

Town of Halfmoon Planning Board

August 22, 2005 Minutes

Those present at the August 22, 2005 Planning Board meeting were:

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

Alternate

Planning Board Members: Bob Beck

Town Attorney: Bob Chauvin
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the August 22, 2005 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they have reviewed the August 8, 2005 Planning Board Minutes. Mr. Roberts made a motion to approve the August 8, 2005 Planning Board Minutes. Mr. Higgins seconded. Mr. Berkowitz abstained. Motion carried.

Mr. Beck, Alternate Planning Board Member, will sit in for the Planning Board Member vacancy.

Public Hearing:

05.192 PH Pingelski Subdivision, 221 Upper Newtown Road – Minor Subdivision

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. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed a minor 2-lot subdivision located at 221 Upper Newtown Road. *Mr. VanGuilder stated the following:* This is a portion of an approximate 195-acre parcel that lies on the westerly and southerly sides of Upper Newtown Road. The 2-lot subdivision is located in the southeast corner of the overall parcel and the applicant has a tentative contract with 2 purchasers to acquire slightly less than 1-acre lots. The lots would conform with the zoning for frontage, lot width and overall area. The proposed houses are shown near the front of the lots with wastewater disposal systems to the rear of the property. There is existing well that was installed on a previous 1-lot subdivision years ago and then rescinded by the owners and this 1-lot subdivision no longer exist. The area is zoned Agricultural/Residential and there are no immediate plans for the remainder of the property. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:03 pm. Mr. Nadeau asked if there was a stream located on proposed lot # 2. Mr. VanGuilder stated it was

a seasonable drainage corridor and this lot is up out of the ravine and the buildable portion is not in the sloped area. Mr. Higgins asked what the width was for lot #1. Mr. VanGuilder stated the frontage is 150 FT. in width.

Mr. Roberts made a motion to approve the Pingelski Minor Subdivision. Mr. Nadeau seconded. Motion carried.

Old Business:

02.143 OB Sandy Rock Subdivision, Beach Road – Major Subdivision
(formerly Dahoda Subdivision)

Mr. Steve Lamb, representative for Mr. Ray Dahoda, proposed a Major Subdivision located on Beach Road. *Mr. Lamb stated the following:* The applicant wishes to develop 30-acres between Beach Road and Dunsbach Road. The proposed subdivision would be serviced by Public water and private sanitary septic systems. The last time they were before the Board they had several outstanding issues on the roadway geometry and with their engineer they have resolved most of the issues. He would now like to present the Sandy Rock Subdivision in its conceptual plan. They are anticipating 19-lots. The terrain has a lot of relief in it but they have shown on the majority of the lots potential locations of both houses and septic systems. They have left an opening for a future access to Dunsbach or if the Town desires they can make an emergency access if the Board chooses. They are before the Board for conceptual approval as there is several other issues they still have and they would like to get started. Mr. Roberts questioned the individual septic systems. Mr. Lamb stated yes and NYS DOH has initially reviewed the septic systems and contingent upon final submission of the plans the DOH stated they are potentially satisfactory to support the systems. The DOH will not give approval until they see the final details. Mr. Bianchino asked if the DOH has done testing at the site. Mr. Lamb stated yes and the results have been submitted. Mr. Lamb stated that soil scientists have also been to the site and they came out and did test and observed the perc test. Mr. Higgins asked if the adjoining properties were on Town water or do they have wells. Mr. Lamb stated he did not know. Mr. Berkowitz asked what would be the length of the internal road. Mr. Lamb stated it is approximately 3,000 FT. plus or minus. Mr. Higgins asked if the propose to run Town water down the road with fire hydrants all along the road. Mr. Lamb stated there will be a connection between Beach Road and Dunsbach Road to provide an additional loop. *Mr. Bianchino stated the following:* CHA has looked at some of the original septic perc test, and the soils when you get away from the fingers of wetland that run through this site, are fairly good in terms of septic systems which is why the DOH went to the site and look at this and did not have a real issue with the septic systems. CHA has worked with the engineer who provided some alternative roadway design standards and the road is designed in accordance with those standards. They have contacted the Town's Highway Department on the grades and Highway is comfortable with the grades and they did not have problems or issues with Dunsbach Road. Conceptually they would want to see final grade plans and septic designs during final stages. In CHA's review they would look at the possible second access, the future need for an emergency access and site distances. Mr. Polak asked if the apartments were located on the Lands of Dahoda. Mr. Lamb stated yes. Mr. Polak asked if the road would be privately owned. Mr. Lamb stated the road would be a public road and the road would be approved by the specifications that they present and have reviewed by the Town's engineer and built to the Town's standards. Mr. Bianchino stated the areas that they had variances from the subdivision regulations were turn radius and grades. Mr. Watts asked if the road was totally internal to the project. Mr. Lamb stated that was correct. Mr. Watts stated that the Town's Highway Superintendent was comfortable with the ability to maintain that as a Town road once it was dedicated. Mr. Lamb asked if they could proceed toward the final plan. Mr. Watts stated yes. This item was tabled and referred to CHA for review.

04.125 OB Stone Quarry Estates, Stone Quarry Road – Major Subdivision

Mr. Scott Lansing, of Lansing Engineering, proposed a 10-lot subdivision located on Stone Quarry Road. *Mr. Lansing stated the following:* The 10-lot subdivision would be located off of a single cul-de-sac on the east side of Stone Quarry Road just south of the intersection of Stone Quarry Road and Route 9. They have received comments from CHA and they have addressed those comments. One of CHA's concerns was in regard to the storm water management area and the basin was relocated to the north side of the proposed roadway. The lots were shifted slightly toward the east to make room for the change in the storm water management area. Another concern that CHA had was the site distance for the project. The site distance was verified in the field and has been added to plan. They are before the Board for questions and comments and would like the Board to consider setting a Public Hearing for the next Planning Board Meeting so they can obtain questions and comments from the Public as well. Mr. Higgins asked if there is Town water and septic systems proposed for this project. Mr. Lansing stated that there would be Town water and public sewer. Mr. Lansing stated they are proposing a low-pressure force main that would connect to pump station going out to the Woodin Oaks Subdivision and the lots would have grinder pumps. Mr. Higgins asked if there would be one main pump station or would each house have its own individual grinder pump. Mr. Lansing stated there would be individual grinder pumps for each home. Mr. Higgins asked if the force main is acceptable to Saratoga County Sewer. Mr. Bianchino stated that the County prefers the force main for a project this small and do not want pump stations for projects this small. Mr. Ruchlicki asked what the dotted line across the top 3 lots to the rear indicated on the plans. Mr. Lansing stated this represents a grading/clearing limit line.

Mr. Roberts made a motion to set a Public Hearing for the September 12, 2005 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

04.235 OB Adam's Pointe PDD, Johnson Road – Major Subdivision-PDD/GEIS

Mr. Jeff McCarthy, of Ivan Zdrahal Associates, is representing Leyland Development in their proposal for Adam's Pointe PDD. Mr. McCarthy stated the following: The drawing that was provided to the Planning Board Members they propose is the conventional layout which presents an 18-lot subdivision based upon 25 SF minimum requirement. Drawing C-2 in the package depicts a Planned Development District with 20-lots with the minimum of 15,000 SF per lot. The lot areas range from 15,020 SF to 25,757 SF. Typically most of the lots average 15,000+ SF. The proposed subdivision on the 16-acre parcel will have 6.56-acres of protected open space with 2.76-acres of additional developable land as open for a total of 49% of open space for the proposed project. In accordance with the GEIS it is their belief that the additional open space will allow for an additional 2-lots for a total of 20-lots with 15,000 SF. Public Sewer, Public Water and access to telephone, gas and electric would serve the project. The last time this project was before the Board the Board requested site distance and stopping site distance. The site distance report was submitted. In the site analysis they studied the traffic speed on Johnson Road and determined that 85% was 48 mph with the posted speed being 40 mph. It was determined that there was adequate turning and stopping site distance based on the 48 mph. They have also drafted a Homeowner's Association. Mr. Watts stated that the HOA still needed to be reviewed by the committee. Mr. McCarthy stated the Public Benefits for the project would be a trail built by the developer and if the trail doesn't tie-in with any of the plans that the Town has, the applicant is agreeable to donate \$20,000 to the Town of Halfmoon and the developer will also donate \$8,000 for traffic mitigations. Mr. Dean Taylor, the applicant, stated that pages 2 and 3 were incorrect in the blue packet that they submitted to the Planning Department. Mr. Taylor stated they were before the Board to ask for a referral

to the Town Board for the PDD. Mr. Roberts stated that before the project is referred to the Town Board he suggest that the Planning Board schedule a Public Informational Meeting. Mr. Higgins agreed with Mr. Roberts. Mr. Watts asked Mr. Bianchino if he had reviewed the Creighton-Manning report. Mr. Bianchino stated that CHA just received the report and he has not looked at it yet. Mr. Higgins asked if the proposed donations were in addition to the GEIS fees that are outlined in the GEIS study. Mr. McCarthy stated that was corrected. Mr. Watts asked if the proposed PDD had been reduced from 21-lots to 20-lots. Mr. Taylor stated yes. Mr. Roberts made a motion to set a Public Informational Meeting for the September 12, 2005 Planning Board Meeting. Mr. Nadeau seconded. Motion carried.

04.245 OB Halfmoon Development PDD, Stone Quarry & Plank Road – Commercial Site Plan/PDD

Mr. Joe Lenaro, of Chazen Companies, is representing the applicant, Amedore Homes, for the proposed PDD application. *Mr. Lenaro stated the following:* This project has been before the Board a number of times regarding a recommendation to the Town Board for a PDD approval and a request for a waiver of minimum lot size for a PDD. Based on the comments that they received at last meeting, their office proceeded with delineating wetlands on the site. On the maps that have been submitted there is an approximate 1-acre federally regulated wetland in the center of the site. As a result of this, they have modified the plan that was originally developed and presented to the Planning Board the revised concept and seek the same referrals granted at the last Planning Board Meeting. They propose a reduction in the density for the residential component of this project by 1 building unit or 4 individual condominium units. This was predicated to form a plan that would allow minor impacts to the wetlands, adequate provisions for mitigating that impact at a ratio of 1-1/2 to 1 and still accommodate the original design intent of the mixed commercial and multi-family residential community. As part of the reconfiguration, 2 points now provide access on Plank Road. 1 is a stub for a complex of 2 buildings or 8-units and another connection from Plank Road to the commercial drive which accesses Stone Quarry Road and NYS Route 9. They believe that this reconfiguration best optimizes the use while being sensitive to the environmental conditions that exist, i.e. being the federally regulated wetlands while affording them an opportunity to adequately mitigate the impacts that would be part of this project. In the package they have submitted a revised grading plan, revised the storm water model and calculations to support storm water management at a number of locations and also there is the final Phase 1 archeological report submitted under separate cover by the consulting archeologist, Landmark Archeology, indicating that there were no conditions that required further action. They are before the Board tonight for a recommendation to the Town Board for the PDD application in support of the minimum lot reduction from 10-acres to 7-acres. Mr. Polak asked if the Federal wetlands guideline requirements have setback requirements for the units. *Mr. Lenaro stated the following:* There were no specific guidelines; the intent is to try to be 30 FT. away. As part of this plan the impact is greater than a 1/10th of an acre so they are proposing a mitigation plan so the limits of grading will facilitate development and provisions for mitigating the wetlands at a ratio of 1 and 1/2 are included. The wetland mitigation plan would be subject to review and approval by the Army Corp of Engineers. This would be part of the site plan and subdivision review process once they get beyond the PDD application. Mr. Higgins asked what the shaded area signified under one of the buildings on the plan. Mr. Lenaro stated the shaded areas were the area of wetlands that would be impacted by development. Mr. Lenaro stated if you have a Federally regulated wetland that you fill or disturb and it exceeds 1/10th of an acre, you then have to create a new wetland at least 1 1/2 times the size of the area that you impacted and the dashed area on the plan represents the newly constructed wetland to replace the wetland that will be filled as part of the project. Mr. Higgins questioned the setback on Federal wetlands. Mr.

Lenaro stated the DEC has a 100 FT. setback, which is the State regulated wetlands, and Federal regulated wetlands do not have a building setback line but they do encourage a 30 FT. buffer. Mr. Bianchino asked if the Army Corp of Engineers has signed off on the delineation. Mr. Lenaro stated the jurisdictional determination has been completed and submitted but they have not been to the site to walk the delineation but based on the review that was done they do not believe it would be considered isolated so they are proceeding as it being a jurisdictional wetland and that mitigation would be required for the impacts above the 1/10th of an acre. Mr. Bianchino stated that he has not reviewed the revised plan or report at this point. Mr. Ruchlicki asked if there were detention basins in the front of the property. Mr. Lenaro stated yes but they have provided some additional landscape buffering for the basins along Route 9 and they would drain into the roadside ditch that runs along Route 9 and the detention basins would be designed to manage storm water so they would not drain into Route 9 under rates that would exceed pre-existing conditions so there would be no impact on the carrying capacity of the Route 9 drainage system. Mr. Ruchlicki asked if the character of the present area now drains to the wetland from Route 9. Mr. Lenaro stated that in the package that has been submitted to the Board there is an existing conditions drainage map and they are trying to maintain existing drainage patterns as much as possible and have put the detention ponds in locations that would allow them to effectively manage water quality and quantity. Mr. Ruchlicki asked if they propose to retain the storm water in front that normally would have went to the wetland area. Mr. Lenaro stated no. Mr. Lenaro stated that as part of their wetland mitigation plan they have to insure adequate hydrologic characteristics would remain to help support and maintain the existing wetland to remain as well as support the wetland mitigation area. Mr. Nadeau stated that the drainage goes to an area where the Town has had trouble with from Guideboard Road draining into the same area so the drainage may have to be put back. *Mr. Lenaro stated the following:* The intent would be to help try to improve some of the off-site drainage conditions through the wetland mitigation area coupled with the storm water management facility. One of the features that would be a benefit that is above and beyond what is normally accomplished through the storm water management plan is in compliance with the DEC standards as this mitigation plan will actually provide a larger area increasing the existing area by 50 percent more for storm water management that is part of the hydrologic characteristics for the wetland mitigation plan. Mr. Nadeau asked if these wetland areas are they the areas that the people at the Public Hearing were concerned about. Mr. Lenaro stated yes and this is what led them to do the field investigation and their staff biologist went to the site to delineate the wetlands and their survey crew located the specific flagging and they have submitted a jurisdictional determination report to the Army Corp of Engineers and pending a field review while they will receive concurrence on the delineation and post the recommendation by this Board to the Town Board in concurrence with the request for favorable zone change and waiver, they will be advancing the subdivision and site design drawings concurrently with review by the Army Corp of Engineers regarding this wetland mitigation area. Mr. Watts asked where the access points on the roads were proposed when they had the Public Informational Meeting. *Mr. Lenaro stated the following:* The change is one access on Stone Quarry Road and two access points on Plank Road, which has reduced the trip generation from the residential component by one building unit that would be four individual condominium units. Creighton-Manning is the consulting traffic engineer for this project and they have prepared an initial traffic impact study assessment. They have submitted the revised concept plan to Creighton-Manning to review and modify their findings concurrently with addressing a couple of comments that they received from DOT primarily looking at the driveway location to see if it would be viable to shift it down and to coordinate what movements would be permitted with this driveway should be consistent with the striping that exist on Route 9. These issues would be easily addressed and mitigated in one manner or another through the site plan and subdivision review process. These plans have been submitted to the DOT and they did receive a comment letter with two comments

received on July 25, 2005 and Creighton-Manning is in preparation with a response to those two comments. Mr. Polak asked if the DOT requested a turning lane. Mr. Lenaro stated no, the DOT stated in their comment that the plan should be submitted with additional detail on the location surroundings of the proposed site driveway on Route 9 and the plans should include existing pavement markings on Route 9 including the two-way left turn lane in taper for the right turn lane to Route 236. Mr. Lenaro stated they have furnished some aerial mapping of Route 9, which more clearly depicts the existing striping within that road to Creighton-Manning to use in their response. Mr. Lenaro stated the second comment was in regards to concern for a potential for left turns from southbound Route 9 into the proposed site access blocking left turns from northbound Route 9 into Park Avenue in the existing neighborhood on the west side of Route 9 with the concern being stacking distances for related movement and the stacking condition is being evaluated so Creighton-Manning would be able to address that comment as well. Mr. Watts stated that there were a lot of issues raised at a previous Public Informational Meeting and there has been a significant change in the plans particularly with the road access and the mitigation in the wetlands delineations so at this point the Board should schedule another Public Informational Meeting so that the residents can have another look at the proposed plan.

Mr. Nadeau made a motion to set a Public Informational Meeting for the September 12, 2005 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried. This item was referred to CHA for further review.

05.126 OB Ellsworth Landing, Mapleridge Ave. – Major Subdivision

Mr. Jeff McCarthy, of Ivan Zdrahal and Associates, is representing Landmark Development Group. *Mr. McCarthy stated the following:* This project was previously before the Board and at that time was presented as a cul-de-sac with a maximum 18-lots subdivision. At that Board meeting there was discussion regarding a 2-lot subdivision off of Timberwick and a provision of that 2-lot subdivision was that in order to build a second lot they would have to facilitate to make a connection to this parcel. They are now showing a 51-acre parcel with 37 lots in compliance with 20,000 SF zoning. Public water and sewer would serve the proposed project. The sewer connection would be made to both Timberwick and Ponderosa Drive and they are also proposing to make a connection and extend the sewer up to Breski Road for future connection. Approximately 11-acres will be retained by the greenhouse facility. 25-acres will be lot development area, there will be land preservation areas which contain wetlands and there will be a restricted deed to preserve the wetlands. The project is now proposed for 37 single-family lots instead of the initially proposed 18-lots. Mr. Watts stated at a previous meeting there was much discussion about how large the lot sizes would be and benefits and now they have doubled the size of the application. *Mr. McCarthy stated the following:* The proposed average lot size is approximately 39,000 SF and the minimum lot size would be 20,000 SF and all would have the required 100 FT. at the building setback line. The previous proposal was restricted to 18-lots for a cul-de-sac with one access per the Town regulations and now the proposal is for two accesses and they are now able to use more of the land by making a new connection. Mr. Taylor stated that there is a contract with the landowner for the new connection. There are proposed storm water management areas that will be dedicated to the Town.

This item was tabled and referred to CHA for review.

05.152 OB Halfmoon Suites, Lot 2A Executive Park Drive – Change of Tenant & Sign

Mr. Tim Connelly, the applicant, proposed a change of tenant and sign application for Halfmoon Suites located at Lot 2A Executive Park Drive. *Mr. Connelly stated the following:* He was last before the Board on July 11, 2005 with a site plan application for an existing facility at Lot 2 Executive Park Drive. He purchased the facility 3 years ago and at that time he believed that the Town was aware that it was a two-story building. He obtained certificates of occupancies from the Town that it was a two-story building and when he applied for a change of tenant application in the lower level it was discovered that the previous owner only had site plan approval for a single-story office with storage in the lower level. The existing building is 5,400 SF and has 27 parking spaces available with 2 handicapped spaces, (8) 9 FT. x 20 FT. and the remaining (10) spaces are 10 FT. x 20 FT. The application is to put in an office suite in the lower level for small individual businesses. Mr. Watts asked if they would be using the existing sign at the site. Mr. Connelly stated another plate would be put in the lower part of the existing sign. Mr. Higgins stated that there is no parking allowed along the Town road in front of the building and does not feel that the proposed 27 parking spaces would be adequate for the existing facility. *Mr. Connelly stated the following:* The proposed site plan is taking away some of the green space and additional parking would be added. Currently there are only 10 employees occupying the entire top floor of the building and there are 25 parking spaces available. Their parking calculations do not include parking on Executive Park Drive. Mr. Chauvin asked if the site plan that the Board has did not show the final improvements that they intend to make to comply with the 27 parking spaces. Mr. Connelly stated that the site plan that the Board now has reflects exactly what is proposed. Mrs. Wormuth asked if the current site plan needs improvement to reflect the 27 parking spaces. Mr. Connelly stated that was correct and he needed to do some reconstruction. Mr. Chauvin stated that Mr. Williams's topics stated that the application is proposing (18) 9 FT. x 20 FT. space, (7) 10 Ft. x 20 FT. spaces and two handicap parking spaces for a total of 27 parking spaces and does not see this on the site plan before the Board. Mr. Chauvin stated the current site plan that the Board has shows (5) 10 FT. x 20 FT. spaces and not (7) as Mr. Williams had mentioned in the topics. Mr. Chauvin stated for the record, so the site plan does not change again, the final site plan dated 5/20/05 with a revision made on 6/24/05 is the final site plan made by Vollmer Associates that shows (5) 10 FT. x 20 FT. parking spaces and not (7) 10 FT. x 20 FT. Mr. Berkowitz asked if there is a legal requirement for the size of handicap parking spaces. Mr. Bianchino stated that the State Building Code requirement minimum is 8 FT. wide and the inaccessible parking spaces have a larger area.

Mr. Berkowitz made a motion to approve Halfmoon Suites change of tenant and sign application based on (5) 10 FT. x 20 FT. parking spaces and (22) 9 FT. x 20 FT. parking spaces, which include the (2) handicapped parking spaces. Mr. Nadeau seconded. Motion carried.

New Business:**05.194 NB \$1.00 World, 1675 Route 9 (J&S Watkins Plaza) – Change of Tenant & Sign**

Mr. Tom Andress, of ABD Engineering, proposed a change of tenant and sign application located in the J&S Watkins Plaza. *Mr. Andress stated the following:* Recently Lavender Fields Flower shop vacated the property and the applicant wishes to utilize the 2,000 SF vacant space for a dollar store. There would be 2 employees and there will be 8 parking spaces available for customer use based upon the 10 parking spaces allotted. There is one extra space that is used for a floating space available to the tenants in the plaza. Mr. Higgins asked if this dollar store would be similar to some of the other dollar stores operating in the area. Mr. Andress stated that it is pretty much the same type as any of the other dollar stores in area. Mr. Higgins asked

if the applicant was aware that the space on the sidewalk in front of the store is not considered a sales area. Mr. Andress stated that he is sure the applicant is aware of this, as the owner of the plaza would not allow any of the tenants to use the sidewalk for outdoor display. Mr. Watts stated to make sure that the proposed applicant is aware that no outdoor displays/sales are allowed on the sidewalks. Mr. Andress stated he would let the proposed tenant know and that the proposed tenant was present at this meeting. Mr. Berkowitz stated that no window signs are permitted. Mr. Andress stated that the only sign that he is aware of is the sign application that is also proposed. Mr. Roberts asked if the sign would be the same as the Lavender Fields Florist sign. Mr. Andress stated the sign would have with the same dimensions as the Florist sign with the text changing to \$1.00 World. Mr. Roberts stated that J&S Watkins Plaza had certain theme to his signage. Mr. Andress stated this was part of the requirement where all the signs had to meet the theme. Mr. Roberts stated that stores such as this proposal have a habit of putting up signs in the windows and you are unable to see through the windows and hopefully this will not happen in this store. Mr. Andress stated he would certainly make the applicant aware of this. Mr. Watts stated to the applicant that they should advertise as being in Halfmoon. The applicant stated they do plan on advertising as being in Halfmoon.

Mr. Roberts made a motion to approve \$1.00 World change of tenant and sign application. Mr. Berkowitz seconded. Motion carried.

05.195 NB Jennings Subdivision, 14 Upper Newtown Road – Minor Subdivision

Mr. Dave Flanders, of David Flanders and Associates, is representing Mr. Jennings for a minor subdivision located at 14 Upper Newtown Road. Mr. Flanders stated the following: Mr. Jennings owns a parcel of land consisting of approximately 20-acres on the southerly side of Upper Newtown Road. Mr. Jennings land adjoins the former Delaware & Hudson Railroad Line. The purpose of the subdivision is to cut out a parcel around the existing residence. The minimum zoning requirement is 40,000 SF and the proposed lot would be 41,516 SF. Currently there is a single-family residence on the property with a shed in the rear and is accessed by a gravel drive off of Upper Newtown Road. The property is separated from the east property line by a 30 FT. wide strip of land that they have set aside for future access is and when it is necessary. Near the southeasterly corner of the property there is an existing platform and wood shed that would be removed. There is well that is shown on the site that services the house and the septic system is in the rear yard. Mr. Nadeau asked if this parcel had trailer trucks store on the lot. Mr. Flanders stated that he did not know but he would find out. Mr. Chauvin stated that if this is the same parcel, the owner of the property did received a citation from the Building Department a few years back and Mr. Nadeau should do a site visit the Public Hearing.

Mr. Roberts made a motion to set a Public Hearing for the September 12, 2005 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

05.196 NB Cinnamon & Spice Bakery, 15 Route 236 (Woods Plaza) – Change of Tenant

Mr. John Zumbo, the applicant, stated the following: He wishes to open the Cinnamon & Spice Bakery in the Woods Plaza. There will be a full line of scratch baker pies, pastries, cakes, cookies and breads all for retail. He is proposing 8 seats for customers to have coffee and pastries. Mr. Roberts asked how many employees there would be. Mr. Zumbo stated 1 to 2 employees for counter help and himself. Mr. Roberts stated that he drives by this plaza frequently and has not seen any parking problems. Mr. Zumbo stated that at lot of the parking is pick up and go traffic for the Pizzeria, Chinese food and the drycleaners. Mr. Higgins asked the applicant if he required the NY State DOH approval. Mr. Zumbo stated yes and those

applications have been submitted to the State. Mr. Higgins asked if the applicant would be back to the Board with a sign application. Mr. Zumbo stated that he would submit the sign application before he opens on October 1st.

Mr. Roberts made a motion to approve Cinnamon & Spice Bakery change of tenant application. Mr. Berkowitz seconded. Motion carried.

05.197 NB Robson Forensic, 12 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: Robson Forensic is currently located at 14 Corporate Drive and they wish to re-locate to 12 Corporate Drive to gain additional office space. Robson Forensic provides forensic engineering services. The applicant does not have a large parking demand as most of the time they are off-site and there would not be a lot of cars parked at the site. Robson Forensic services include accident reviews, product liability review and small-scale forensics. Mr. Higgins asked if the applicant had submitted a sign application. Mr. Andress stated no as they do not have a sign at their current location. Mr. Berkowitz made a motion to approve Robson Forensic change of tenant application. Mr. Higgins seconded. Motion carried.

05.198 NB Blue Financial Corp., 21 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: Blue Financial Corp. would be a new tenant moving into 21 Corporate Drive, which is the former NFC building. Blue Financial Corp. is a financial mortgage and insurance brokerage. The applicant is proposing to utilize 1,677 SF of office space. Initially the company has 2 to 3 employees and as business progresses they may have up to 6 employees. This is a standard lending type of situation with most business done over the telephone and closings taking place at the financial institute. Mr. Watts asked who is the business representative for this application. *Mr. Andress stated the following:* Mr. Ed Abele is making this application, which is Sitterly Associates. The name of the applicant is Jeff Schermerhorn for Blue Financial Corp. Mr. Watts asked where Blue Financial Corp. was currently located. Mr. Andress stated he did not know but he understood that they are a new start-up business however; this doesn't mean that they are not operating somewhere else. Mr. Watts asked if they had adequate parking at this site. Mr. Andress stated there are a lot of parking spaces available at the former NFC building. Mr. Roberts asked if Blue Financial Corp. would have a sign. Mr. Andress stated no.

Mr. Roberts made a motion to approve Blue Financial Corp. change of tenant application. Mr. Berkowitz seconded. Motion carried.

05.199 NB All About U, 1515 Route 9 – Change of Tenant & Sign

Ms. Lori Manny, the applicant, wishes to operate a day spa in Halfmoon. Ms. Manny stated the following: She proposes to open this business at 1515 Route 9 where Finally Free Electrolysis is currently located. The day spa will provide massage therapy, skin care treatments, and pedicure and manicure services. The 1,000 SF space would not have any external renovations. They propose some renovations in rearranging the interior walls. The building is currently handicap accessible. Finally Free Electrolysis will still have a portion in the rear of the building. Mr. Watts asked how many employees there will be. Ms. Manny stated including herself there would be a total of 4 employees. Mr. Watts asked how many parking spaces there were at this site. Ms. Manny stated there are 17 parking spaces, 10 for her business and 7 for Finally Free Electrolysis. Mr. Roberts asked if all 4 employees would be working at the same time. Ms. Manny stated yes. Ms. Manny stated that 1 employee would be the receptionist. Mr. Roberts asked how long does an appointment last. Ms. Manny stated approximately 1 hour. Ms. Manny stated the 2 signs that she proposed would have the same dimensions as the current signs. Mr.

Roberts asked if either of the signs would be neon lit. Ms. Manny stated no. Mr. Berkowitz asked if the parking lot is going to be resurfaced. Ms. Manny stated yes. Ms. Manny stated she hopes to open the business in approximately a month and a half. Mr. Roberts made a motion to approve All About U change of tenant and sign application. Mr. Ruchlicki seconded. Motion carried.

Mr. Berkowitz made a motion to adjourn the August 22, 2005 Planning Board Meeting at 8:24 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary