday might be a little early. Mr. Sweeney stated the following: currently I keep all my materials at Eddy's Aquarium on Route 9. The deliveries that I get are typically off of a tri-axle dump truck and usually I am out at the yard and I just order it when I get low. So the trucks are coming in around 9 am or later when I'm not

even in the yard. The trucks just pull in, dump the load and leave. I could commit to later hours because those aren't typically anything that I need at 7 am in the morning. I have guys coming in in the morning and they run the small skid steer, put the load on the truck and that takes about a half hour. Mr. Berkowitz asked if the skid steer had a backup alarm on it. Mr. Sweeney stated yes there is a backup alarm on them. Mr. Watts stated I could limit the hours of some of that operation but it is zoned LI/C. Mr. Nadeau stated right, what he is doing does go into that area and I don't have an issue with that. Mr. Ouimet stated the following: It seems to me that you are going to have equipment noise early in the morning anyway. If they start at 7 am, it is probably reasonable to believe that by 7:20 am they are going to be loading or moving the dump trucks. So, there is going to be working noise and I don't know if limiting deliveries is going to work because we don't know how big of an impact there would be. Mr. Sweeney stated the large dump trucks do have that loud tailgate, which is more noise than we make. Mr. Nadeau stated the following: Just down the road from this site is the sandpit where they do take gravel out of there also. Is there a trail to the rear of the site? Mr. Sweeney stated yes there is a trail all the way in the rear past the wetlands. Mr. Ruchlicki stated this site is also located pretty close to the railroad. Mr. Berkowitz asked how often do the trains pass by. Mr. Ruchlicki stated very often.

Mr. Berkowitz made a motion to approve the change of tenant with site plan application for Sweeney Company, LLC. Mr. Nadeau seconded. Motion carried.

10.073 NB Your Pet's Place of Halfmoon, 444 Route 146 – Change of Tenant & Sign

Mr. Joseph Feeney, the applicant, stated the following: I am representing Your Pet's Place of Halfmoon for a change of tenant application. We are not requesting any changes to the existing structure. This proposal is for a pet daycare and boarding facility. Our hours of operation would be weekdays from 7:00 am to 6:00 pm. I will be receiving pets for daycare. There would be a limited number of these dogs that may be staying overnight. Very soon after opening we would be staffed for 24-hours. The reason for that is that there is currently a bill in the State Assembly that is very soon going to be passed to law that would be requiring all boarding and veterinary facilities to have a 24-hour supervisor. So, we are just going to get an advance on that. This proposed facility would lend perfectly for that. In addition to that, any dogs that would be exercised outdoors would be under the management of my staff. The pets would primarily be housed indoors. This facility is also going to be used as a minimal educational facility. There would be a reception area where we could accommodate classes of approximately 10 to 12 pets. This would not be used for the dog training because we currently do that in-home. We would be using this for community outreach presentations. Mr. Nadeau asked would that service you just mentioned be inside or outside? Mr. Feeney stated inside. Mr. Ruchlicki asked approximately how many pet areas would you have to hold animals overnight? Mr. Feeney stated there are three rooms that we would be using for dog daycare. Two of these rooms would be used for overnight accommodations. We are using the guidelines provided by the American Boarding Kennel Association. We would house no more than a maximum of 14 pets for overnight accommodations and that would depend on the size of the dogs. So, that would be for 14 medium sized dogs up to 42 pounds in size. Mr. Ruchlicki stated you said "overnight" and asked would there ever be a time when any one animal might be there for 3 to 5 days a week when people go on vacation? Mr. Feeney stated that is quite possible. Mr. Ruchlicki asked how would you exercise those animals? Mr. Feeney stated the animals would be run outside on a leash with one of our handlers. Mr. Ruchlicki asked would that be done on an individual basis? Mr. Feeney stated yes. Mr. Ruchlicki asked would there be an outside area that there would be more than one animal at one time roaming on the outside of the building? Mr. Feeney stated the following: Not at this time. All the animals are going to be housed on the inside dependent on growth. We may request that, but we would present that to the Board as we progress and we are looking at possibly next spring for that. Mr. Ruchlicki asked did you say possibly 14 animals? Mr. Feeney stated that is based on the square footage for the overnights. Mr. Berkowitz asked how many dogs would there be during the day? Mr. Feeney stated the following: There

would be a maximum of 22. Once again, that is size dependent based on the National Association Guidelines. Mr. Ouimet asked would the 22 include the 14 that you hold overnight? Mr. Feeney stated yes it would. Mr. Ouimet asked so, there would be no more than 22 animals? Mr. Feeney stated yes. Mr. Nadeau stated the following: On a previous site that we approved we had some complaints from the neighbors on a noise issue. What are you going to do to mitigate any noise if the animals are barking all night long? Mr. Feeney stated the following: As far as the animals barking all night long; the animals would be indoors and they would be supervised by my staff. There would be one of our staff members available 24-hours. As far as any noise concerns, we are currently bordering D & R Village Mobile Home Park and should there be any concern about noise, I will be personally introducing myself. There is currently a residence adjacent to this property that houses a number of beagles and there is a noise potential from that. I would even offer as a service; training towards noise abatement for that residence as well. Mr. Berkowitz asked when these dogs are inside and they're barking, can you still hear them outside? Mr. Feeney stated that is entirely possible but under managed conditions, it is relatively easily resolved with my staff. Mr. Berkowitz stated the following: I'm sure you are very good but there are times where these dogs could be unmanageable with barking for whatever reason. If you take a dog in as a boarder, who isn't used to your style of training, how are you suppose to control that dog without that dog knowing your training style? Mr. Feeney stated the following: One of the things that is going to occur first is that these dogs would come in for a trial basis or a trial sit period. If for some reason they don't fit well into that environment, then they won't be allowed to stay. This is very prominently done at most daycare and boarding facilities now. Mr. Berkowitz asked do you self police that? Mr. Feeney stated yes. Mr. Ruchlicki stated we have just been talking dogs and asked are you going to have facilities for cats and other types of animals? Mr. Feeney stated the following: There would be limited facility for cats but there is not really a market for that. So, our primary market would be for dogs. Mr. Ouimet asked what do you mean by "a limited facility for cats"? Mr. Feeney stated the following: A limited application to invite cats in. Out of 22 dogs, there might be a request to have 1 cat boarded, and that is very unusual. Mr. Ouimet asked when you exercise the dogs and let's assume that you have a full compliment of 22 animals, do you exercise them once a day? Mr. Feeney stated they would be going out on a rotating basis but not all of the dogs would be outside at any one time. Mr. Ouimet asked how many dogs would you exercise at one time? Mr. Feeney stated probably no more than 3 to 4 at a time. Mr. Ouimet asked would it be one dog and one handler or one handler and a couple of dogs? Mr. Feeney stated the ratio would be 2 to 3 dogs per handler. Mr. Ouimet asked do you anticipate any noise during that exercise period? Mr. Feeney stated there might be some limited noise and it would be limited to the daytimes and thusly managed by my staff. Mr. Ouimet asked managed in which way? Mr. Feeney stated as far as simple bark cessation. Mr. Watts stated for the uninformed what does bark cessation mean? Mr. Feeney stated we teach the dog not to bark on cue. Mr. Watts asked how do you teach that? Mr. Feeney stated the following: It is relatively complicated but I'd be more than happy to discuss it and if the dog doesn't respond to that then they wouldn't be allowed to stay at the facility. It does take some time. Most of these dogs that would be staying with us are dogs that we've already trained over the years. Mr. Berkowitz asked do you have a facility now? Mr. Feeney stated the following: No, we do not. Your Pet's Trainer, which is my primary business, currently trains in-home because statistically a dog will spend 96% of their life in a residence. That is why we start training a companion animal in the home. When they respond well in the home, then they can respond well outside the home. Mr. Berkowitz asked so before you board these dogs, have you already visited them and trained them in the home? Mr. Feeney stated the following: Most of them. Those that haven't been trained by my staff or me would be evaluated when they initially enter. They would have a trial session that may last 1 day and if they fare well, then they would be invited to stay. If they don't, then we might offer alternatives such as; continued training at the owner's home until they can meet that point. Mr. Berkowitz asked how many dogs are you presently training? Mr. Feeney stated currently I have 17 dogs on my schedule this week. Mr. Berkowitz asked and how about your staff? Mr. Feeney stated I have a total of 17 staff members in 4 states right now. Mr. Berkowitz asked how many of

your staff members are in this area? Mr. Feeney stated we have 7 and we cover regionally from Schroon Lake down to Poughkeepsie. Mr. Berkowitz asked so would that be a total of about 100 dogs that you, and your staff in this immediate area, are training? Mr. Feeney stated this is our biggest market right here and out of these hundred dogs, probably a good 70% of those are in the southern Saratoga County area. Mr. Berkowitz asked do you do any breeding? Mr. Feeney stated no, I do not. Mr. Ruchlicki asked how do you intend to take care of the waste? Mr. Feeney stated the waste would be bagged and disposed of at the landfill in accordance with our local guidelines. Mr. Nadeau asked what is the closest residence to this facility? Mr. Feeney stated the closest residence is just east of this site and that's the residence that I mentioned with the beagles and I don't have the street number. Mr. Nadeau asked so there is only one residence near the facility? Mr. Feeney stated there is only that one residence and the mobile home park is behind us and the lot is 320 feet deep. Mr. Watts asked Mrs. Zepko if there was any sketch plan or site plan that shows this? Mrs. Zepko stated we have an existing site plan for the hair salon that previously utilized the lot. Mr. Watts asked was any material submitted showing the fencing. Mr. Feeney stated we are not proposing fencing yet. Mr. Watts asked so where are the dogs going to go? Mr. Feeney stated they would be housed indoors and when they go out for an exercise period they would be with one of my handlers and the dogs would be leashed. Mr. Watts asked is that the way it would remain? Mr. Feeney stated we may request a fence if we stay in this facility for a period of time and we may revisit this but we would come back to the Board with those requests. Mr. Watts asked so would the pets be inside the house. Mr. Feeney stated yes. Mr. Watts asked would there be any structural changes to the house that would need to be done? Mr. Feeney stated no there would not be any structural changes to the house. Mr. Watts asked so you're going to have 22 dogs inside? Mr. Feeney stated the following: There would be pet gates separating the 3 main rooms and that would be sufficient. That is the way that it is commonly done in a daycare facility. Mr. Watts asked do you tend to get one dog that stays with you a while? Mr. Feeney stated the following: It is analogous to a child daycare center and a lot of these people are using the service 2 to 3 days a week. This is a service that is commonly used by people who travel frequently especially with it's proximity to the Northway and for a lot of people who are traveling into Albany that might work an extended work day would utilize this sort of service. The pet owner would drop the dog off in the morning and then they would pick their dog up in the afternoon. Mr. Ruchlicki stated so you are not going to have separate individual kennel type things for each animal and you may have as many as 5 animals in one 12 FT x 14 FT room? Mr. Feeney stated that is correct. Mr. Berkowitz asked how are they boarded at night? Mr. Feeney stated when the animals are boarded at night, they are crated. Mr. Berkowitz asked do the owner's bring their crates with them. Mr. Feeney stated it's a crate wall or a kennel wall and it is the same size as what you would see as a crate. It's just that they're made to be stacked more adequately. Mr. Berkowitz asked do you need any medical facilities there? Mr. Feeney stated no, there is not a requirement for a medical facility, however, all of our staff will have pet first aid training. Mr. Ruchlicki stated so you're going to bag all the waste and asked how many times a week do you anticipate somebody coming to pick the waste up and I'm assuming that you would have a dumpster outside. Mr. Feeney stated the following: We're not going to request a dumpster. If we had full capacity of 22 dogs, then we're looking at approximately 26 pounds of pet waste based on guidelines. The pet waste would be bagged and we would either deliver it to the transfer facility or have it picked up weekly. Mr. Ruchlicki stated really, I would think that there would be more than that. Mr. Feeney stated that also depends on the size of the dogs. Mr. Ruchlicki stated the reason why I say that is are you going to put something down on the floor like sawdust or something like that for these pets. Mr. Feeney stated the following: Indoors there would be rubber matting but most of these dogs would already be housetrained at this point. So, it's uncommon that you're going to have this occurring indoors. We're going to designate an area immediately behind the facility, which would be the dog walk area and that would be policed and maintained by the staff. Mr. Berkowitz asked what is the drop off and pick up protocol as far as how many people would come at one time. Mr. Feeney stated the following: I've had the opportunity to consult with different daycare facilities in the past. The most I've seen with a facility of this size; if you

get more than 3 to 4 deep at the counter, that's a lot because most of these people want to get in, they want to drop their pet off or pick them up and get home or to work. Mr. Berkowitz asked are there appointments made prior to when they are going to drop their dog off and pick the dog up? Mr. Feeney stated if they are dropping them off for a full day, they would probably be dropping them off between 7:00 and 8:00 in the morning. So, that would be the primary rotation and then the customer pick up time would be between 4:00pm and 6:00pm. Mr. Berkowitz stated Route 146 is a very busy road at that time and asked what precludes you from having them all show up at once? Mr. Feeney stated the following: There is nothing to preclude it but it's a very remote possibility and the likelihood is rare. I haven't seen that in my experience. Mr. Berkowitz asked how many parking spaces are there? Mrs. Zepko stated 11. Mr. Ouimet asked what about the traffic flow; is there just one-way in? Mr. Feeney stated there is one-way in and there has been no change to that and it worked affectively for the previous hair salon. Mr. Ouimet stated the following: I know, but that business was not a drop-off business. It was a business that required people to sit for a while. I'm talking about cars coming and going especially at 7:00 am when the traffic on Route 146 is pretty hectic. Was there any thought given to the traffic flowing in and out of that site? Mr. Feeney stated we haven't proposed any changes to the traffic flow. Mr. Ouimet stated I know and that's what I'm concerned about. Mr. Berkowitz asked does the driveway fit one car or two cars? Mr. Feeney stated that could fit two cars wide, one entering and one exiting if necessary. Mr. Berkowitz stated because most people would be coming east and would be exiting west. Mr. Feeney stated correct. Mr. Berkowitz stated if Route 146 is busy at that time of the morning or afternoon, you could have a backup into your parking lot if you have more than 4 or 5 cars waiting. Mr. Feeney stated that is a remote possibility. Mr. Berkowitz asked is there a way to control how they drop the animals off as far as set times? Mr. Feeney stated the following: If we find that to be an issue, then we could designate set times because these people would have reservations for their animal to come in anyhow. If we found that to be an issue, then we could very easily manage that. Mr. Berkowitz asked when this was a hair salon, how many existing stations were in there? Mr. Feeney stated there were 5 styling stations in there when it was the hair salon. Mr. Ruchlicki asked does this site have Town water. Mrs. Zepko stated yes. Mr. Watts stated the following: I see the need for some more clarification relative to the drop off and the pick up and once we approve this what do we do if it causes a problem. I don't know if you considered that before and that's why we have a Planning Board where we ask these kinds of questions. Mr. Feeney stated the following: I do understand. I haven't seen that type of traffic backlog at similar facilities. There are 2 other facilities; 1 of those facilities is located on Route 9 in Kimberly's Plaza in Latham, which has a larger capacity than this one would, and the most I've seen there were perhaps 2 to 3 customers either dropping off or picking up and that site has fewer parking spaces available. There are 4 or perhaps a 5th parking place that sometimes a car will squeeze into and that customarily is not a problem. I do understand your concern and if it did appear that there was a traffic backlog, then we could start managing those times. Mr. Berkowitz stated this is the first time I personally have seen a type of business like this. Mr. Feeney stated the following: It is relatively uncommon in this area. This type of dog daycare facility is very popular in the city and they are very popular in Seattle, San Francisco and they are starting to develop in Albany County. Mr. Berkowitz stated we ask the same questions with child daycare also. Mr. Feeney stated certainly and it would be many of same concerns and answers as a child daycare because they are very similar. Mr. Ouimet stated the following: It's not the parking that I'm concerned about; it's the one way in with the single driveway. If you have people trying to get out, they could end up leaving your facility and staying in your driveway waiting for the ability to go right or left on Route 146 while you have other people coming in to drop off their animals. I don't know how you would manage that. The Kimberly Square place in Latham that you were talking about; I believe it has 2 ways in, one of either end of the plaza. Mr. Feeney stated the following: True, but you're still going to have traffic entering and exiting through one end or the other and they do frequently experience that. Even if we had a second entrance or exit, it's very possible that those people are still going to be waiting to make a safe entry onto Route 146. Mr. Ouimet stated the following: That's true but with a second way in and out it would be a

lot less likely to be a problem. Maybe you could do it with reservations, but I don't know. Mr. Feeney stated I'm quite certain if that became a necessity, we could manage it with reservations. Mr. Duane Parker, the property owner, stated if we had to, we could always put another driveway in. Mr. Feeney stated that is a distinct possibility because there is access and sufficient frontage that if that became a necessity, we could add a second driveway. Mr. Watts stated the following: That would require a curb cut permit from the New York State Department of Transportation (NYSDOT). This is part of the dilemma without reservations or the second access point. As Mr. Berkowitz stated this is new to us and in all honestly it is certainly a lot more intense in terms of traffic than a hair salon. Mr. Ouimet stated it certainly sounds like it is more intense traffic wise, but it may not be, I don't know. Mr. Berkowitz stated I think it would be more intense during drop off and pick up times and during the day there is no one coming in and out. Mr. Ouimet stated Mr. Berkowitz is right because the problem is, that would be the busiest times on Route 146 during the rush hour traffic. Mr. Berkowitz stated the we should look at the one-way in and one way out scenario. Mr. Ruchlicki asked if the area behind the parking lot was all lawn? Mr. Feeney stated yes, that is all lawn on the outside of the parking lot. Mr. Ruchlicki asked would you be exercising the animals in that lawn area? Mr. Feeney stated the exercise area for the animals would be on the west side of the parking lot. Mr. Ruchlicki asked is there anything in between your lot and that house on the left hand side of this site as far as a fence or a hedge. Mr. Feeney stated no, there is not. Mr. Ruchlicki stated could you feasibly have 3 people out there with 3 dogs each on leashes running around that lawn? Mr. Feeney stated more likely it would be a maximum of 2 based on what were proposing for our staffing. We would probably have no more than 2 out there at one time. Mr. Ruchlicki stated I just wouldn't want to see that become unmanageable but I'm sure your people are professional and they wouldn't allow that to happen but I do think it could get out of hand pretty quick. Mr. Feeney stated I don't allow things to get out of hand but I understand your concern. Mr. Watts stated that is also a role in the Planning Board too because we had many applicants before us and we have to make sure that we keep things in line, as businesses get sold and transferred to people, and I hope you appreciate why we're asking these questions. Mr. Feeney stated the following: I certainly do and I hope I'm answering them adequately. I understand that this proposal is a relatively new concept and I'm just basing these answers on experience either through consulting or previous training. Mr. Berkowitz asked is the structure east of this site a single-family home or is that a business? Mr. Feeney stated the structure to the east is a single-family home. Mr. Berkowitz asked how about to the west? Mr. Feeney stated that is the single-family home with the beagles. There's our facility, there's a residence and then there is a law firm on the other side of that. Mr. Berkowitz stated right, and then there is a vacant lot. Mr. Feeney stated correct. Mr. Nadeau asked are the beagles and your new clients going to create a barking frenzy? Mr. Feeney stated I'll have that discussion with the beagles but my clients won't.

(Due to a malfunction with the recording equipment, the remainder of the Planning Board meeting minutes were not recorded. The following minutes were exclusively transcribed from Mrs. Zepko's hand written notes).

Mr. Nadeau asked is there a way to make the decision contingent on the ability of the Board to review the site in the future should there become a problem with the ingress/egress and at that time ask the applicant to place an additional driveway? Ms. Murphy stated that in the past the Board as granted decisions with contingencies that the Board have the ability to review the approval at a later date should there be any concerns or complaints on the site. That is at the discretion of this Board. Mr. Watts asked the applicant if the site plan that was on file from 1991 at the time that the Town approved the former hair salon was accurate. The applicant responded that the parking layout did not appear to be the same as what was shown on the plan. Mr. Watts stated that the Board would need an updated site plan for this application. Mr. Feeney stated that he could supply that to the Board.

This item was tabled for the applicant to submit an updated site plan along with answers to the questions raised by the Board regarding noise concerns, possible fencing and traffic issues.

10.074 NB Boston Trailer Sales, 1620 Route 9 – Boyajian PDD/Change of Tenant
(formerly G.E. Trailer Fleet Services)

Mr. Ken MacKenzie, of GE Trailer Fleet Services, stated the following: In February 2003, the Board granted site plan approval for Transport International Pool (ModSpace-portable offices) and GE Trailer Fleet Service. The site has a 13,000 SF office building with service bays along with a trailer storage yard. This is the only site operating from the approved Boyajian PDD site. They are before the Board for a change of tenant application as GE Trailer Fleet is selling off this business. The new operation, Boston Trailer Sales, wishes to operate their business the same as the previous tenant. Due to one of the two businesses leaving the building, the owner of the building wishes to separate the existing and the proposed business by bisecting the interior of the building with a wall. This will require a review and building permit from the Town's Building Department.

Mr. Nadeau made a motion to approve the change of tenant application for the Boston Trailer Sales. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the August 23, 2010 Planning Board Meeting at 8:22 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary