

## Town of Halfmoon Planning Board

May 24, 2010

Those present at the May 24, 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

**Town Board Liaisons:** Paul Hotaling  
 Walt Polak

**CHA Representative:** Mike Bianchino

Mr. Watts opened the May 24, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the May 10, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the May 10, 2010 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Higgins abstained due to his absence from the May 10, 2010 Planning Board Meeting.

**Public Hearings:**

**10.012 PH Leyerle Subdivision, Hudson River Road – Minor Subdivision/Special Use Permit**

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. David Flanders, of David A. Flanders Surveying, stated the following: I am here tonight representing the John F. Leyerle Estate. We are proposing to subdivide a parcel of land owned by the Estate of approximately 29.5-acres shown on the plat. The property has received a use variance for residential use from the Zoning Board of Appeals (ZBA) recently. A large percentage of the property is either encumbered by New York State Department of Conservation (NYSDEC) wetlands, the related 100 FT buffer and/or Army Corp. of Engineers (ACOE) wetlands, which have been presented to both the ACOE and the NYSDEC and accepted as shown here on the plans. The proposal is to divide the parcel into 2 residential lots. One lot consists of approximately 8.8-acres on the southerly portion of the property and the northerly lot consisting of approximately 19-acres. Both lots would be for residential use to be serviced by Town water and on-site septic systems. There are also 3 small parcels that surround properties that are being used as residential. We are proposing to convey a piece of land around the Lands of Derico and most of that property is mostly uplands that has no value to our proposed subdivision lot and it doesn't have adequate access or an adequate building area. Mr. Derico is here tonight and he would like to purchase that piece. Also, there are 2 parcels surrounding property owned by Alfred and Teresa Lavigne. One parcel joins their property on

the north and that is to alleviate a boundary problem whereas the property line goes through their garage and a substantial part of their driveway. We plan on conveying to them a strip to give them the adequate land that they need for those purposes. There is also a triangular shaped parcel of land between theirs and the Lands of Greene, which we also plan on conveying to them because it also has no use and no benefit to our southerly lot. Mr. Watts asked if anyone from the public wished to speak. Mr. Anthony Derico, of Hudson River Road, stated the following: I just want to say that I'm in favor of this proposal and that I understand the use variance. In the past I have advocated for more residential use of the land and seeing that this proposal is happening, I have no objection to it. Mr. Watts closed the public hearing at 7:05 pm. Mr. Nadeau stated regarding the Lavigne property, I'm looking at the proposed septic system and asked Mr. Flanders if they were tied into the public water? Mr. Flanders stated I believe they are. Mr. Nadeau stated the reason I asked is because I'm concerned with the septic system being 100 FT away if they had a well.

Mr. Roberts made a motion to approve the minor subdivision/special use permit for Leyerle conditioned on a note being placed on the plan stating the residential uses were allowed via a use variance and that the residential uses are within the Town's M-1 Industrial zoning district. Mr. Nadeau seconded. Motion carried.

**10.052 PH Abele Subdivision, 108 Lower Newtown Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:06 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am representing Chris and Phyllis Abele on their request for a subdivision of their lands at 108 Lower Newtown Road. The parcel is located just east of the Clifton Temple Baptist Church. The Abele's request is to subdivide a 5-acre parcel around the existing house with all the improvements on that lot and the remaining parcel, which is vacant land, of approximately 11-acres for Lot #2. The parcels have on-site water and on-site septic. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:08 pm.

Mr. Nadeau made a motion to approve the minor subdivision for Abele. Mr. Berkowitz seconded. Motion carried.

**10.053 PH Slocum/Lane/Betts Subdivision, Route 236 – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:08 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am here tonight representing Mr. Bruce Tanski on his proposal for a subdivision of Lands of the Martha Lane Trust that consists of approximately 28-acres. We're proposing to subdivide out a 5-acre parcel in the front and leave an ingress/egress and utility easement through the front parcel in order to get to the back of the parcel. Also with this, we are proposing to annex a small portion of the Betts Farm on the northeast corner and add it to this parcel. This proposal is setup to be part of the Falcon Trace Planned Development District (PDD). Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:10 pm. Mr. Higgins asked if the proposed easement egress would be the main entrance? Mr. Rabideau stated the following: Yes that is correct. That is designed around the road that is to be designed for the project. Mr. Higgins asked is there any intention of that ever being a Town road? Mr. Rabideau stated no. Mr. Higgins asked would the 60 FT give you sufficient room to build an appropriate road for fire trucks and things like that? Mr. Rabideau stated yes that is correct.

Mr. Roberts made a motion to approve the minor subdivision for Slocum/Lane/Betts. Mr. Ruchlicki seconded. Motion carried.

**10.054 PH Mark Bethel Subdivision, 46 Plank Road – Lot Line Adjustment**

The applicant did not appear at the time of the scheduled Public Hearing. The Planning Board resolved to cancel the public hearing. At the time that the applicant did appear, the Planning Board resolved to reschedule the public hearing for the June 14, 2010 meeting.

Mr. Roberts made a motion to reschedule the public hearing for the June 14, 2010 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

**New Business:****10.056 NB Huge Realty, 1404A Route 9 – Change of Tenant & Sign**

Mr. Karl Krulls, the applicant, stated the following: I am trying to open up a real estate office at 1404A Route 9 in Halfmoon. At this time I would be the only employee but I think I'm going to have about 3 or 4 employees. Not too many people ever come to visit the real estate office because everybody is doing everything on-line today. This would just be a place for me to hang my hat and to have a few agents and so on. We are also proposing to replace the tenant panel on the existing freestanding sign. The replacement tenant panel would be two-sided, 2 FT x 10 FT for a total of 20 SF, the total height of the freestanding sign is 12 FT tall, the sign is internally lit and is located in the front of the site. Mr. Higgins asked would all the agents be New York State licensed and would you have a licensed broker? Mr. Krulls stated I'm the licensed broker and all the agents have to be licensed.

Mr. Nadeau made a motion to approve the change of tenant application for Huge Realty. Mr. Higgins seconded. Motion carried.

Mr. Nadeau made a motion to approve the sign application for Huge Realty. Mr. Ruchlicki seconded. Motion carried.

**10.057 NB Rebath of Albany, 9 Solar Drive – Change of Tenant**

Mr. Dean Taylor stated the following: My business address is 1795 Route 9 in Halfmoon. This proposed application is regarding 9 Solar Drive. Rebath is the refinishing of bathrooms. That is their core business and they also have an awning business that is a complimentary type business and fireside patio and fireplaces. The narrative mentioned that they have 5 installers and the installers would show up typically before 6:30 am. Two of the employees take their trucks home at night and they usually leave at 5:30 PM. They have other employees; two full-time in the office, the owner and his wife and then there is a part-time comptroller/bookkeeper that comes in. Basically you'll see their ads on the TV from now on and it's a call-in number and those leads get sent over to their sales force. The sales force usually has a book of the business and 90% of their business is done at the kitchen table but they are required by their franchise agreement with Rebath to provide a display area. About 10% of their people do come in to the display area to actually look at the physical work. It is very limited and they'll never have more than 2 people there at the same time. The site plan shows that they have 16 parking spaces so there should be plenty of parking. They would have 3 tractor-trailer deliveries per week and 4 box type van deliveries per week. So, it would not be a real high impact business; it's mostly off-site and it would be throughout the Capital District. Mr. Watts stated you mentioned the bathroom products then you also mentioned a couple of other things. Mr. Taylor stated the following: As a complimentary business it is called the Great American Awning Company and on that display area they would also have a couple of different awnings. If someone is doing a total remodel, they would try to sell them perhaps on a fireplace or on an awning for outside. It would be like an ancillary type business. Mr. Watts asked is that all run by the same one corporation? Mr. Taylor stated yes it is. Mr. Watts stated okay because I didn't see that in your descriptive letter. Mr. Taylor stated the following: That is why I wanted to mention it because it wasn't in the narrative and I do know that at this particular point that's what is going in. They have some people who are

interested in different facets of the business so I don't know how long that would be there. They are currently in Malta at the Malta Mall and their core name is the Great American Awning and Saratoga Rebath and now they are Albany Rebath. Mr. Watts asked if these ancillary businesses would have any effect on the number of people that come to the site? Mr. Taylor stated the following: They say that they never have more than 2 people because what happens is when somebody comes in to look at it; they only have 1 person there to handle it. Everything would be done by appointment. Mr. Berkowitz asked if there was a shared access between 9 and 11 Solar Drive. Mr. Taylor stated the following: No, not for this one. The main entrance for the customer parking has it's own entrance but it is a shared access for the deliveries and that is between 3 different properties, which are 11A, 11 and 9 Solar Drive. Mr. Higgins asked would they have any display fireplaces or wood stoves that they are going to utilize? Mr. Taylor stated no, nothing that would be hooked up or utilized. Mr. Ouimet asked would they have any storage containers on-site? Mr. Taylor stated the following: No, but there may be some outdoor storage where they would have some vinyl products that they would be using for the installation. There would be limited outside storage. Mr. Berkowitz asked where would that be located? Mr. Taylor stated in the back. Mr. Watts asked does the Planning Department have a site plan for this site? Mr. Williams stated the following: We don't have a site plan that was professionally done. Mr. Taylor provided us with a sketch plan basically from a CAD computer program. There was no site plan in our file and we did need one for the file. I took the CAD sketch plan and I personally did a site visit and I saw it to be true. Mr. Watts asked Mr. Taylor if he would submit a professional site plan? Mr. Taylor stated yes. Mr. Watts asked when would we have that by? Mr. Taylor stated certainly before the tenant takes possession and asked if the site plan had to be provided before the tenant moves in? Mr. Watts stated yes. Mr. Higgins stated regarding outside storage I just want to make sure that the applicant is aware that the Town does not allow plastic or canvas type structures on the outside for storage. Mr. Taylor asked are you referring to no enclosed type storage? Mr. Higgins stated exactly; no enclosed and also no containers. Mr. Watts stated if you are going to do the site plan, you should show where this outside storage is. Mr. Higgins stated would the storage area be fenced in? Mr. Taylor stated the following: The amount of outside storage that they are doing at their current location would probably be 6 FT x 15 FT. The material that would be in the outside storage are vinyl sheets that they put up and they usually have it on-site until it goes to the job. The outside storage is not a big issue with them. Mr. Higgins stated your sketch plan did not show a dumpster and asked if they would have a dumpster on-site? Mr. Taylor stated the following: There already is a dumpster on-site from the current tenant, which is German Auto Parts and they were going to put a dumpster in the same exact spot in the back by where the overhead door is located. Mr. Higgins asked are all of the parking spaces striped. Mr. Taylor stated no they are not striped but Mr. Williams did tell me that they would need to be striped and we are intending to stripe them. Mr. Higgins asked are you going to stripe both the employee and customer parking? Mr. Taylor stated yes.

Mr. Berkowitz made a motion to approve the change of tenant application for Rebath of Albany contingent upon the applicant providing a professional site plan and the parking lot is striped prior to the business taking occupancy. Mr. Ouimet seconded. Motion carried.

**10.058 NB Law Office of Gerald A. Thompson, Jr., (Law Office of Richard J. Herrmann, Jr.), 440 Route 146 – Change of Tenant & Sign**

Mr. Gerald Thompson, the applicant, stated the following: I have been practicing law in Clifton Park for the last 11 years. I am looking to rent space at 440 Route 146 from Mr. Richard Herrmann who is also present for tonight's meeting. I have one full-time employee. Other than that, it was just be clients. Mr. Herrmann advised me that there are 13 parking spaces, which would be enough for my practice. I also am proposing to put a sign under Mr. Herrmann's existing freestanding sign. The sign dimensions would be 10 inches by 48 inches, two-sided and it would be internally lit. Like I said I have been practicing in the area for 11 years and I live in Summit Hills in Halfmoon.

Mr. Roberts made a motion to approve the change of tenant and sign application for the Law Office of Gerald A. Thompson, Jr. Mr. Nadeau seconded. Motion carried.

**10.059 NB Halfmoon Farmer's Market (Grace North Fellowship Church),  
1 Enterprise Ave. – Change of Use**

Pastor Justin Yim, the applicant stated the following: I am the Pastor of Grace Fellowship North located at 1 Enterprise Avenue. Our proposal is simple. We believe Halfmoon deserves its own farmer's market and we would like to put the energy, the labor and the management into hosting the farmer's market on our property, which is very central to Halfmoon and it is very easy to get to off of Route 146. Mr. Watts asked what would be your maximum number of vendors? Pastor Yim stated we counted as we divided up the parking spaces to about 3 or 4 spots per vendor. We went to the Saratoga Springs Farmer's Market and they only use about 1 spot so we allowed about 3 spots just to be generous and with that measurement we could have up to about 30 vendors. As the vendors and the farmers around Halfmoon and the surrounding communities, as they increase, we could always look at increasing those numbers as we kind of shrink the size. We are not quite sure how much space they will take. I believe certain vendors would take up more space as they have more products. With the 3 to 4 spaces per vendor, we could host up to 30 to 35 vendors at this time. Mr. Watts asked would it be primarily homegrown produce? Pastor Yim stated yes, the product would be locally grown and they can't purchase products from Wal-Mart and then resell it. That is in our rules and regulations that it must be locally grown here in the community. Mr. Watts asked what would be your hours of operation? Pastor Yim stated the farmer's market season usually runs from May to October on Saturdays from 9:00 am to 1:00 pm. Mr. Watts asked would this target Halfmoon farmer's to give them the opportunity to utilize this location? Pastor Yim stated the following: Definitely; the farmers and the agricultural community in the Halfmoon Town region are the ones we are going to reach out to first to see if they would like an opportunity to sell their produce, baked goods, flowers and plants. We also would probably go out to the surrounding communities. We don't believe driving 7 hours from another community would behoove what a farmer's market really represents. We would like locally grown produce and goods. Mr. Nadeau asked would your vendors be leaving their vegetable stands intact after the day is over? Pastor Yim stated no, it would be carry-in and carry-out. Mr. Nadeau stated so nothing would be left behind? Pastor Yim stated nothing would be left over. We are just hosting it and we would just like to offer our property to do that. Mr. Watts stated it would be a bit of a work-in-progress for what is going on. Pastor Yim stated we have been visiting a lot of farmer's markets such as the one in Saratoga Springs who have been doing this for years and farmer's markets in Troy and Colonie and I think they have a pretty good record of how to do things. So, we contacted them, we got their rules and regulations and we asked them a lot of questions. I believe this is a work-in-progress and we'll get better and better as we do it. Mr. Polak stated please be sure that you handle the trash because you don't want the vendors coming in and just leaving their trash behind. Pastor Yim stated the following: We would offer our trash disposal that we currently have at the church. I believe that should be sufficient because we barely even touch it now with the amount of people that come through on a Sunday morning. We have about 350 to 400 people that come through so I believe it should suffice for all the garbage. I believe most farmers would carry-in and carry-out their own refuse. Mr. Watts stated you could make that part of your regulations that the vendors have to remove their trash. Pastor Yim stated we are pretty motivated about that too because we don't want garbage left on our property due to the fact that church services will be held the next day. Mr. Polak stated that site has been very well kept. Pastor Yim stated yes, we do try to do that. Mr. Berkowitz asked if there would be any food booths such as hamburgers, hotdogs, a barbeque or anything like that? Pastor Yim stated the following: I don't believe so. At most farmer's markets they don't offer prepared foods. In Saratoga Springs they just started doing that but it's pitched as locally made because they make omelet's there. We don't plan on doing hotdogs or hamburgers because we

don't want a carnival atmosphere. We want it to be just organically locally grown products and goods that are made by local farmers and merchants. Mr. Higgins stated the only thing that I see is regarding the handicap parking because a majority of this site's existing handicap parking is going to be in the vendor area. So, you may need to put some temporary designation for handicap parking just within the area. Pastor Yim stated sure, that would be easy enough to do.

Mr. Ruchlicki made a motion to approve the change of use for the Halfmoon Farmer's Market. Mr. Berkowitz seconded. The Board asked the applicant to be vigilant on trash and blowing debris. Motion carried.

**Old Business:**

**07.101 OB Glen Meadows PDD, 130 Upper Newtown Road – Major Subdivision/PDD**

Mr. Gavin Vuillaume, of the Environment Design Partnership, stated the following: I'm here tonight representing Abele Builders. The Town Board approved the zoning for the Glen Meadows Planned Development District (PDD) back in the fall of 2009. Shortly after that, the applicant was in to get a subdivision approval that created the 140-acre parcel that the PDD is located on. Once that was completed, essentially the Environmental Design Partnership prepared the detailed engineering drawings over the winter and we made several submissions to CHA for their review. After going through several reviews with CHA, we are at a point now where the detailed engineering has been complete, has been reviewed and is ready to go forward into a public hearing to present the project to the public and then hopefully gain preliminary approval. The layout is essentially the same, it has not changed since the legislation was approved and we are still looking at 129 residential units. One thing that we have done that is a little different from probably what you remember from some of the original presentations is we've actually showed the phasing now for the project. You can see from the map that we're looking at 3 potential phases for this project to be constructed probably over a period of 5-years. Phase I would have 42 single-family units with 14 twin homes, Phase II has 24 single-family units with 4 twin homes and Phase III has 24 of the twin homes with also a mix of some triple multi-family units. So, essentially the layout is the same, the lots are all the same and we are anxious to have a public hearing. Mr. Higgins stated the following: In looking at the Planning Department's write-ups it states that the applicant would be contributing to some off-site traffic improvements along with Falcon Trace and Swatling Falls for the cumulative impacts of the traffic to the area roadways. Has that been determined at this point what that is going to include or is it still up in the air? Mrs. Murphy stated the following: The PDD legislation for all 3 of those developments mandates that they provide the funds as mandated by the Town Board for those projects. So the applicant's have been willing to basically trust in the Town Board to ask for a reasonable sum with the knowledge that should they not provide those sums as directed by the Town Board, their approval would be removed.

Mr. Roberts made a motion to set a public hearing for the June 14, 2010 Planning Board Meeting. Mr. Nadeau seconded. Motion carried.

**08.068 OB Plant Road PDD, 91 Plant Road – Multi-Family PDD**

Mr. Gordon Nicholson, of the Environment Design Partnership, stated the following: I am representing Tra-Tom Development. The Town Board approved the PDD legislation for this application last December and I think that the last time we were before the Planning Board was in the summer of 2008. The difference in timeframe between now and then is that we were working on traffic improvements. I would like to go through the changes to the project since we were last here at the suggestion of the Planning Board, the Town Board and the public. We've moved the senior housing from the eastside of Plant Road to the westside of Plant Road and located it on it's own cul-de-sac in the immediate vicinity of the clubhouse with some recreation and fitness amenities. We also eliminated one of the stream crossings to reduce potential environmental impacts at this location.

There is a sidewalk that runs from the cul-de-sac, a sidewalk crossing and over to the clubhouse to make it easier for these people to get across to use the recreation and fitness amenities. The sanitary sewer would pump to a pump station. The map illustrates the off-site water improvement that we are proposing at the recommendation of Mr. Tironi, which is to run an 8-inch water main from the new road into the project and then run it up Plant Road and tie-in with the 10-inch water main because it is our understanding that there is water pressure and possibly water quality problems in the Orchard Park Subdivision. Stormwater would be managed on-site in the exactly manner that we had originally proposed. We are still going to use a Homeowner's Association (HOA) and a condo association. The HOA is to manage the property, the condo association to manage the condosse and there would be an ala carte maintenance package that would be offered to the people in the project. The Army Corp. of Engineers (ACOE) and the New York State Department of Conservation (NYSDEC) have signed off on the wetlands and the State Historic Protection Preservation Office (SHPPPO) has signed off after a Phase I and II archeological study. The New York State Natural Heritage Program and the U.S. Mission Wildlife have signed off that there are no endangered species on the site. The density remains at 150-units, 40 of which are the senior condos and 110 town home-style units in two locations that I mentioned. Ms. Kelley Kircher, of Creighton-Manning (CME), will go over the off-site road improvements at both the northern and southern end of Plant Road. Ms. Kircher, stated the following: We were hired by Mr. Tom Farrone to design the off-site highway improvements for this project. For the public benefit portion of the project I believe originally we came up with six concept plans for various improvements for both intersections. The two chosen options were the northern intersection of Old Plant Road and Plant Road being converted to a standard T-intersection with a stop sign on the Plant Road approach. Currently there is yield situation and more of a "Y" shaped approach. So, we would be standardizing that into a T-intersection leveling off the intersection as you approach it from Plant Road. The southern intersection is Plant Road at Route 9 and Plant Road would be widened to provide approximately a 200 FT long left-turn lane onto Route 9. Also, we have about a 100 FT two-way left-turn lane for traffic turning into or out of Marina Drive. That would involve some signal improvements to the traffic signal at Route 9 so we would be dealing with the New York State Department of Transportation (NYSDOT). There is also some drainage where we would be constructing an asphalt wedge curb along the westside of Plant Road to accommodate the drainage coming down. Basically, the Plant Road Plaza's property is higher than the road so we would have to capture that water. We would most likely bring it into the State's system on Route 9 so we would be doing a drainage report and documenting all of the increases there. I think that is a general overview; there are also some utility relocations that we're working through. Mr. Nadeau stated the following: Regarding the northern end, after you make the right coming onto Route 146, I kind of recall that maybe we are looking for a more definitive access there instead of the 45 degree angle as you are going east to Mechanicville with looking over your shoulder. I think we're looking for a little better access to that. Ms. Kircher stated I'm not aware of that. Mr. Nadeau stated I thought we discussed that. Mr. Watts asked Mr. Bianchino if he had any recollection of this? Mr. Bianchino stated I may have discussed that but I don't believe that we ever pursued it any further beyond that. Mrs. Murphy stated this was the final iteration that the Town Board was comfortable with. Ms. Kircher stated we met with the Town about a month ago and one of the comments was with the Wojtowicz Truck Company and we did widen this radius to accommodate their trucks. We did speak with the property owner and we did get the dimensions so we did widen that right turn to accommodate his vehicles. Mr. Roberts stated I do remember that Mr. Nadeau did bring this up before and asked is it too late to go back and redo that? Mrs. Murphy stated what happens is that a basic calculation is done regarding the benefit that the Planned Development District (PDD) is going to give to the Town verses the changes that are being made to the underlying area and a balance is reached by the Town Board and they take into consideration all of the suggestions made by the Planning Board but sometimes just from a monetary aspect or for some other reason unfortunately, this just isn't conceivable for the applicant to be able to do all of the wishes and dreams of the Board. Mr. Roberts stated this is a safety

concern. Mrs. Murphy stated no is the short answer to Mr. Roberts' question. Mr. Higgins asked could you show me where the stop signs are going to be and from what direction on the northern side. Ms. Kircher stated the following: On the northern side; the plan was to place a stop sign at the Plant Road approach only. The volumes are fairly even through there because there are a lot of turning movements but it is generally on the T-intersection where you would typically have the stop sign on what we call the minor but the third leg approach. Mr. Berkowitz asked is there going to be a stop sign at the intersection of Old Plant Road and Route 146 on the east side. Ms. Kircher stated I don't think there was anything planned for there. Mr. Higgins stated I know at one time there was some discussion about trying to put the road straight through and there was some property involved with that and asked is any of that part of the benefit for the Town? Mr. Watts stated the following: The issue of that particular piece of property and some of the wish lists that were had in the past by people were not practicable in terms of coming to fruition and that was all looked at. Just because one person said if you do this then that will happen. Everything is really a progression from point A to point B to point C and that is kind of where we are at now. Mr. Higgins stated I'm sure that the Town Board has looked at all that thoroughly.

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

**10.019 OB      Tanski Mixed Use Development, Route 146 – Commercial Site Plan**  
**&**

**10.023 OB      Tanski Mixed Use Development, Route 146 – Special Use Permit**

Mr. George Turner, of M J Design, stated the following: I am here tonight representing Mr. Bruce Tanski for a commercial mixed-use development on Route 146. We were before the Board in April with a layout very similar to this. We have gone through several iterations with CHA and address any comments that they've had along the way and I believe there were 3 comment letters that we addressed in the meantime to get us to the point where we are tonight. There are several changes that have occurred. We have 2 points of access to this site and continuing around the building we have modified the parking. Originally the convenience mart was estimated at about 5,000 SF and we have since reduced it to approximately 3,400 SF. The original application also had access off of Route 146 continuing through to Fellows Road, which has since been revised and eliminated. There were also plans for a carwash associated with the convenience mart that has been removed as well. Those are the major significant changes that have occurred to the site plan since then. Other minor changes; there was a change in aisle width between the canopy and the main building from 24 FT to 30 FT, the locations of the tanks were moved from the access aisle off of the aisle and we incorporated a little bit more queuing around the rear of the building to accommodate approximately 9 vehicles. We have addressed some engineering questions regarding utility connections and the utility connections would be directionally drilled under Route 146 so there would be no pavement repair to do there. The septic system that is located at the rear of the building; financially a connection to the public sewer at this time didn't make sense. The flows per day are approximately 750 gallons for the 2 uses; the 2 uses being the main convenience mart servicing gas and an ancillary use like a Dunkin' Donuts or a similar use. The plans are not to have any kind of real food preparation in the building so no grease traps or anything are needed. We have located the septic field in the rear of the site and it is an unconventional system and it would be a raised mount system. There is a higher ground water table there that we have addressed through engineering. There are also some suggestions about adding some landscaping to the side and the rear of the property. We have decreased the size of the building and we've decreased the amount of parking on-site that is required down to 30 parking spaces. Lighting would be overhead lighting with full cutoff. The canopies would also be lit and the lighting for the canopies would be a flush mounted light. The stormwater management area is planned to handle all the on-site drainage decreasing the runoff at this site by a few cubic feet per second. Mr. Higgins stated the following: Where the fuel tanks are now located, I guess you are assuming that a truck

would pull up parallel to them and then run the hoses over. Obviously there is not going to be room for a truck to maneuver over onto the top of those tanks. Mr. Turner stated correct. Mr. Higgins asked is there going to be sufficient room because the width is going to be 31 FT at that point between that and the end of the canopy? Mr. Turner stated the following: Yes there should be enough room there because the canopy is high enough that space would be in there to be used as access to the site. It looks to me like its probably around 50 FT between the pump and the storage tanks. Mr. Higgins stated the following: Typically when a tanker delivers they want to try and keep the cars and people driving by because of the fumes and stuff. They put up cones and they usually take up about a 15 FT area and that is why I'm questioning whether or not that would be enough to go through there. Mr. Tony Famiano, of Red Cap Sales, stated the following: We are the petroleum distributor who would be supplying the account. First of all we unload from the passenger side. So, we would pull in off of Route 146 and our hoses would not go underneath the truck and they would go off to the side. Our drivers do have double-length hoses so they would be on blacktop or concrete area. If necessary they would use double hoses to fill the tanks. The canopy is set at 14.5 FT high underneath and the truck shouldn't be near it but we have locations that we do unload where the canopy is high enough that it shouldn't interfere with any of the unloading if that is the case. Mr. Higgins stated the following: I'm not worried about that, I'm more worried about the traffic being unable to go through there because you're looking to have a drive-thru going around the back of the building. I'm more concerned about just the traffic being able to get through there without going through the gas pump area to get their donuts. Mr. Famiano stated we would probably look at this location and if that was a problem, we would deliver before he opens or when he closes at night. Mr. Tanski proposes to open at 6:00 am and would close at 11:00 pm. Mr. Higgins stated I am very familiar with deliveries and I see this all the time where they are always concerned about people getting too close or someone has a cigarette when you have all those vapors when you're trying to unload. Mr. Famiano stated vapors are not allowed to get into the air anymore so we bottom load and we recover the vapors out of one vapor recovery vent and we recapture them into the truck and bring them down to the port and unload. Mr. Higgins stated I guess there is going to be a tank in the back for the septic and then the leach bed would be over adjacent to the stormwater retention and asked is that what I'm seeing here? Mr. Turner stated the following: No, the area that is over to the side is a 100% replacement area in the event that this fails. We were showing that we have enough room to accommodate additional septic if perhaps this fails and we could relocate that to the side. Mr. Higgins asked would it be gravity from there from the facility out to there and what is that little box in the back? Mr. Turner stated that is a stormwater catch basin and you're looking at the erosion sediment control plan and we have inlet filters. Mr. Watts asked Mr. Bianchino if he had seen all of this and have you reviewed all of these things. Mr. Bianchino stated yes. Mr. Higgins stated I know there are no plans for sewer at this point along either Fellows Road or in front and I didn't know if it was possible to put a line going out to the front in case in the future they did put sewer along that and that way you would hook into it if need be without tearing everything up? Mr. Bruce Tanski, the applicant, stated the following: That is a good idea but the problem is that we have to engineer that and that is all based on the size of the line that somebody would put in, whether it is the County or a private developer. We wouldn't know whether to put in a 4-inch line, a 6-inch line or an 8-inch line. Mr. Higgins stated I just thought that I would bring it up. Mr. Turner stated the following: I believe at this point that this was a comment that came up from CHA and if we ever had a change in occupancy here, we would have to address that at that time with providing that hook-up. But, for now we have plans for just the raised system. Mr. Roberts asked is there seating proposed in the convenience store or is it strictly a drive-thru? Mr. Turner stated it is strictly a drive-thru; there might be 1 or 2 seats. Mr. Tanski stated our agenda is just to do a drive-thru but we might put in a couple of high-tops just in case somebody wants to have their coffee inside. There is an overhang on the building and it's my intent to have tables out front. Mr. Nadeau stated the following: Going back to Mr. Higgins' question; when the tanker is refueling the tanks and you have 2 vehicles getting gas, does anyone know what the distance is between the vehicles getting gas and the

tanker? Isn't this the main thoroughfare to get to the back area to the drive-thru window? Mr. Turner stated the following: Yes, the driveway is about 31 FT and the distance from the edge of the canopy to the pump is approximately 18 FT. There is clear area out front but if you have conflicts because those refuelings do last a little while so if somebody does pull-in and sees that conflict, there is plenty of room to navigate and go around the canopy. Mr. Tanski stated also our intent is to refuel before 6:00 am or after 11:00 pm. Mr. Nadeau stated I was just concerned with Mr. Higgins' point, which I thought was a good point as to it creating a bottleneck and we want to make sure that the cars will get through there without a problem. Mr. Berkowitz stated when you do refuel the tanks how noisy is it because you do have a neighbor adjacent to this site. Mr. Tanski stated I don't think that that should be an issue because I think it would be a lot quieter than what is around us. Mr. Turner stated there is a significant buffer but if you are referring to the residences, we are planning to install a 6 FT high stockade fence and there would be plantings around that side as well which would help mask some of that sound. Mr. Tanski stated as part of the overlay zone I think a fence is required. Mr. Turner stated it is not particularly required but there is a 100 FT buffer and if you install a 6 FT fence it reduces that side yard to 50 FT, which helps accommodate for the use of the site. Mr. Watts stated the following: What we are doing tonight is; if we're ready, we're going to set a public hearing for the special use permit that is required. However, based upon what Mr. Nadeau and Mr. Higgins have said with the refueling and the possibility of causing a problem for traffic, I think in our final approval we might make a statement in the approval that should that become a bottleneck or should that become a problem, then we would restrict the hours of fueling. We did make a mistake on a property up on Route 9 at the Dunkin' Donuts. Should it become an issue then we'll make that, if and when we get to the final approval, then we would make that part of that. Mr. Higgins stated either that or Mr. Tanski can take a look at it because there is plenty of room there and you could just move the tanks over 10 FT and leave room for the truck to pull up next to the tanks. Mr. Tanski stated we could do that. Mr. Higgins stated the gas stations near where I work in another town; the tankers are up there refueling every day during the day and sometimes twice a day. So it would depend on how busy the station is, you could go through that amount of fuel in no time. Mr. Berkowitz asked why is the handicap parking on the other side of the building where people would be queuing up at the drive-thru instead of being located where the entrance of the building is? Mr. Turner stated the following: We felt that it was better suited at the side of the building at that location and there was a comment about having signs on the front of the building and we felt that having it on the side accommodated the handicap accessibility and accomplished the signage question. Mr. Berkowitz asked are there regulations on how far the handicap parking spaces have to be from the front door? Mr. Turner stated yes, you want to make them as convenient as possible. Mr. Tanski stated the following: According to the American with Disabilities Act (ADA) regulations there are no regulations on the distance you travel for a wheelchair as long as the grade is not more than 5%. If it is more than 5%, you either have to have handrails or something that would keep the wheelchair from falling off of the sidewalk and you can't have more than a 2% slope from left to right. So, you could have the handicap parking space 50 FT away and there are no regulations on that. It is all based on sloping. Mr. Ouimet stated regulations notwithstanding; doesn't it make some sense to have it closer to the entrance than around the side? Mr. Tanski stated our thought was rather than putting the handicap parking space in the front and having to worry about somebody coming in and hitting them; if they were off to the side, they would be more protected. Mr. Berkowitz stated the only trouble is that most of your traffic is going to be going around the corner. Mr. Watts stated the following: I would say revisit that. I know we've had various inquiries from handicapped individuals where sometimes the handicap parking is further away from the main entrance of Wal-Mart than the regular parking. So would you revisit that issue of where you could put the handicap parking? Mr. Turner stated absolutely.

Mr. Roberts made a motion to set a public hearing the special use permit application for the June 14, 2010 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

**10.037 OB Youth for Christ Recreation Center, 1544 Route 9 – Commercial Site Plan**

Mr. Ronald Bova, of Bova Engineering LLC, stated the following: I presented this commercial site plan application a couple of months ago and from that presentation there were comments generated by CHA. We have responded to CHA's comments. I transmitted those responses to CHA today so they would need to review those. Based on that, I would be happy to answer any questions. Mr. Watts asked Mr. Bianchino when he received the responses to CHA's comment letter. Mr. Bianchino stated today, however, I haven't had a chance to look at it yet. Mr. Ouimet asked Mr. Bova if he could summarize CHA's comments and your responses. Mr. Bova stated there were about 21 comments and I'll do the best that I can. Mr. Watts stated the following: Is that productive? Aren't we kind of rushing this because I feel that something is out of sequence here? Mr. Roberts stated the following: I think the question is why did it take so long to respond to CHA's comments? Didn't you have ample time to review all of those comments? Mr. Higgins stated I agree with Mr. Roberts, I think we have to give our engineer an appropriate amount of time to respond to the comments. Our engineer may not agree with some of the responses that the applicant has come back with. Mr. Watts stated the following: We could say that we are going to set a public informational meeting, which then means that we have to send notices out to people. Is it conceivable that there might be questions that would still have to go back and forth and then people come into our office and say "what about this and what about that"? Would you have an opportunity to adequately respond to comments guaranteed within those 2 weeks to go back and forth to have a meaningful public informational meeting or would it be better to wait until you have reviewed the comments if there were 21 comments? If it were not by June 14, then it would be June 28. Mr. Bova stated the following: The comments, if I may say, were relatively benign and what I mean by that is there was a question with regards to the wetland delineation, which has already been done and I am forwarding that as an enclosure to CHA for them to confirm that yes it has been done and it has been accepted by the New York State Department of Environmental Conservation (NYSDEC), they've signed off on it. The other questions were housekeeping types of issues. We had originally proposed for the overflow parking to have drivable grass and it's proven to be impractical. So, we are going to have a pervious payment throughout the whole parking lot. It is items like that and I don't see why we can't work those issues out at an engineering level and certainly schedule the public informational meeting so that we can kind of continue to move this forward. Based on the comments, I don't see the benefit by waiting another month to have this public informational meeting. Mr. Watts stated no you would be waiting an extra 2 weeks. Mr. Nadeau asked Mr. Bianchino if there are any large issues that needed to be addressed that you have not seen or do you have any questionable issues. Mr. Bianchino stated the only issue that we had a question on was regarding the parking related to the rock climbing. Mr. Nadeau asked can Mr. Bova answer that question to us tonight? Mr. Bova stated I can. Mr. Nadeau stated the following: The objective obviously is that when we get the public here we want to be able to give them the answers that they are asking for and not wing-it. That is why we need this information. Mr. Bova stated the following: There is a standard and I had discussed this with Mr. Bianchino after our last meeting. The standard is called parking generation. This is an excerpt that I have taken from a publication published by the Institute of Transportation Engineers. They also have another publication "Trip Generation", which I'm sure you are all familiar with. But this is just specific to parking. The second edition is what I excerpted and there is a section that is called "Land Use City Recreation Center" and the description is as follows: "City Recreation Centers are public facilities often housing basketball courts, tennis courts, volleyball courts, a swimming pool, game rooms and meeting rooms". It also mentioned the centers that were surveyed ranged in size from 31,000 to 42,000 SF. The Youth for Christ Recreation Center is under 28,000 gross SF. So it is considerably less than what was studied in the publication. The summary gave an average parking rate of 4 spaces per 1,000 SF and this is in my response to CHA's comments and I have referenced that. Bottomline is, based on our square footage, and if you subtract out the rock wall, which as I just read to you the description doesn't have anything about rock climbing walls, and subtract that out, it is realistically only about a 20,000 SF

building. So, using the 4 spaces per that is certainly under 100 spaces and you're talking about 80 spaces and we have 103 spaces that we have proposed. Mr. Ouimet asked Mr. Bianchino if that answers his question? Mr. Bianchino stated yes, it gives me the backup on the question that we had, which was just to confirm that there was enough parking on this site. Mr. Watts stated the following: I know that you seem disturbed by our questions, but this Planning Board, the Planning Staff and our engineers move faster than almost any other Planning Board in the Capital District or anywhere in the State. This is not the forum to be going back and forth answering questions. Years ago that used to happen here and we stopped that. At this point I kind of feel like why are we here but we are going to set the public informational meeting for June 14<sup>th</sup> so we don't hold up what's a worthwhile project. Mr. Roberts stated I would like to recommend that the proper people are present at the June 14<sup>th</sup> public informational meeting to answer questions that the public may have. Mr. Watts stated also, at the June 14<sup>th</sup> public informational meeting you will have to make a full presentation. Mr. Bova stated I understand.

Mr. Roberts made a motion to set a public informational meeting for the June 14, 2010 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

**10.038 OB Fred the Butcher, 1471 Route 9 (Crescent Commons) – Commercial Site Plan**

Mrs. Murphy recused herself from this item. Mr. Joe Dannible, of the Environment Design Partnership, stated the following: I'm here on behalf of MRK Realty and their application for Fred the Butcher's new location to be located in Crescent Commons Plaza on Route 9. We were last before the Board on April 12, 2010 and at that time the project was referred to CHA. We have subsequently provided a response to all the comments provided by CHA and now we are here tonight to review this project with the Board and to answer any comments that you may have and hopefully move to a final site plan approval. The parcel is composed of 2 parcels totally 3.1-acres. What we are proposing to do is to construct a 7,200 SF mixed use retail building consisting of a 3,600 SF grocery area, a 2,400 SF meat processing area and a 1,200 SF café that would seat up to 40 people. The building would have an outdoor patio area in the front and a service area to the rear. We are providing 147 parking spaces; 86 paved parking spaces in the front and 61 landbanked parking spaces, which would be a combination in the rear of the building and also adjacent to Route 9. The parking requirements for this site are 146 spaces. We are proposing a stormwater management area in the northeast corner of the site. This stormwater management system would manage runoff from 100% of the new impervious area and 50% plus or minus of the existing pervious area on-site. Under New York State Guidelines we are only required to treat 25% of the existing runoff, so we are going above and beyond that requirement. For utilities we are going to be connecting to an existing service tap, which currently serves Crescent Commons. Sanitary waste we would be pumping into an existing system into Saratoga County Sewer District on Plank Road. The curb cut; we are modifying our entrance curb cut and providing separate left and right turning lanes out of the plaza. What that would do is it would give us a general overall level of service of "C" at that intersection at full build-out of this site and it is generally acceptable for most uses. We have retained Creighton-Manning (CME) who is coordinating all of the revised curb cut plans with the New York State Department of Transportation (NYSDOT). For site lighting; we are proposing to retain 4 of the existing pole mounted lights and we are adding one new light in the rear. Landscaping; we are providing landscaping along the patio area where there would be the monumental bull signifying Fred the Butcher. We are also providing buffer plantings to the north of the building, to the NXIVM Trust property and we are also providing tree plantings along the stormwater management basin. We have also prepared a full erosion sediment control plan and a stormwater pollution prevention plan for this site. I have provided a prospective elevation of the proposed building. Mr. Polak asked is that your final design for the building? Mr. Dannible stated yes, I believe so. Mr. Michael Klimkewicz, of MRK Realty, stated the following: Pretty close, yes, we are trying to match the

colors of the existing building. Mr. Berkowitz asked would it fit in with what you have there now? Mr. Klimkewicz stated it matches the color of the existing plaza but the roofline would not be the same as the existing building. There is a head roof on the existing building, which is not feasible and what he needs is a flat roof and that is why we designed it in that manner. Mr. Nadeau asked did you say the color wouldn't be white but they would be similar to what you have now on your existing building? Mr. Klimkewicz stated right. Mr. Roberts asked would it all blend with the existing building? Mr. Klimkewicz stated yes, the brick would blend and the colors would match. Mrs. Zepko stated rather than having the flat awning is there an option to put some type of roof with an awning to add some kind of architectural interest to it because it looks so flat. Mr. Klimkewicz stated we looked at hanger rods that are done in new developments and the old developments have a flat façade with a pitched roof. You can compare this to the Clifton Country Mall, which has this type of line on the buildings verses, the project on the corner of Route 146 and Route 9 that has the pitched awning. This is why we went in this direction. Initially we were going to do what they did at the corner of Route 146 and Route 9. Mr. Watts asked how do the rest of the members of the Planning Board feel about this? Mr. Roberts stated I myself think it is important to make it blend with the rest of the plaza, which is what I think Mr. Klimkewicz is doing. Mr. Nadeau stated I think what you are seeing is the white color that is making it stand out exceptionally, not matching the rest of the façade of the other part of it. Mr. Higgins asked how tall is that building because it is actually lower than Route 9 and I'm concerned with all of this mechanical equipment up on the roof that you are going to be able to see it from Route 9. Mr. Klimkewicz stated we are going to raise it up. Mr. Dannible stated we are going to do impervious fill on the site, which would be 3 FT above Route 9. Mr. Higgins stated I understand what they're saying when you look at it, it looks pretty basic. I understand that you are trying to match the other part of the site but I think there might be some way you can dress it up a little bit. Mr. Klimkewicz stated that is something that we could do but I think it would be a lot louder. Mr. Higgins stated the following: I'm not even thinking so much about the colors; I'm thinking more of the actual design. It reminds me of either another drugstore in Town or as Mrs. Zepko mentioned; an older food store. Mr. Klimkewicz asked are you looking for an awning that has a pitched roof in the front and along both sides? Mr. Higgins stated something to break it up a little bit and again that is my personal preference. Mrs. Zepko stated that is exactly how I was thinking. Mr. Berkowitz stated how does that blend with the building next door, because you have Apropos (formerly Romano's Restaurant) that is shaped like that and Crescent Commons is also shaped like that and then you would have this proposed building in the middle? Mr. Klimkewicz stated Apropos is shaped just like this. Mr. Watts stated we will take a look at it. Mr. Higgins stated regarding the stormwater area that looks like a fairly extensive area and asked what is there now? Mr. Dannible stated for the most part it is an open field with an old barn and there are a couple of trees around the perimeter. Mr. Higgins asked did you say that you were planning on putting some evergreens or something around? Mr. Dannible showed the Board a rendition of the plantings and landscaping and stated the following: We have proposed some deciduous trees in one area and evergreens to the north of the site. Currently there is a large existing tree that would remain and some vegetation that would also remain. Mr. Higgins asked would the site be landscaped and maintained? Mr. Dannible stated yes. Mr. Higgins stated the following: In reading the write-up, I personally experienced some of Fred's seasonable spurts and the only thing that I would be concerned about is the traffic and parking when people are going there to pick up their Thanksgiving or Christmas special things that he does. I know that luckily for you that that is kind of offset by slow days in the other building, so it should work out okay. But obviously, if it does present a problem, then you would have to look at doing something with the landbanked area. Are you going to encourage your tenants at the plaza to park back there and is there a rear entrance into that building? Mr. Klimkewicz stated it is all the same lot so if the front lot is full, tenants can park in the rear. Mr. Watts stated the following: We will take a look at it and it's seasonal, it's Easter or it is Christmas. Fred has a great product there so people want to go there but we don't want to over design parking lots for a particular day either. If it is too busy people would move on. Mr. Nadeau stated those are

typically weekend type things and asked if most of those businesses in the plaza were there on the weekends? Mr. Klimkewicz stated over half the building is not utilized on the weekends. Mr. Watts stated we will keep an eye on it. Mr. Nadeau stated those are the kinds of problems that plaza would like to have and I think the history of knowing that plaza, I've never seen anybody in it. Mr. Watts stated it would be nice to have a good spot there. Mr. Watts asked Mr. Bianchino if he had a chance to look at the engineering. Mr. Bianchino stated the following: Yes and I think Mr. Higgins touched on some of the comments that I had regarding the back corner of the site and the area related to the stormwater management. The only other thing that I have is that they may want to look a little bit closer at is the entrance drive as it goes into the lots because I am still a little concerned about the grid that angles towards the corner but that is something I can work with Mr. Dannible on.

Mr. Nadeau made a motion to approve the commercial site plan application for Fred the Butcher contingent upon a final sign-off from CHA. Mr. Roberts seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 24, 2010 Planning Board Meeting at 8:29 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Department Secretary