

Town of Halfmoon Planning Board

November 14, 2005 Minutes

Those present at the November 14, 2005 Planning Board meeting were:

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

Alternate

Planning Board Member: Daphne Jordan
Bob Beck

Planner: Jeff Williams

Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the November 14, 2005 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the October 24, 2005 Planning Board Minutes. Mr. Roberts made a motion to approve the October 24, 2005 Planning Board Minutes. Mr. Higgins seconded. Mr. Berkowitz abstained. Motion carried.

Old Business:

04.142 OB Cardin Acres PDD, Plant Road – Major Subdivision/PDD

Mr. Berkowitz recused himself from this item. Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed Cardin Acres PDD major subdivision located at Plant Road. *Mr. VanGuilder stated the following:* This project has been before the Planning Board for the review of the Planned Development District Legislation, the Town Board approved the project, and later came back to the Planning Board for it's first review before it was referred to CHA for technical review for the subdivision. The project consists of 60.38-acres and the PDD legislation set the maximum number of new lots at 37. Recent comments from CHA were to set finished floor elevations and a note added to the plan that the finished layout elevations will be reviewed and set at a minimum of 4 FT. above the high potential high groundwater table. They have performed a walk with the ACOE in August. The ACOE gave them a general sign-off on the wetlands. They need to submit their final plans to the ACOE for their review. They are in the process of finalizing an easement with Marina Woods Apartment Complex for connection to the Town water. An easement is needed due to the private roads in this complex. CHA has recommended the water line size and looping to help with the water pressure. He believes the matters of the PDD are all settled and CHA is in general agreement with the plans in their technical review, other than the last item. Mr. Watts asked Mr. VanGuilder if his engineer was

present. Mr. VanGuilder stated no. Mr. Watts stated that there were a lot of engineering issues. Mr. VanGuilder stated he had a conversation with Mr. Lockwood and there was only one outstanding issue at that time and this was regarding the finished floor elevations. Mr. VanGuilder stated a letter was sent to CHA and Mr. Lockwood stated that he would respond if he had any further issue with this. Mr. Bianchino stated that CHA was in receipt of this letter and at this time the only issue CHA is not comfortable with is the overall engineering and the comments. Mr. VanGuilder stated he talked with Mr. Lansing and he must have misunderstood as they thought those were the only outstanding issues. Mr. Bianchino stated that Mr. Lansing has addressed many of the items that CHA has raised but not all of the items. *Mr. Higgins stated the following:* He and Mrs. Patenaude were on the committee for this project and they walked the site with Mr. VanGuilder, Mr. Lansing and the applicant and they had concerns then and after reading the engineer's comments he has more concerns now than he had before. Neither Mr. VanGuilder nor Mr. Lansing ever discussed anything about bringing in the amount of fill that is going to be required to make some of these sites useable and to make the roads meet the Town standards. Mr. VanGuilder and Mr. Lansing assured the Board that there were some wetlands and that some of the site is wet but there is definitely enough upland area for livable housing sites. After reading CHA's letters and looking at this project again, he has some real serious concerns about the number of sites and the amount of work that would need to be done to make these sites even questionably habitable. Mr. VanGuilder and Mr. Lansing need to take a serious look at this because bringing in hundreds of yards of fill so homes can be built, might require sump pumps running in the basement 24 hours a day. This is not what he personally considers an acceptable site. *Mr. VanGuilder stated the following:* A note was just place on the plans as of November 11, 2005 that states the lowest finished floor elevation of any house in this subdivision would be a minimum of 4 FT. above the potential high groundwater table. This means that the highest groundwater table that shows up in mottling and the soil, the lowest finished floor elevation, which will be the basement elevation, would be 4 FT. about that. Therefore, they are not talking about sump pumps running 24 hours a day; they are talking about a 4 FT. buffer above the potential high groundwater table. For example, in the Town of Clifton Park they require a 2 FT. separation and they have gone another 2 FT. beyond that. *Mr. Higgins stated the following:* When bringing in that much fill, there is also concern with drainage runoff on adjacent landowners property. Obviously, the water has to go somewhere. As Mr. Bianchino mentioned, they have some items that Mr. VanGuilder and Mr. Lansing need to address with CHA. *Mr. Watts stated the following:* The Board could schedule a Public Hearing to allow the neighbors to voice any issues they may have. There are issues with the site relative to the wetness of the area. There is concern where the road construction would involve dewatering. There is concern that the Town has relative to making sure when the Town accepts these roads, they will not have issues with that kind of water. The Town Board and the Planning Board need to be assured that the home sites that will be sold would be appropriate for people to move into. Mr. VanGuilder stated they certainly do want to work with the Planning Board and CHA on resolving those issues. Mr. Higgins asked if lot-2 and lot-4 were the lots they had concerns about since day one with how wet the area was and questioned whether or not these lots would be buildable with fill because of the fact that they proposed a detention pond behind those lots. Mr. VanGuilder stated that there were 3 lots and they eliminated one of those lots and originally they had 4 lots. Mr. Higgins asked what the buildable area was on lot-4. Mr. VanGuilder stated according to Mr. Lansing's grading plan the house would fit in that area. Mr. VanGuilder stated that they would work on the technical issues between now and the Public Hearing and they would address as many issues as possible.

Mr. Roberts made a motion to set a Public Hearing for the November 28, 2005 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

04.153 OB Realty USA, 1547 Route 9 – Commercial Site Plan

Mr. Brett Steenburgh, of Brett L. Steenburgh P.E. LLC, proposed a commercial site plan for Realty USA at 1547 Route 9. *Mr. Steenburgh stated the following:* The proposed project site is adjacent to the Wal-Mart Super Center. This project was before the Board a little over a year ago and they wanted to make sure what is being presented is what will be the final plan. The plans that have been submitted a few weeks ago included banked parking solely in the rear of the parcel. The plan shows 19 spaces reserved for future parking. CHA's land Mr. Watts recommended the parking be banked in the front of the building. The applicant would like to have some parking in the front of the parcel and they are proposing and are shown on the plan is banking half the parking in front of parcel. The land banked in the front will be enhanced with extra landscaping. They are proposing maintaining the 19-space banked parking area in the rear but also reserving 7 spaces in front, which would be half of what the original proposal was. The original proposal was for 14 spaces in the front. They would relocate the handicapped spaces to the side of the parcel with a side entrance into the building. They are enhancing the landscaping from what was originally proposed. They are proposing an additional deciduous tree centered in front of the building. This tree will be outside of the area of the banked parking. There will be an additional row of low shrubbery along the curb line. Because a sidewalk would not be needed along the parking area, they are now able to move the landscaping forward for the additional row of shrubbery in front of the building. Mr. Bob Bucher, of Design Logic Associates, presented the architectural rendering of the proposed Realty USA building to the Board. *Mr. Bucher stated the following:* The Town has requested that they create and design a structure that is residentially oriented in nature. Realty USA wanted this as well due to the nature of the business that Realty USA is in. They tried very hard to design a building that would have very little reference to a commercial structure. The Route 9 elevation would have a 12 on 12-pitched roof. The commercial aspects of the building and the service court are centered inside the building. All 4 elevations do have a pitched roof and they all have gable ends, architectural accents and trims. The building will be predominately brick in a patina orange color. The signage will be carved into the effuse and the building will be lit with an up lighting system. Mr. Steenburgh stated the geotechnical report had made recommendations to raise the structure 3 FT. due to seismic conditions that has been done and they have forwarded the grading plan. Mr. Watts asked Mr. Bianchino if all the engineering concerns were met. Mr. Bianchino stated that CHA's November 1, 2005 letter intent was to describe to the Board what was required with the raising of the building and this has been addressed. Mr. Roberts asked what was the length of the proposed building. Mr. Steenburgh stated about 125 FT. *Mr. Watts stated the following:* The Town does not have any architectural standards but the Board has worked very closely with the engineers and architects on this project. The Board does like to see nice looking buildings on the Route 9 corridor with the parking in the rear of the building. Mr. Higgins stated for the record that early in the project a neighbor to the rear of the proposed building had concern with storm water run off going into their property. *Mr. Steenburgh stated the following:* Wal-mart's storm water management area is discharged to a point on the Realty USA property, which has created a wetland along the rear portion of this parcel. The storm water eventually flows down into the

culvert under Route 9. Their proposed drainage systems will shed all storm water to a detention pond that is located along the south side of the property. The storm water would discharge directly into this swale along Route 9 so no storm water is being directed to the rear of the parcel.

Mrs. Jordan made a motion to approve the commercial site plan for Realty USA contingent upon CHA sign off – NYSDOT. Mr. Roberts seconded. Motion carried.

04.167 OB Prospect Meadows, Summerfield Circle; Lots 18, 20, 22, 24, 26 & 28 - Lot Line Adjustment

Mr. Watts asked Mr. VanGuilder to relay to the applicant that Prospect Meadows is located in Halfmoon and not in Clifton Park, as he has seen that the applicant's realtor is advertising Prospect Meadows as being located in Clifton Park. Mr. Roberts stated he also has seen advertising as Clifton Park/Halfmoon. Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated he would make the applicant aware of the advertising. *Mr. VanGuilder stated the following:* This lot line adjustment application was before the Board in May of 2005. There was a Public Hearing and the Board approved the project. Through error the maps were never filed in the County Clerk's office. Mr. Williams conducted a search of the records and found no Mylar maps that have been signed by Chairman of the Planning Board. They have now submitted the maps for signing. All the utilities have been laid out in the subdivision according to these lot changes and they are very near completing some of the homes. This project is now back before the Board for approval. *Mrs. Murphy stated the following:* This project was before the board in 2004 and not 2005, therefore the 1-year time period has expired. A Public Hearing was held with no public where there was no public comment, so at the Board's discretion they may proceed without setting a new Public Hearing. Mr. Higgins questioned Phase I and Phase II. *Mr. VanGuilder stated the following:* One of the lots was a portion of Phase II and there was one undeveloped lot in Phase II that was brought into this lot line adjustment. This map is the exact same map that was previously approved and no changes have been made.

Mr. Berkowitz made a motion to approve Prospect Meadows Lot Line Adjustment for Lot #'s 18, 20, 22, 24, 26 & 28 Summerfield Circle. Mr. Roberts seconded. Motion carried.

04.225 OB Stewart's Shop Corp., Vosburgh Road – Commercial Site Plan

Mr. Tom Lewis, of Stewart's Shop Corp., proposed a commercial site plan for Stewart's Shop Corp. Mr. Lewis showed the Board a history of changes the site has gone through with the planning process. *Mr. Lewis stated the following:* There was a question about the setback 30 FT. and the setback is now 75 FT. They originally proposed 3 buildings for this commercial site plan. They are now proposing to construct 2 buildings; a 2,903 SF Stewart's Shop and an 8,450 SF Commercial tenant building. Originally the green space has gone from 36% to 43%. Parking has been reduced from 90 spaces to 74 spaces. The signage has also been reduced. They feel they have now addressed all of the Board's and CHA's concerns. *Mr. Bianchino stated the following:* The applicant has addressed most of CHA's comments. There are a couple of minor items on the storm water and CHA has asked for more buffering on Vosburgh Road. The plan that the applicant has alluded to was if the plans on the Route 146 improvements associated with Sheldon Hills would accommodate the Stewart's Route 146 curb cut, which they now do. There are a few minor comments that are still outstanding.

Mr. Roberts made a motion to approve the commercial site plan for Stewart's Shop Corp. located at Vosburgh Road contingent upon CHA's sign off and NYSDOT permit. Mrs. Jordan seconded. Motion carried.

New Business:**05.234 NB Oakbrook Commons PDD, Ltd., Route 9 – Amendment to PDD/Addition to Site Plan**

Mr. John Gay, of Northeast Land Survey & Land Development Consultants, P.C., proposed an amendment to Oakbrook Commons PDD/Addition to Site Plan. *Mr. Gay stated the following:* Mr. Chuck Hoffman, the applicant, would like to place an additional (4) unit apartment building to the existing apartment complex. The new proposed building would have the same construction as the existing apartment buildings. The proposed building will replace a 4-car garage. The building footprint would be about the same size as the existing buildings containing a 4-unit apartment structure. There is adequate water and sewer on site. They have gone beyond their normal request to the Planning Board to give a recommendation to the Town Board for this project. They have developed a site plan area and are aware that they will be back before the Planning Board. Mr. Roberts asked where the proposed building would be located in relationship to the 2 buildings that were previously approved. Mr. Gay pointed out the location to the Board and stated the building would be located at the end of Phase I of the original section. Mr. Higgins asked if there would be adequate parking after the 4-car garage is removed. *Mr. Gays stated the following:* Yes, there will be adequate parking and they would have the opportunity to expand the parking. Mr. Gay stated there would be 7 parking spaces in front of the building plus there is additional parking that is not being used by another building. Mr. Berkowitz asked how many apartments were in the cul-de-sac. Mr. Hoffman stated that there were 16 apartment units in the Town of Clifton Park and 4 apartment units in the Town of Halfmoon. Mr. Berkowitz asked if there would be over 40 parking spaces. Mr. Hoffman stated yes. *Mr. Williams stated the following:* This project has been referred to the Saratoga County Planning Board and the Town Board will also be referring the project to the County. He has also referred this project to Mr. Jason Kemper, the director of Planning in the Town of Clifton Park because of the proximity of the proposed building being located so close to the Town's shared property lines. Mrs. Murphy stated that the Board's usual plan has been to appoint a committee to look at the issues and also the Board would reserve their vote until they receive the County's recommendation. Mr. Watts stated the Board does not feel that there would be the need for a committee and they will await the County's response. Mr. Higgins stated he would like a sketch of the parking when they return to this Planning Board. Mr. Berkowitz made a motion to pass a positive recommendation to the Town Board for Oakbrook Commons PDD contingent upon a County referral and the Town of Clifton Park comments. Mr. Ruchlicki seconded. Motion carried.

05.235 NB Planet Print, 1410A Route 9 – Change of Tenant & Sign

Mr. Scott Briggs, the applicant, proposed a change of tenant and sign application for Planet Print located at the Garden Gate Florist site on Route 9. *Mr. Briggs stated the following:* Planet Print was formerly located on the corner of Route 9 and 2 Hayner Heights Road. The business would remain the same commercial printing and copying outlet. The applicant proposed to place a 2.4 FT. x 4.5 FT. Planet Print sign on the approved Garden Gate Florist freestanding sign. Mr. Briggs stated that all his stationery and business cards would state the business is located in the Town of Halfmoon. Mr. Watts asked Mr. Williams if there would be adequate parking. Mr. Williams stated yes. Mr. Roberts stated he had no problems with the sign application.

Mr. Roberts made a motion to approve the change of tenant and sign applications for Planet Print. Mr. Berkowitz seconded. Motion carried.

05.236 NB Sheldon Hills PDD, Covington Drive – Sign

Ms. Laurie Michaels, of the Michaels Group, proposed a sign application for Sheldon Hills PDD. *Ms. Michaels stated the following:* The sign would consist of a 2-tiered stonewall at the entrance of the Sheldon Hills PDD. The Sheldon Hills signage would be located on the second tier of the stonewall. The proposed sign is 150-inches wide by 54 inches high. The total height of the sign from top to bottom would be 6 FT. 10-inches. The sign would be one-sided. *Mr. Roberts stated the following:* He has reviewed this sign application and the proposed sign is in conformance and similar to the other development's signage in the area. Mr. Roberts asked if the sign would be floodlit. Ms. Michaels stated yes. Mr. Roberts stated the floodlights could not shine out onto Route 146. Ms. Michaels stated the floodlights would shine directly on the sign. Mr. Roberts made a motion to approve the Sheldon Hills PDD sign application contingent upon the sign is not in the State right-of-way and the lights do not shine onto Route 146. Mrs. Jordan seconded. Motion carried.

05.237 NB Carlson Wagonlit Travel, 30 Corporate Drive – Sign

Mr. Mark Orminski, a representative from Snyder Neon Signs, presented a sign application for Carlson Wagonlit Travel at 30 Corporate Drive. *Mr. Orminski stated the following:* The applicant wishes to place an 18-inch x 11 FT. 10.5 inch one-side, channel lettered, internally illuminated backlit neon sign under the eave above the windowsills on the north exposure of the building. Mr. Roberts stated to Mrs. Murphy that one of the specifications for this PDD was that the signage would only be interior and not visible from outside and asked if this proposed signage would meet the PDD's specifications. Mrs. Murphy stated that she would need to review the PDD legislation before she could answer this question. Mr. Roberts made a motion to approve the Carlson Wagonlit Travel sign application contingent upon the sign meeting the requirements in the Abele PDD Legislation. Mr. Ruchlicki seconded. Motion carried.

05.238 NB Kelly Rae Rose Design Studio, 1857-1859 Route 9 (Stewart's) – Change of Tenant

Ms. Jennifer Howard, of Stewart's Shop Corp., proposed a change of tenancy at 1857-1859 Route 9. *Ms. Howard stated the following:* The end unit at this site formerly was a hair salon and tonight they are asking for a new tenant with the same use to be approved by the Board. Mr. Watts asked if the proposed hair salon would have a sign. Ms. Howard stated they would be putting a sign on the freestanding sign that has already been approved by the Board. Mr. Watts stated that a new sign application for the freestanding sign would have to be submitted to the Planning Department and the Board could not act on sign application at this time. Mr. Roberts made a motion to approve the change of tenant application for Kelly Rae Rose Design Studio. Mrs. Jordan seconded. Motion carried.

05.239 NB Neddo Pole Barn, 480 Hudson River Road – Addition to Site Plan

Mr. Don Neddo, the applicant, proposed to place a 32 FT. x 96 FT. pole barn on his property located at 480 Hudson River Road. Mr. Neddo stated the pole barn would have just a roof with poles. Mrs. Jordan asked the applicant what the pole barn would be used for. Mr. Neddo stated the pole barn would be used for his tractors and farm equipment. Mrs. Jordan asked if the 14-acres of land is a working farm. Mr. Neddo stated he only cuts hay. Mrs. Jordan stated

that 96 FT. was a large barn. Mr. Neddo stated the Town's Building Inspector was at the site and has seen all his farm equipment and this equipment will fill this size barn. Mr. Watts asked where the farm equipment was used. Mr. Neddo stated on his property. Mr. Watts asked how many pieces of equipment the applicant had. Mr. Neddo stated this information is listed on the application that he has submitted to the Planning Department. Mr. Berkowitz asked if the applicant would store equipment in this pole barn other than his own. Mr. Neddo stated it would be used for his own equipment. Mr. Berkowitz asked if other items such as loose materials; hay, gravel, or stone would be stored in the pole barn. Mr. Neddo stated no, it would just be for his farm equipment. Mr. Berkowitz asked Mr. Neddo if he had any animals on the farm. Mr. Neddo stated no. Mr. Higgins asked the applicant if he would be renting space to anyone else in the proposed pole barn. Mr. Neddo stated no. Mr. Higgins stated that the proposed building seems to be a big building for storage of equipment to be used on about 8-acres of hay. Mr. Neddo stated this was said about the big kennel that he built with 104 rooms, but they have filled it. Mr. Higgins asked Mr. Watts if they needed to wait until they hear back from Saratoga County on this. Mr. Watts stated yes. Mr. Neddo asked why they needed to hear from Saratoga County. Mr. Higgins stated it is the practice of this board to wait to see what the County has to say about anything the Board refers to the County. Mr. Neddo asked why this project had to be referred to the County. Mrs. Murphy stated the Board is required by law to refer this to Saratoga County because Mr. Neddo's property is on a County road. Mr. Neddo stated his property was located on a State road. Mrs. Murphy stated it was a County road. Mrs. Murphy asked Mr. Williams if the Planning Department had heard back from the County. Mr. Williams stated no. Mr. Higgins stated it was appropriate to wait until the Board hears from the County to see if they have any concerns or observations about this application. Mr. Watts agreed. Mr. Watts asked the Board if any one had any concerns about Mr. Neddo's site review and asked if the Board should appoint a committee. Mr. Higgins and Mr. Ruchlicki will be the committee for this application's site review.

This item was tabled awaiting a response from Saratoga County and the Board's committee site review.

05.240 NB Fortress Partners, Ltd., 5 Enterprise Drive – Sign

Mr. Mark Marshall, of Marini Builders, proposed a sign for Fortress Partners, Ltd. *Mr. Marshall stated the following:* This is the same sign that they currently have at #10 and #12 Enterprise Drive. The sign would be located 15 FT. from the road. Mr. Roberts stated that he sees no problem with this sign application.

Mr. Roberts made a motion to approve Fortress Partners, Ltd. sign application. Mr. Berkowitz seconded. Motion carried.

05.241 NB Betts Subdivision, Betts Lane – Major Subdivision

Mr. Brian Holbriiter, of Brian R. Holbriiter P.L.S., proposed the Betts Subdivision located on Betts Lane. *Mr. Holbriiter stated the following:* Last year his firm surveyed the entire Betts farm, which is located at the end of Betts Lane. A previously subdivision of this property was conducted last summer for Wesley and Dana Betts. Because of the past subdivisions conducted on this parcel, Mr. Williams advised him that this would be a major subdivision. They propose to create a 1.52-acre residential building lot, which would be a flag lot with 32 FT. frontage on Betts Lane. The newly created lot would be situated behind the old farmhouse and some of the barns. They would have 160 FT. of width so this would meet the minimums required for the farm lot. The farm lot would then create a 12.09-acre parcel around the existing farmhouse and barns. The survey shows that there is are existing barns and some old sheds which are

close to the boundary line and they propose to remove these buildings so there will not be any zoning issues due to the buildings being too close to the boundary line. Mr. William Betts Jr. and his wife, Teresa would like an additional 25 FT. of land added to their lot, which is located along the northerly side of their property. The remaining 125.08-acres of land is under contract with Mr. Christopher Abele. Mr. Higgins asked if a flag lot subdivision was previously done on this site. Mr. Holbritter stated yes. Mr. Higgins asked Mrs. Murphy if they were allowed to create another flag lot on this site. Mrs. Murphy stated no, a second flag lot was not permitted without a variance due to the Town's zoning ordinance. Mr. Williams stated that he has had discussions with the applicant regarding utilizing the existing well on the farm property through an easement in order to service the proposed dwelling on the proposed flag lot. *Mrs. Murphy stated the following:* This has been permitted in the past but legally she does not think this would be a wise decision. In order to allow this to go forward, she will research this issue as far as conditions that have been imposed in the past. Mr. Higgins asked if both residents would use the same well. Mr. Holbritter stated that one of the residents would like to tap into the existing waterline, which comes from the well on the other property. Mr. Higgins stated that the Board has approved the use of a well on another site but only one residence was using this well. Mr. Holbritter stated that it was the thought of the applicant was that they would utilize the other properties well until they have access to public water. Mr. Higgins stated unfortunately this Board has no control over when the property owner will have public water. Mr. Watts stated at this point, the Betts Major Subdivision would have to be denied and with the denial the issue of the water problem is brought to the attention of the Zoning Board. Mr. Higgins made a motion to deny the Betts Major Subdivision based upon the fact that there is already one flag lot on this site along with the request to utilize a common well for two residences. Mr. Roberts seconded. Motion carried.

05.242 NB Nail Expo, 1683 Route 9 (St. John's Plaza) – Change of Tenant & Sign

Mr. Tom Pratico, of Bast Hatfield, proposed a change of tenant and sign application for Nail Expo located in St. John's Plaza at 1683 Route 9. *Mr. Pratico stated the following:* Nail Art has sold their business to Nail Expo, which will have the same use. The only change would be changing the name from Nail Art to Nail Expo. The sign would have the same square footage as the previous Nail City signage. Mr. Roberts asked if the sign would have the same lighting as the previous sign with no neon. Mr. Pratico stated yes. Mr. Higgins stated that no sandwich board signs would be allowed near the roadway. Mr. Watts stated to Mr. Pratico, as owner of the Plaza, he should notify his tenants that the sandwich board signs are not allowed. Mr. Pratico stated okay, he would take care of this. Mr. Watts stated the Town's Code Enforcement Department have been issuing notices, stating that the sandwich board signs are not allowed, to people who are using these signs all along Route 9. Mr. Roberts made a motion to approve the change of tenant and sign applications for Nail Expo. Mr. Berkowitz seconded. Motion carried.

05.243 NB Corp Subdivision, Angle Road – Minor Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: The applicant's previously subdivide their property a few years ago. The applicant's have frontage on Cary Road and also frontage on Angle Road. The parcel is a 5.03-acre lot that was created in the previous subdivision. The applicant's have since gone into a contract with a potential purchaser to convey this property to them. They have been on site and have delineated the Federal wetlands and have laid out two potential home sites. Lot 1 would be a 1.61-acre parcel and Lot 2 would be a 3.48-acre parcel. The lot in the rear of the parcel is proposed to be a flag lot.

There is public water available to this site and the hope that the subdivision would be able to tie into the sewer line. Currently the sewer line is not under County jurisdiction so the current application for the subdivision is proposing that these lots would be on septic systems. They probably will not build the houses until springtime. The sewer line on Pruyn Hill Road is currently in the process of being turned over to Saratoga County. Saratoga County has indicated that they have no issue with these two parcels tying into the sewer line when it does become under the County's ownership. As shown on the plans, there is plenty of room for septic systems on the lots.

Mr. Berkowitz made a motion to set a Public Hearing for the November 28, 2005 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

05.244 NB Sheldon Hills PDD, Sheldon Drive-Lot #'s 29/31, 33/35, 37/39, & 41/43 – Lot Line Adjustment

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: As the Board is aware; Abele Builders are constructing town homes in a portion of the Sheldon Hills PDD. Upon review of the lot layout, the 4 lots facing Sheldon Drive between Hampton Circle have very limited rear yards. Mr. Chris Abele has asked him to submit a lot line adjustment to shift the rear lot lines on the four lots to create larger rear yards for these town home units. All of these lots exceed the minimum requirements. Mr. Bianchino stated that these lot line adjustments would allow the buildings to be further apart and utilize an interior street rather than the main road of the development.

Mr. Berkowitz made a motion to set a Public Hearing for the November 28, 2005 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

05.245 NB Leyland Development, Inc. – Cary & Staniak Roads – Minor Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed a minor subdivision for Leyland Development, Inc. located at Cary Road and Staniak Road. *Mr. VanGuilder stated the following:* Mr. Dean Taylor, of Leyland Development, wishes to remove the three existing condemned structures in order to create two single-family residential lots. Lot 1 would have an area of 42,482 SF and Lot 2, which is considered a flag lot, would have 42,803 SF. The two lots would have private wells and septic systems. An engineer has reviewed the soil conditions and recommended the proposed locations for the septic systems. Mr. Higgins asked the applicant and Mr. VanGuilder if they had discussed the wells on this site as he believes the lack of water may be the reason for the failure of the existing multi-family residences. Mr. Taylor stated that he has had conversations with the adjoining landowner who stated there was good water but there was only one well that was servicing all 6 units. Mr. Higgins stated he wanted to bring this to their attention as he was told the lack of water was the reason why they were unable to rent these units and he was unaware that there was only one well. Mr. Taylor stated he appreciated Mr. Higgins bringing this to his attention. Mr. VanGuilder stated that the one existing well would be replaced. They are proposing two new wells to allow the proper separation from the septic systems. Mr. Watts stated that an adjoining landowner sent a letter regarding this property to the Board and asked if the applicant had received a copy of this letter. *Mr. Taylor stated the following:* Mr. Williams read the letter to him regarding the adjoining landowner's concern with building new houses on this parcel might affect his drainage. Mr. Williams assured Mr. Taylor that when he applies for a building permit, they couldn't have any drainage going onto the adjoining neighbors property. He had met with the adjoining landowner a few months ago and the adjoining neighbor told him what his concerns were and they do intend to work with the adjoining landowner and all of his concerns.

Mr. Higgins made a motion to set a Public Hearing for the November 28, 2005 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

05.246 NB Mushorn Subdivision, 21 Fellows Road – Minor Subdivision

Mr. Steve Rousseau will present the Mushorn Minor subdivision located at 21 Fellows Road for the applicant (Mushorn). *Mr. Rousseau stated the following:* Mr. Mushorn wishes to convey a 12 FT. strip of land to Mr. Rousseau. This will leave the 150 FT. minimum of road frontage. The reason for the subdivision and conveyance of land is so Mr. Rousseau can put an addition on his existing home, which is non-conforming due to the frontyard setback, is 48.75 FT. from the roadway. There will be 16 FT. from the property line after the new addition is built.

Mr. Ruchlicki made a motion to set a Public Hearing for the November 28, 2005 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

05.247 NB Imagistics, 21 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, proposed a change of tenant application 21 Corporate Drive. *Mr. Andress stated the following:* This is the former NFC building. Imagistics wishes to utilize 2,700 SF of office space at this location. This would be a branch office of Imagistics main office, which is located on New Karner Road. Imagistics is a copier service and they will not sell retail at this site but they do have people who come in to look at their products by scheduled appointments. Mr. Watts asked if the applicant would have a sign. Mr. Andress stated not at this time.

Mr. Berkowitz made a motion to approve the change of tenant application for Imagistics. Mrs. Jordan seconded. Motion carried.

05.248 NB First Cardinal Corp., 21 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, proposed a second change of tenant application for 21 Corporate Drive. *Mr. Andress stated the following:* First Cardinal Corp. wishes to utilize 1,800 SF of office space in the former NFC building. This would be the last tenant in this building as the building is now fully leased. First Cardinal Corp. is an insurance broker business. Mr. Watts asked Mr. Williams if there would be adequate parking. Mr. Williams stated yes.

Mr. Berkowitz made a motion to approve the change of tenant application for First Cardinal Corp. Mrs. Jordan seconded. Motion carried.

*****Native American Brotherhood*****

Mr. Watts stated that there has been an addition made to tonight's agenda for the Native American Brotherhood to have a trailer at the corner of Route 9 and Route 146.

Mr. Tim Christian, President and founder of the Native American's Brotherhood stated the following: This organization is a non-profit organization. His organization wishes to place a 42 FT. tractor trailer (trailer only) at Route 9 and Route 146 where Benson's Pet Center is located. They have the landowner's permission to park the trailer for the collection of toys and food for the Christmas Holiday. There would be 2 to 3 people operating the site during the day and during the evening there would be 4 to 5 people. He has gone to the local Sheriff's Department to ask them to watch the trailer during the late night and early morning hours when they are closed and they have agreed to do so. They will start collecting toys/turkey's, etc. on Black Friday (November 25th) until December 15th, which is a total of 21 days. They will leave the site if the truck is filled before December 15th. They have been collecting the toys for 2,000 to 2,500 children for the past 8 years. When the truck is filled this year they plan to send the

truck to Louisiana for the Hurricane Katrina victims. Mr. Roberts stated he had some concern with the placement of the trailer in the parking lot as it may affect the flow of traffic in the plaza's parking area. Mr. Christian stated the trailer would be parked in the corner of the parking lot near the existing freestanding plaza sign. Mr. Higgins asked if the trailer could be parked toward the end of the plaza where the shoemaker is located so this would not obstruct any views of the traffic going around the corner. Mr. Christian stated he didn't know if the public could see the trailer with the banner sign if it is parked in that area. Mr. Higgins stated that the Route 9 and Route 146 intersection is a very busy intersection and wouldn't want people getting into accidents as they look over to read the banner. Mr. Christian stated he would park the trailer at the end of the plaza's parking area if the Board would allow them to put up A-frame advertisement signs. Mr. Higgins stated unfortunately A-frame and/or sandwich board signs are illegal in the Town of Halfmoon. Another member of Mr. Christian's organization asked if people could stand by the road to let people know that they were there. Mr. Berkowitz asked where they have set up their trailer previously. Mr. Christian stated they have been in K-Mart's parking lots on Route 2 and Route 7 in Latham for the past 8 years. Mr. Berkowitz asked where they parked the trailer in those lots. Mr. Christian stated they parked the trailer at the front entrance to the parking area. Mr. Berkowitz stated the Salvation Army in Clifton Park has had issues with people coming in the middle of the night and dumping garbage at this site. Mr. Christian stated that people do drop off toys when nobody is there but when they open in the morning they put the toys in the truck. Mr. Berkowitz asked if they were asking for new toys. Mr. Christian stated yes. Mr. Berkowitz asked if they would also collect food items. Mr. Christian stated yes. Mr. Roberts stated to Mr. Watts if the Board does approve this application and they find that the site of the trailer is not working, could the Board ask them to move it to another location in the plaza. Mr. Watts stated the Board could state this as part of the approval. Mr. Berkowitz asked if they had done any advertising. Mr. Christian stated their advertising was by word-of-mouth and they would be handing out some flyers.

Mr. Roberts made a motion to approve the Native American Brotherhood application on a limited basis for the dates noted (from November 25, 2005 to December 15, 2005) by the applicant for the collection of new donated toys at a site to be determined as acceptable by the Board. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 14, 2005 Planning Board Meeting at 8:44 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary