

Town of Halfmoon Planning Board

August 22, 2011 Minutes

Those present at the August 22, 2011 Planning Board meeting were:

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

Planner: Lindsay Zepko

Town Attorney: Lyn Murphy
Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Paul Hotaling
Walt Polak

Mr. Watts opened the August 22, 2011 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the August 8, 2011 Planning Board Minutes. Mr. Ouimet made a motion to approve the August 8, 2011 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

Public Hearings:

10.016 PH Inglewood Planned Development District, Cemetery Road – Major Subdivision/PDD

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. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I'm here tonight representing Mr. Paul Weber, who is the applicant for the Inglewood Planned Development District (PDD). This is a residential PDD that was originally approved in 2007. Since that time, we've been preparing the detailed engineering drawings for the project. We have gone through some extensive review with the Town and CHA in order to get all the engineering worked out to everyone's satisfaction. Tonight we're presenting the preliminary plans to the Board, hopefully for a preliminary approval, where ultimately once the public hearing is concluded and if everything looks to be in order, the project would then go to the New York State Department of Health (NYSDOH) and the New York State Department of Environmental Conservation (NYSDEC) for further review and then ultimately back to the Planning Board for a final approval. The project itself is approximately 9.5-acres in size. We have frontage on Cemetery Road and it is also bordered by several residential properties and the car auction has property just to the east of the project. We would have a single access entrance off of Cemetery Road, along with an emergency access connection out to Lawrence Circle. The main access would be on the east side of Cemetery Road with a long linear cul-de-sac that would provide frontage to the townhomes. There would be 27 townhomes

constructed on the property and they would be situated on what we refer to as "great lots". Each one of the great lots is approximately 23,000 SF minimal size and they would generally have either 3 or 4 units on each one of the great lots. Once a person would purchase one of the townhomes, that townhome would be further subdivided and the property owner would own a small sliver of land adjacent to their unit. The remaining portion of the property itself would be owned, operated and maintained through a Homeowner's Association (HOA) and it's probably over 50,000 SF of area that would be available to the residents of the community to utilize. One of the significant lots that they would own or that would be a common area is one that sits up right on Cemetery Road where there would be a small gathering area with sidewalks, gazebos, landscaping and things of that nature. As a community benefit for the project, the project is going to be constructing both an extensive sidewalk along Cemetery Road that would start from the corner and work its way up about 1,100 FT and terminate at our property line going mainly in front of the cemetery. The sidewalk is also being constructed in conjunction with the sewer line that would be extended in that same vicinity. The project would have municipal sewer and water and on-site stormwater management. Mr. Watts asked if anyone from the public wished to speak. Mr. Steven C. Walko, of 5A Cemetery Road, stated the following: I'm interested in a number of things. Which side of the road would the sidewalk and the sewer would be on? Mr. Vuillaume stated the sidewalk and the sewer would be on the north side; the same side where the cemetery is located. Mr. Walko asked would that change the road at all or would the road be moved? Mr. Vuillaume stated no. Mr. Walko stated the following: Okay, so there would be no effect to the south side of the road. In terms of storm drainage; I'm south and east on the second lot back from the corner and my lot tends to run downhill from that side and I want to be assured that there is no storm runoff to my property. To date there has been no problem, but I wanted to make sure that you're not changing anything there. Mr. Vuillaume stated the following: We also have a grading plan and there are a couple of low points in the road that would capture all the drainage from the road and the units. Along with that, there is also a long linear swale that would take drainage from the back of these lots over to the stormwater management area and away from your property. Mr. Walko asked how close to the property line does that run? Mr. Vuillaume stated the swale is probably about 15 to 20 FT from the property line. Mr. Walko stated during construction, would there be management of the dust and noise? Mr. Vuillaume stated the following: More recently, the NYSDEC has issued what's called a "Stormwater Pollution Prevention Plan" (SWPPP) program where erosion control is strictly monitored during construction. One of the items that the inspectors look for is the control of airborne dusts, soils and things of that nature. So, certainly there would be water trucks on-site if it was a real dry soil, which this happens to be, as you know, very sandy. The water trucks would be required to try to keep the dust down and away from neighboring properties. Also, they'll put some silt fence in critical areas as well. Mr. Walko asked what would their operating hours be during construction? Mr. Vuillaume stated generally it would be 7:30-8:00 am and asked the Board if the Town had a certain requirement regarding the time? Mr. Watts stated there is no requirement relative to when they can operate. At the pre-construction meetings it's generally indicated dawn to dusk. Mr. Walko stated in the summer that is when most of us are sleeping. Mr. Watts stated the following: Yes, I can verify that for the project going in near my home; The Moorings of Halfmoon, you can hear it and it is sometimes a little disruptive. That's a determination that the Town has made for the construction. There are a couple of ways to look at it; #1 it gets it over with quicker and #2 when the weather is in the 90's and it is hot and humid, they like to get an earlier start. So, I would say that yes, there may be times that they would be starting early. There is no ordinance that says "7:00 to" and that is how it has been operated. Mr. Walko stated regarding the emergency access that runs over to Lawrence Circle, can you explain more about that? Mr. Vuillaume stated the following: It would be gated on either end so that it could not be traveled on by anyone. It could only be traveled on by the Town or for emergency vehicles. It would just be a gravel road and it would be

maintained in the winter. They would make sure that it stays open so they will plow it. In general, it's not much different than what's there now. I know a portion of it is like a dirt road now. Mr. Walko stated so it would go nowhere? Mr. Vuillaume stated right and it would keep going a little further into this site. Mr. Walko asked what mechanism is there with the Town that would allow that gated emergency road to be changed? Mr. Watts asked are you asking if it would be changed to a regular road? Mr. Walko stated yes, either at this point or at any time in the future. Mr. Watts stated that would require a site plan revision but to my knowledge any emergency access roads are designed just for that purpose to get a fire truck or emergency vehicles in there. Mr. Walko stated it may have some impact. Mr. Watts stated the following: I can't speak for future Town Boards or Planning Boards. I've never seen one change from an emergency access because it is what it is. If there were a reason for connectivity from that point, it would be done now. Mr. Walko stated reasons change and I just wanted to know what that status was, but at least it would go through this process. Mr. Watts stated yes. Mr. David Cinney, of 2 Cemetery Road, stated the following: I'm at the corner of Old Route 146 and Cemetery Road. I have a number of questions in regards to the sidewalk because it is going to be taking part of my property in order to put the sidewalk in. I have no arrangements at this point in time and I would like to see a survey to make sure that everything is proper as far as the land that is going to be used for the sidewalk that is currently my property. Also, I'd like to know when the sidewalk goes in who's going to maintain the sidewalk and who's going to own it? If the sidewalk does go in, what impact would it have on my parking spaces going forward and also the property itself? Mr. Vuillaume stated the following: The actual property line for Mr. Cinney actually comes out into the road. So, his property basically incorporates a lot of this area at the corner. In that vicinity it's just grass now and I think there is a grass lawn area. To answer the question on the parking; it wouldn't effect Mr. Cinney's parking. It will take away some of the greenspace that he has there on the corner. Mr. Watts asked could you clarify that point; when you say "his property" is this in the right-of-way? Mr. Vuillaume stated the following: The sidewalk, which straddles both the right-of-way and his property. In order to construct this sidewalk exactly where we would like to put it, we would have to acquire some of his property. In other words, the Town would have to purchase approximately 6 FT of property. Mrs. Murphy stated the applicant would have to purchase the property. Mr. Vuillaume stated the following: Yes, the applicant would have to do that and we are in negotiations with Mr. Cinney to try to work out an arrangement to offset the loss of 6 FT of property that would be required to put that sidewalk in if we keep the same section that we have now. Another alternative option would be to bring the sidewalk a little closer to the edge of the pavement where you would have a curb. Right now the cross section that we're proposing shows a winged curb with a median and then the sidewalk. So, it does kick it off the road quite a bit and we're able to provide that basically everywhere right up into Mr. Cinney's driveway and then right about where his driveway is located is where we would like to try to purchase additional land if we can. Mr. Watts asked from him? Mr. Vuillaume stated yes. Mr. Higgins asked why is this project even before the Board if that hasn't been concluded? Mr. Vuillaume stated another option would be to terminate the sidewalk at his driveway and you would only lose maybe 50 FT of sidewalk to the intersection. Mr. Higgins stated but it is shown one way and if it is shown that way, it should be that way. Mr. Vuillaume stated right now that's the way we are proposing it. Mr. Higgins asked if you don't own the property, how can you propose that? Mr. Vuillaume stated we are working with Mr. Cinney to try to acquire that. Mrs. Murphy stated if they get it approved this way and it doesn't end of being this way, they'll have to come back to get it changed. Mr. Vuillaume stated that makes sense. Mr. Watts stated where the sidewalk terminates at that 50 FT, what is after that? Mr. Vuillaume stated the following: Nothing; then it just stops at the edge of pavement and I don't believe there is any other type of connection that would be made. I have not seen any plans for any other extension of the sidewalk on either side of Old Route 146, so it would just terminate. Mr. Higgins stated so it terminates at Old Route 146 at the corner. Mr. Vuillaume stated

yes. Mr. Berkowitz asked who's idea was the sidewalk? Mr. Vuillaume stated the Town Board. Mr. Berkowitz asked where was it ultimately going to connect to? Mr. Vuillaume stated ultimately it stops at our property line just a little bit past the cemetery. Mr. Berkowitz asked does it go right into where the Rite Aid and Snyder's are? Mr. Vuillaume stated no, it starts at the intersection and continues all the way north on Cemetery Road, past where the cemetery is and terminates a little bit past that. Mr. Berkowitz stated I mean on the south side and would it terminate at Old Route 146? Mr. Vuillaume stated yes. Mrs. Murphy stated the following: I know it was part of the public benefit as part of the PDD legislation. There wasn't a specific design, it was just that the applicant would put the sidewalk in and there is sufficient right-of-way for them to do it but their design there is just showing them going on his property. Mr. Vuillaume stated yes, for the last 50 FT we ran out of right-of-way. Mrs. Murphy stated but they would have to negotiate with this gentleman and if he said "no" to them, then they would have to come back before this Board in order to modify the approved plan. Mr. Berkowitz stated the following: What happens to the rest of the public benefit? Would they have to re-negotiate that? Mrs. Murphy stated it would be a modification of the PDD because the local law specifically calls for the sidewalk to go from the project to the corner of Old Route 146. Mr. Vuillaume stated we would probably have to go back in front of the Town Board as well, not just the Planning Board. Mrs. Murphy stated yes, that's what I'm saying. Mr. Vuillaume stated we realize that we have to acquire the property. Mr. Cinney stated I just wanted to make sure that this was publicly known and if the sidewalk does go in, I just want to make sure that someone else is maintaining it. Mr. Watts asked who would maintain the sidewalk. Mrs. Murphy stated the Town. Mr. Cinney stated I know they said that it would have no effect on the parking spaces but I just want to make sure that if the sidewalk does go in, that there is no situation where I have to move parking spaces back or whatever because it is going to be right there at my parking spots. Mr. Walko stated I'm wondering if you would be willing to provide a privacy fence along my property line. Mr. Vuillaume stated the following: I think we were thinking of doing something in the back anyways. So, I can talk to the applicant about extending the privacy fence because we are close to another neighbor as well. I think we might be able to do a small privacy fence in that vicinity. Mr. Watts asked what is your definition of a privacy fence? Mr. Vuillaume stated usually a 6 FT solid fence. Mr. Walko stated if 6 FT is what you are proposing, I think it would follow through. Mr. Watts stated so it would be a solid 6 FT stockade fence. Mr. Walko asked who would maintain the fence? Mr. Watts asked whose property would the fence be on? Mr. Vuillaume stated it would be on our property and that's the way we have it shown on the plan. Mr. Watts closed the Public Hearing at 7:22 pm. Mr. Higgins stated regarding the stormwater retention along the bottom, is it collected and then it follows the swale down to the big one? Mr. Vuillaume stated the following: The actual collection for the stormwater piping goes one way within the road so, nothing discharges from the road to the south end of the property. This swale is really maintained just to capture drainage from the back of the southern lots. Road drainage goes the other way in front of the lots. Mr. Higgins asked why would the Town of Halfmoon be maintaining someone else's property? Mr. Vuillaume stated the following: I think the drainage easement to the Town of Halfmoon was just in case they had to get there in an emergency. You are not going to maintain that because that would all be privately owned. Mr. Higgins stated I'm a little confused because if it is privately owned, then you're responsible to maintain in. Mrs. Murphy stated the following: Anytime there is any kind of stormwater management area, in the PDD legislation itself, it's written so that it can either be maintained by who owns it, we can take over ownership, or if they go with option 1 where it's maintained by whoever owns it, we get a maintenance easement so that we can go in and fix it whenever we have to. We write it both ways and leave it to the Highway Superintendent to determine, based on the nature of the property, which would work better for them. Mr. Higgins stated regarding the piece of property that you may or may not purchase from this gentleman, if you purchase the property and turn it over to the Town for the sidewalk, do you realize that Mr. Cinney cannot park his

cars on the Town property. I just want to make sure that Mr. Cinney understands because he mentioned that it was going to be very close. Mr. Vuillaume stated yes, it is close, but he's currently not parking in that area now so there would be no need to do that. Mr. Nadeau asked is anything being done with that barn that is so close to the road? Mr. Vuillaume stated I haven't heard anything as far as it's removal but certainly that was all studied by the traffic engineer, Creighton-Manning, and it can stay where it is and site distance would be safe as is. It certainly would be better without it. Mr. Berkowitz asked is 2 Cemetery Road a private residence? Mr. Cinney stated it's a commercial property. Mr. Berkowitz asked is that ABC Nursery? Mr. Vuillaume stated ABC Nursery is behind him to the west.

Mr. Berkowitz made a motion to grant a preliminary approval for the Inglewood Planned Development District contingent upon solving the sidewalk situation and the fenced buffer being installed to the south of the site. Mr. Higgins seconded. Motion carried.

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

Mr. Watts opened the Public Hearing at 7:26 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here representing the Pingelski's for a minor 4-lot subdivision of their lands. The property is located at 221 Upper Newtown Road on both the north and south sides. It is about a half-mile east of Route 146. The applicant would like to subdivide the 195-acre farm into 4-lots. Lot #1 would be approximately 65-acres, Lot #2 would be approximately 27-acres, Lot #3 is about 96-acres and Lot #4 is a 4-acre parcel. The subdivision was setup as per the wishes of the family to have equal areas and equal road frontages. Mr. Watts asked if anyone from the public wished to speak. Mr. Mike Panarese, of 111 Sheldon Drive, asked after they subdivide this property do they have any intentions of building any further subdivisions, especially behind our property? Mr. Rabideau stated not at this point in time. Mr. Panarese stated so this is just to let us know that they are subdividing it and that there would be no impact to us. Mr. Rabideau stated this is strictly just for the family estate. Mr. Watts stated there certainly could be an impact because the land there is zoned Agricultural-Residential (A-R) so one of the property owners could develop any of that land for what's appropriate. Mr. Panarese asked if the land were to be developed in the future would they have to come before this Board again. Mr. Watts stated the following: Yes that is correct. We would have to have a public informational meeting or a public hearing for sure and depending upon what was going to go on there, they may have to go to the Town Board if they wanted to put in a development like Sheldon Hills with townhouses. That would have to be a PDD, which in essence would be a zoning change. The Town Board and/or Planning Board would notify people regarding a public informational meeting or a public hearing. Mr. Watts closed the Public Hearing at 7:30 pm. Mr. Watts asked did we get a response from the Saratoga County Planning Board regarding this subdivision. Mrs. Zepko stated no, we have not received a response back from the Saratoga County Board.

Mr. Roberts made a motion to approve the Pingelski Subdivision condition on an approval from the Saratoga County Planning Board. Mr. Nadeau seconded. Motion carried.

New Business:

11.092 NB Wright Way Automotive, 1516 Crescent Road – Sign

Mr. Jason Wright, the applicant, stated the following: I would like to place two wall-mounted signs on the garage structure, one to face Morris lane and one to face Crescent Road. Each sign would 3 FT x 6 FT for a total of 18 square feet and the signs would not be lit.

Mr. Roberts made a motion to approve the sign application for Wright Way Automotive. Mr. Nadeau seconded. Motion carried.

11.093 NB The Tire Warehouse, 1430 Route 9 – Addition to Site Plan

Mr. Roberts recused himself from this item. Mr. Robert McCarthy, Esq. Attorney for The Tire Warehouse, stated the following: I'm representing Mr. John McCall who is the owner of the property. Currently my client owns approximately 4.6-acres of land off of Route 9 at the Tire Warehouse facility. The State has come to the applicant and asked them to purchase some property, which is contingent to his property. It is .125-acres of land. This would basically just square off the property and the State would get some money out of it. They had asked us to get a Negative Declaration before they can go forward with the sale and that's all we need. We are not asking to do anything more. We would like to put the property on the tax map and we would like to be one parcel rather than two separate parcels. We're hoping that we close within 90 days or so and then we would leave it up to this Board on whether or not to keep the application open to actually finalized the approvals together or if you wish us to resubmit that also. Mr. Watts stated so your wish at this point is for a negative declaration pursuant to SEQR in order for the purchase of the property from the New York State Department of Transportation. Mr. McCarthy stated that is correct; the State requires that before they go forward with the contract. Mr. Watts stated and the State had gone in and looked at the property and made sure it was okay and they went through the State Department of Transportation. Mr. McCarthy stated yes, they have been through the whole process with surveyors and both parties. Mr. Higgins stated part of that area was filled and I assume someone is going to determine that if we are doing SEQR, is that correct? Mr. McCarthy stated yes, nothing has been touched on the property at this point, nothing is going to be changed and there are no issues. Mr. Higgins asked so none of this area that is part of this piece was filled? Mr. McCarthy stated I don't know. Mrs. Murphy stated the following: I think the point that he is making is the declaration that you are doing doesn't go into whether or not the soil is sufficient for building, etc. What it goes into is whether or not the new subdivision would have any negative environmental impacts. Mr. Higgins stated I just want to make sure that this Board is within our jurisdiction to make a SEQR review on a piece of property that is owned by the State now but I didn't know if part of that was actually part of the fill area. Mrs. Murphy stated the following: He is not saying that they are going to build on it, so we don't have to look at whether or not it is safe to build on or whether or not there are any environmental impacts with that action. The environmental impact that you are looking at is attaching that little piece to the bigger piece without a use. Should some use come in, then we would look at the issue all over again. Mr. McCarthy stated the following: There is no proposal at this time to build anything. We are just trying to get the two parcels together onto one tax number. Mrs. Murphy stated so the next step for them after the sale would be to come back to this Board for a lot line adjustment, which shows one parcel with those parameters.

Mr. Ouimet made a motion to grant a Negative Declaration per SEQR and tabled the site plan application to allow the applicant to discuss the proposal with the NYSDOT. Mr. Higgins seconded. Motion carried.

11.094 NB Viking Tattoos, 1427 Route 9 – Change of Tenant & Sign

Mr. Paul Hickok, owner of the property located at 1427 Route 9, stated the following: The applicants are proposing to rent the parcel that has been a store, an insurance office, a computer place, etc. The applicants are proposing to put a tattoo place at this location. Mr. Rick Quast, the applicant, stated the following: We are looking to open up a tattoo studio and it would be an appointment only business. We are not really going to have walk-ins. We would have 1 full-time employee and 2 part-time employees. Mr. Watts stated the following: Your application indicated that your hours of operation

would be Tuesday through Thursday 11:00 am to 9:00 pm, Friday and Saturday 11:00 am to 11:00 pm and Sundays and Mondays by appointment only and you would have 1 full-time employee and 2 part-time employees, is that correct? Mr. Quast stated yes, that is correct. Mr. Watts stated the following: On our application we indicate that permits are required from other agencies and then in your narrative you speak of a health department license and State Department regulations. Is there any license you require from the State? Mr. Quast stated the following: As far as the State, no because they haven't passed any formal regulations for it. It's kind of by a County-by-County basis. I have been in contact with the Saratoga County Health Department and there is no formal licensing or regulation. Mr. Higgins asked is that both for piercing and tattooing? Mr. Quast stated yes. Mr. Higgins stated so there is no license required for either. I am currently licensed in Schenectady County as a tattoo artist and piercer. So, the guidelines that we are going to follow here are the same as if we were licensed. Mr. Berkowitz asked do you own any tattoo parlors anywhere else. Mr. Quast stated no. Mrs. Murphy asked what is the minimum age requirement 16 or 18? Mr. Quast stated 18. Mrs. Murphy stated so there is no State DOH regulation but there is an actual penal law. Mr. Quast stated the following: I'm kind of gearing it towards the regulations that I currently follow through Schenectady County and regardless there is no exception and you have to have a New York State photo identification or a military identification card. These are the only two forms of identification that are acceptable. Mr. Berkowitz asked can you do anyone under 18 with a parental consent? Mr. Quast stated no. Mr. Roberts asked are you just replacing a new sign where the old sign was located? Mr. Quast stated yes.

For the record: The Planning Department's write-up for the sign is as follows:

Sign for Viking Tattoo:

Sign Dimensions: 4.02 ft x 6.06ft

Sign Size: 24.4 X 2 = 48.8 SF

Total Height: 6 ft 4 in

Sided: ☐ one-sided ☒ Two-sided

Location of Sign: In front of building facing Rt 9 (existing)

Lighted: ☒ Internal ☐ Flood

Mr. Roberts made a motion to approve the change of tenant application for Viking Tattoos. Mr. Ruchlicki seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Viking Tattoos. Mr. Ruchlicki seconded. Motion carried.

11.096 NB Forino Commercial Site Plan, 14 Upper Newtown Road – Commercial Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm representing Mr. John and Mrs. Donna Forino. This portion of it is for the site plan for Lot #3A, which would be created from the subdivision. The applicants want to set up a small welding and fabrication business on Lot #3 and it would be located in an existing metal barn that is currently on site now. It is large enough so that everything is stored within the barn. Most of the welding and fabrication, about 75%, is done off-site on various jobs so there would be very little activity there. There would be no exterior changes to the building. We're here tonight to get denied because of the fact that this is located in the Agricultural-Residential (A-R) zone and Light Industrial/Commercial (LI-C) would not be allowed in there. So, hopefully we can get denied and be referred to the Zoning Board of Appeals (ZBA). Mr. Nadeau stated for clarification, did you say Lot #3 or Lot #3A? Mr. Rabideau stated Lot #3A. Mr. Ouimet stated currently Lot #3A doesn't exist, is that correct? Mr. Rabideau stated that's correct. Mr.

Watts stated is this business to operate a welding fabrication business in the existing barn and asked is there anything going on there now? Mr. Rabideau stated that's correct. Mr. Watts stated if this and the other subdivision get approved at the Planning Board and the ZBA, then there would be a business operated there and asked Mr. Rabideau for a rundown on what this business would entail. Mr. Rabideau stated Mr. Forino has a business in another location and because of downsizing and the economy, he has purchased this house and basically would like to run his business out of there. It's just small fabrication for local contractors and things of that nature. It would be a very small operation and right now it is just Mr. Forino and a part-time employee. Mr. Watts asked what is surrounding that property? Mr. Rabideau stated there is the Delaware & Hudson Railroad and CP Rail on the south side, open fields, the bike path or towpath and there are no houses within this area. Two other areas are zoned C-1 Commercial. We are at the easterly most point of the residential. Mr. Watts stated so, the reason for our denial would be for the commercial site plan and the fact that we can't have mixed use in a commercial zone with a residence. Mrs. Murphy stated the following: It is an improper use; the residence is on a separate lot. So, it's an improper use based on the underlying zoning and the lot doesn't exist. So, you would deny it on both basis and by the time he gets to the ZBA a parcel would exist and they would only have to deal with the improper use. Mr. Watts stated which is that they are in an A-R zone. Mrs. Murphy stated right. Mr. Higgins asked what would be the road frontage that is being left before Lot #3A? Mr. Rabideau stated 30 FT. Mr. Higgins asked is that acceptable? Mrs. Zepko stated yes. Mr. Nadeau stated this application will be denied but should the subdivision itself be approved and him not be approved for the business, it would still be a subdivided lot. Mr. Rabideau stated that is correct. Mr. Nadeau stated so you would still separate the lot from your main parcel. Mr. Rabideau stated yes.

Mr. Ouimet made a motion to deny the Forino commercial site plan application on the basis that the proposed use is not a listed permitted use in the Agricultural-Residential (A-R) zone and that no Lot #3A exists. Mr. Higgins seconded. Motion carried.

11.095 NB Forino Subdivision, 14 Upper Newtown Road – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: The applicant wishes to subdivide Lot #3. Lot #3 was created in 2005 through this Planning Board. The applicant proposes to subdivide out Lot #3A for 3.2-acres for the potential of Mr. Forino's business. The remaining lands would be 12-acres. Lot #3 would still have 60 FT strip to go through. Mr. Ouimet asked would there now be 2 flaglots? Mr. Rabideau stated that's correct. Mr. Ouimet asked would there be sufficient frontage on the road? Mr. Rabideau stated yes.

Mr. Nadeau made a motion to schedule a public hearing for the September 12, 2011 Planning Board meeting. Mr. Higgins seconded. Motion carried.

11.097 NB Old Glory Computers, 1524 Route 9 – Sign

Mr. Robert Cubeta, the applicant, stated the following: I'm proposing to add 2 signs to the existing building. They would be basic signs and they would not be illuminated. The signs would be one-sided and attached to the building itself. Mr. Watts asked how long have you been open? Mr. Cubeta stated we opened last week. Mr. Watts asked how's it going. Mr. Cubeta stated good.

For the record: The Planning Department's write-up for the sign is as follows:

Location: Dr. Morrison's office building

Zoning: C-1, Commercial

Sign Size: Sign#1=12 SF, Sign #2=7.5 SF

Sided: ☒ one-sided ☐ Two-sided

Location of Sign: Sign #1=over rear entrance to suite, Sign #2=north sidewall of building

Lighted: ☐ Internal ☐ Flood -none

Mr. Roberts made a motion to approve the sign application for Old Glory Computers. Mr. Berkowitz seconded. Motion carried.

11.098 NB Power's Irish Pub, 130 Meyer Road – Sign

Mr. Wayne Wheeler, of A J Signs, stated the following: The applicants are proposing to place a wall-mounted sign on the building where the sign for the previous tenant had been. The sign would be a total of 30 square feet and it would be externally illuminated. Mr. Roberts asked would the floodlights be shining up? Mr. Wheeler stated I'm assuming the floodlights would be shining down. Mr. Roberts stated please make sure that the floodlights do not shine out into the road. Mr. Wheeler stated okay. Mr. Higgins asked what about the other existing sign? Mr. Wheeler stated that sign is located in another Town. Mr. Roberts asked did you apply to Clifton Park for that sign? Mr. Wheeler stated yes.

Mr. Roberts made a motion to approve the sign application for Power's Irish Pub. Mr. Berkowitz seconded. Motion carried.

Old Business:

11.078 OB Stewart's Shop #127, 454 Route 146 – Commercial Site Plan

This item was removed from the agenda per the applicant's request.

Mr. Ruchlicki made a motion to adjourn the August 22, 2011 Planning Board Meeting at 7:53 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary

