

Town of Halfmoon Planning Board

July 24, 2006 Minutes

Those present at the July 24, 2006 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman (arrived at 7:14 pm)
 Don Roberts – Vice Chairman
 Rich Berkowitz
 Marcel Nadeau
 John Higgins
 John Ouimet

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Roberts-Vice Chairman, sat in for Mr. Watts-Chairman, in his absence. Mr. Roberts opened the July 24, 2006 Planning Board Meeting at 7:02 pm. Mr. Roberts asked the Planning Board Members if they have reviewed the July 10, 2006 Planning Board Minutes. The minutes were tabled until Mr. Watts arrived to voice his vote. Mr. Roberts and Mr. Nadeau abstained due to their absence from the July 10, 2006 Planning Board Meeting.

Public Hearings:

06.178 PH Cruver Subdivision, 9 Tabor Road – Minor Subdivision

Mr. Roberts opened the Public Hearing at 7:03 pm. Mr. Roberts asked if anyone would like to have the Public notice read. No one responded. Mr. Richard Cruver, the applicant, proposed a 3-lot subdivision for 72 Cary Road. *Mr. Cruver stated the following:* The parcel is located on the northwest corner of Cary Road and Tabor Road. We are seeking a 3-lot subdivision in a Residential zoned district and all 3 lots would meet the minimum size and setback requirements. Mr. Roberts asked if anyone from the Public wished to speak. No one responded. Mr. Roberts closed the Public Hearing at 7:06 pm. Mr. Nadeau suggested that because lot #2 would be vacant, the driveway should be placed further north because of the hill and the sight distance. Mr. Cruver stated he realized this and agreed.

Mr. Nadeau made a motion to approve the Cruver minor subdivision contingent upon Lot #2's driveway be positioned as far north as possible due to sight distance and hill. Mr. Higgins seconded. Motion carried.

06.182 PH Chlopecki Subdivision, 27 McBride Road – Major Subdivision

Mr. Roberts opened the Public Hearing at 7:07 pm. Mr. Roberts asked if anyone would like to have the Public notice read. No one responded. *Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following:* Mr. Chlopecki owns 5.5-acres of land on the northeasterly side of McBride Road. Mr. Frederick Chlopecki and Mr. Kenneth Chlopecki have subdivided their family holdings into 5-lots which qualifies this application as a major subdivision. Lot A would be 2.3-acres and Lot B would be 3.2-acres. These lots would be served by individual wells and septic systems. Utilities will be extended to the property line from the Adam's Pointe PDD for public water and sewer to serve the new proposed lots. They will be connecting to these utilities when they become available. The applicant is aware that this application would be subject to the GEIS mitigation fees for the additional lots. Mr. Roberts asked if anyone from the Public wished to speak. Mrs. Henny O'Grady, of Church Hill Road, asked where the property was located in relation to Adam's Pointe. Mr. VanGuilder stated the Adam's Pointe subdivision is located due north of the property. *Mrs. O'Grady stated the following:* Has there been any consideration that McBride Road would be used as a trail road? Also, has there been any thought that there could be some land that might be set aside for a right-of-way along McBride Road? Mr. VanGuilder stated Mr. Kenneth Chlopecki is going to retain one of the lots for a single-family home and would convey the other vacant lot for easement or right-of-way that might be needed for trail use in the near future. Mr. Roberts closed the Public Hearing at 7:13 pm. Mr. Nadeau asked if Lot #2 would have an easement. *Mr. VanGuilder stated the following:* This easement would be for the Adam's Pointe subdivision. Mr. Dean Taylor, of Leyland Development, has negotiated with Mr. Kenneth Chlopecki to grade the land so the drainage would flow along the rear property line. Mrs. Murphy asked where the utilities would connect. Mr. VanGuilder stated he was not sure that the utility connections have been defined exactly but the applicant has made the commitment to the purchaser of the property that he would be extending the utilities to the north of Lot #2A's property line where a connection could be made. Mrs. Murphy stated the lot by itself with or without a utility easement is going to be a valid lot so this Board does not need to concern itself with regards to that issue as it would be a private issue between the two parties. Mrs. Murphy asked that a note be placed on the plans in regards to the GEIS mitigation fee. Mr. VanGuilder stated this would be done. Mr. Berkowitz made a motion to approve the Chlopecki Major Subdivision contingent upon GEIS mitigation fee is paid at Certification of Occupancy for the proposed single-family unit. (1 EDU = \$2,894.00) Mr. Ouimet seconded. Motion carried.

Note: Mr. Watts joined the Planning Board Meeting at 7:14 pm and resumed the meeting as Chairman.

Old Business:**05.159 OB Sportsplex of Halfmoon, 6 Corporate Drive – Amendment to PDD**

Mr. Ed Abele, of Abele Builders, stated the following: Mr. John Daniels, general manager of the Sportsplex and Mr. Mark Nadolny, of Creighton Manning Engineering, are also in attendance for the presentation of this project. They were before this Board for the Sportsplex of Halfmoon's application for an amendment to the PDD on May 9, 2005. They are seeking to expand the uses of the Sportsplex to allow some alternate uses such as trade shows. At the 2005 meeting the Board asked us to do some analysis on the parking and traffic issues that surrounded this amendment. *Mr. Mark Nadolny stated the following:* Creighton Manning was hired to perform

the parking and traffic analysis for this project. The Sportsplex is located on the southeast side of Corporate Drive in the Capital Region Business Park. Currently there are 248 parking spaces available for the facility. The existing Sportsplex facility has 76,000 SF. 60,000 SF is available for useable arena space for future trade shows. Currently this arena space is being used for soccer fields, which generate approximately 192 trips during the peak hour. Generally there are not more than approximately 200 vehicles in the existing parking lot at one time. Currently, the facility can accommodate approximately 3,500 attendees per day with pre-scheduling of the individual events. The Town has approved 200 parking spaces for Lot #3 and this parking lot could be utilized for overflow parking for future proposed parking. For the purpose of this analysis Lot #3 will be referred to as the extended overflow lot. Lot #3 is on the north side of Corporate Drive and there will be a new proposed intersection on Corporate Drive, which would be, offset approximately 90 FT from the existing Sportsplex's site driveway. The applicant is currently negotiating a parking easement to utilize Lot #3's parking spaces during large scale events as an overflow lot for the events and trade shows. They are proposing to construct an additional parking lot near the Sportsplex, which would add an additional 75 parking spaces. In total there would be 523 available parking spaces for the future facility with the parking easement, the proposed additional parking spaces, along with the existing parking at the Sportsplex. They did some parking lot comparisons with some similar facilities in the area: The Lake George Forum is approximately 30,000 SF (1/2 the size of the Sportsplex) with 170 parking spaces, which calculates to approximately 5.7 parking spaces per 1,000 SF. The Adirondack Sports Complex (called the Dome) is approximately 100,000 SF and they currently have approximately 117 paved parking spaces and were using some adjacent fields for on-site parking, but since this site has been completed these fields have been converted to lacrosse fields, so they have been using some off-site parking and shuttle people to the facility. It is my understanding that the off-site parking is less than approximately 480 parking spaces with the paved and unpaved fields. Even with the unpaved fields this calculates to approximately 5 parking spaces per 1,000 SF. The Sportplex which is a 60,000 SF facility and it will have 523 parking spaces available which is a little less than 9 parking spaces per 1,000 SF. The Sportsplex is in the mid-size range between these other 2 facilities. However, the Sportsplex will have 54% to 78% more parking spaces than either one of the facilities per 1,000 SF. An evaluation of a small-scale event at the Lake George Forum for a 1-day boat show indicated that over the course of the entire day with 5 vendors and 35 boats, there were 262 people in attendance and only 246 cars for the entire day. During the small-scale events people come in, walk around for about 45 minutes, see the vendors then they leave. Therefore there were only 20 to 25 vehicles in the parking lot at one time during the small-scale event. This indicates that the Sportsplex main entrance parking lot that has 248 parking spaces could handle all of these cars at one time let alone spread over the course of an entire day. An evaluation of the Great Upstate New York Boat Show's 3-day event, held at the Dome, on Saturday (the peak day) there were 29 vendors with 229 boats. Over the course of 3 days there were 4,000 plus attendees based on estimates of the show's producer. The Sportsplex can handle over 3,500 attendees per day with their typical soccer fields, so they can handle the amount of people that these larger scale shows are going to generate. The large-scale show at the peak hour had approximately 450 vehicles. The Dome's on-site parking was able to accommodate approximately 370 cars and they also had some off-site parking for the vendors and employees that were shuttled to the site. This would give you the total of 450 associated with the large-scale event in which the Sportsplex could accommodate all these vehicles on site with the total 523 parking spaces. The applicant has indicated that they are willing to hire parking lot attendants to help supplement these large events by filling available parking spaces from the

closest main entrance parking lot to the farthest overflow lots. The furthest parking lots could be for the vendors and employees with attendees being directed to appropriate lots. We are recommending that sidewalks and crosswalks be provided adjacent to the overflow lots for pedestrians. Vehicles are traveling 35 mph on Corporate Drive, which is not posted with speed limit signs. At the 35 mph speed you would need approximately 250 FT to stop. They looked at sight distance and it indicated that a pedestrian could see vehicles and the vehicles could see the pedestrian before stepping out to cross the road. There would be more than enough time for someone to slow and make that decision. We also recommend that temporary pedestrian warning signs be installed during large-scale events to provide advance warning of the pedestrian crossing. We recommend that these signs be used in large-scale events and not small-scale events because they do not see the necessity to use the overflow lots for the smaller scale events. There are two points of access to the business park; one on Route 9 and one on Sitterly Road. The level of service summary indicates that adequate access will continue to be provided during the PM and Saturday peak hours via the existing road network. Mr. Roberts asked what the maximum number of occupants allowed in the building at one time was according to fire code. Mr. Nadolny stated 2,000. Mr. Higgins asked if the existing restrooms and other facilities were designed for the maximum 2,000 occupants. Mr. Abele stated yes. Mr. Higgins stated that he recalls that in the original submission for the Sportsplex the bathrooms and dressing rooms were sized based on the number of participants that you were assuming would be on the 3 fields, not for the entire building to be filled to capacity with people. Mr. Abele stated he can confirm this, but it is my recollection that we went heavy on bathrooms for the possibility of an expanded use because the facility was designed for a lot more people than the number of people that do utilize it. Mr. Berkowitz asked what type of events do they plan on having and what distinguishes a large versus a small-scale event. *Mr. Daniels stated the following:* One of the shows they would like to hold at the Sportsplex is a boat show. Usually the number of vendors, boats and exhibits would determine the size of the event. They would go on past history of that particular show and other venues. As they approach the day of the event, the overflow lots are available if we need them. There are many events such as typical trade shows where the public is not invited and these would be considered small-scale events. These trade shows may be RSVP events where we would know the attendance well in advance. Anything where the public is invited, we are not exactly certain how many people would attend and this is why we want to have the overflow lots available. Mr. Berkowitz stated they could have problems at the door with occupancy if they plan for a small event that turns into a large event. Mr. Daniels stated when tickets are sold at the door to the general public; we will have parking lot attendance available on site especially for the first few events that we hold. Mr. Berkowitz stated there could also be a problem with stacking to get into the business park on the weekends on Route 9 and Sitterly Road. *Mr. Abele stated the following:* During the weekend when you hold these venues, the business park would be empty. Normally you have stacking on Route 9 and Sitterly Road every weekday at the business park because the park has several hundred employees. *Mr. Nadolny stated the following:* The level of service was run at the intersections and it did not show any cubing on Sitterly that Mr. Berkowitz is referring to. The current conditions during peak hour during the week entering the business park would reflect the same kind of condition that you would expect to see at peak hour Saturday for people entering for a larger trade show. The business park already accommodates several hundred people per day. Mr. Berkowitz asked about peak hour on Friday. *Mr. Nadolny stated the following:* When speaking to the producers of the shows, the producers stated that they typically don't peak on a Friday, as they start off slow and peak on Saturday's. However, we did run the analysis and it did show delay on Corporate Drive but

not so much on Route 9 and Sitterly Road. So, the delay, if any, would be on Corporate Drive and this would be an expected delay at a larger event. Mr. Ouimet asked if they would have free parking for every event. Mr. Daniels stated at this time they have no plans to charge for parking. Mr. Ouimet asked if they have considered the possibility of stacking in the event that they do consider charging for parking. *Mr. Daniels stated the following:* This was a good point made by Mr. Ouimet but we would probably never charge until we see how these events play out. The producers that they have talked to recommended not charging for parking because it would be better for the show not to double charge. At this point we have no reason to charge because we own the lots. Mr. Watts stated the following: It could be written in the PDD legislation that they would not be able to charge for parking and this could solve the problem in deciding whether or not to charge for parking. This does not mean in the future that they couldn't charge for parking because they could always apply for an amendment. Mr. Ouimet asked if there had been any discussions with the Sheriffs or State Police in regards to controlling traffic at the large events. *Mr. Abele stated the following:* No, we have not. We would coordinate this, if necessary, after the project's approval. *Mr. Watts stated the following:* Some venues work out a deal with the local police. We still have some questions over the size, number and frequency of the events. Whatever approvals the Board gives, we will have to have conditions, should traffic issues arise, stating they may not be able to have those types of events in the future. I do see the value of the expansion of the use for the Sportsplex as it would benefit local businesses in Halfmoon but we do not want there to be problems. *Mr. Abele stated the following:* He shares with Mr. Watts' concerns and we do want to review the project appropriately. In addition to the 500 parking spaces there is additional parking in the business park. Mr. Watts asked if they anticipated any difficulty or negative feedback from the tenant's of the business park. Mr. Abele stated none as of yet. Mr. Nadeau asked how they would enforce people from not parking in the adjacent businesses in the complex. Mr. Daniels stated they would use the parking lot attendants to direct the traffic into the proper lots and we would envision posting attendants out on Corporate Drive. Mr. Higgins asked if the traffic study mentioned stacking on Sitterly Drive and Route 9. Mr. Nadolny stated they looked at the peak hour when most of the traffic would be entering and exiting the business park for a large-scale event and there is nominal delay and they also did a worse case scenario and that showed delay in about the minute range on Corporate Drive. Mr. Higgins asked what the level of service classification for the two intersections; Route 9 and Sitterly Road. *Mr. Nadolny stated the following:* Currently Sitterly Road is a level of service at about 50 seconds and goes to 65 seconds at the worse case during the PM peak. The Route 9 intersection is operation at a "C" because of the 2-way left turn lane allows 2 stage left turns out the development and also allows storage of left turns into the development. Mr. Higgins asked if the Route 9 intersection would degrade from the level "C". Mr. Nadolny stated no, it would not change the level of service grade wise. Mr. Ouimet asked if they would schedule any event where people would all arrive at a certain time and all leave at a certain time. Mr. Daniels stated if those types of events occur they would be small-scale and they would know how many people would attend because they would not be open to the public and would be by invitation only. Mr. Ouimet asked if they would limit the number of people who would be invited to those events. Mr. Daniels stated if we see that there is a traffic problem in those types of events, it would be our responsibility to limit the number of people coming or we would not allow these types of events. Mr. Ouimet asked if the traffic study that was given to the Board was based on transient events. Mr. Nadolny stated yes. Mr. Daniels stated they would not hold rock concerts or circus events. Mr. Abele stated there are many different possibilities for events. Mr. Nadolny stated there would be communication with the show producers beforehand to see how many

attendees normally attend these events. Mr. Nadeau asked if they foresee busloads of people coming to these events. *Mr. Daniels stated the following:* In these types of events he does not think this would happen unless we were parking off-site. We currently have buses dropping children off for summer day camp field trips. Mr. Nadeau asked how emergency vehicles would get through if there were heavy traffic and stacking at both intersections. Mr. Nadolny stated there are 2 access points onto Corporate Drive and Corporate Drive is a wide road so there is room for vehicles to pull over to yield the emergency vehicles. Mr. Watts asked Mr. Williams to refer this application to the fire department that covers this area. *Mrs. Lyn Murphy stated the following:* It is going to be very difficult for this Board to assess the safety and traffic issues and you are also asking the Town Board to write legislation with regards to the use so there would need to be some definition with regards to how large a show could be. Both the Town Board and the Planning Board are asking for some parameters and rules in order for them to make a decision with regards to the public's safety, health and welfare. *Mr. Daniels stated the following:* They used other facilities for comparison. While the Dome is a 90,000 SF facility and the Sportsplex is a 60,000 SF facility, we cannot stack as many boats into our facility as they could. So we would have less exhibitors and less vendors than the Dome did. However, we can handle the shows they put on and we would have more parking than they had. *Mr. Abele stated the following:* It is difficult to determine and enumerate every single type of show. Should there be refinements that would be necessary, we would be willing to come back and work these things out with the Board. *Mrs. Murphy stated the following:* The problem is that we are modifying legislation, which is an extensive process. Therefore, if the Town Board were to approve this project with no restrictions, there would be no way to change the legislation without a Public Hearing and the applicant filing another application. So during this time period, there would be no regulations with regards to what was happening at that site. I say this as a caution because we don't control who might own this facility in the future. The Board would lose its ability to control what is happening in that location without proper restrictions written in the PDD Legislation itself. This is a concern that the Planning Board and the Town Board have to address. Mr. Watts asked if the Town Board would be holding a Public Informational Meeting. Mrs. Murphy stated the Town Board would be holding a Public Hearing to modify the legislation and the Planning Board could hold a Public Informational Meeting. Mr. Watts stated that this is a major new business venture for the Town and this Board may decide to hold a Public Informational Meeting so the people who live, work and own businesses along Route 9 and Sitterly Road would have to the opportunity to make statements relative to their concerns. Mr. Abele stated they are open to any suggestions. Mr. Nadeau asked how many vendors typically attend the show. Mr. Daniels stated that it would depend on the type show. Mr. Nadeau asked if the vendors would be bringing in trailers and transporters to move the equipment for these shows and would these vehicles be parked in the parking areas. Mr. Daniel stated yes, these vehicles would all be parked on site. Mr. Nadeau stated a lot of the parking would be lost for customer parking. Mr. Daniels stated that this has been factored in to the example of the Dome's boat show. Mr. Berkowitz asked if the number of vendors and the size of their exhibits would change the maximum capacity determined by the Fire Marshall since there would be less floor space. *Mr. Abele stated the following:* He believes the type of usage determines this and from that they derive the maximum occupancy. Even if there were temporary booths, I am not sure if the contents of the building would change the occupancy. This item was tabled and referred to CHA.

**05.233 OB Adirondack Basement Systems, 4 Jones Road – Change of Tenant/
Site Plan**

Mr. Joel Koval, brother to the applicant, Mr. Kevin Koval, stated the following: I am here tonight representing Adirondack Basement Systems change of tenant and site plan applications. I have a planting diagram from Gilbert VanGuilder and Associates that addressed one of the Board's issues and they proposed to move the storage container to another location on-site. Mr. Williams stated that CHA has issued a sign-off on the site plan and CHA has received comments and all have been addressed adequately. Mr. Watts asked if there were issues with NYSDOT regarding the curb cut. Mr. Williams stated the applicant is representing a curb cut on Crescent-Vischer Ferry Road rather than the curb cut that is on Jones Road. Mr. Watts stated that the County Planning Board commented that the curb cut at Crescent-Vischer Ferry Road be removed or it would need NYSDOT's approval and asked Mr. Bianchino where they stood with the curb cut. *Mr. Bianchino stated the following:* He has had discussions with the NYSDOT and they did not have any real issues with the curb cut but the NYSDOT would have to issue a permit for the curb cut. In our comments we indicated that this was subject to receipt of the curb cut permit. Mr. Koval stated this was a pre-existing curb cut. Mr. Berkowitz asked how wide the curb cut was. Mr. Koval stated about 25 FT wide and it has been there for several years before they purchased the building and they have not made any changes to it. Mr. Polak asked if the storage container was going to be moved to the rear of the property. Mr. Koval stated this storage container does not belong to Adirondack Basement Systems and indicated on the site plan where the storage container would be located. Mr. Polak stated the storage container would be in view of the neighbors in the residential area. Mr. Roberts asked who owned the storage container. Mr. Koval stated the previous owner of the property, McCall Electric, owned the container and they will be moving the storage container shortly. Mr. Ouimet asked if Adirondack Basement Systems has applied to the NYSDOT for permission to use the curb cut on Crescent-Vischer Ferry Road. Mr. Koval stated he was not aware if they have or not. Mr. Ouimet stated one of CHA's comments for a conditional approval stated that the applicant was to apply for the curb cut from the NYSDOT. Mr. Watts stated that CHA's letter stated "any action that the Board might consider regarding this project should be commissioned upon the applicant receiving a highway work permit from the NYSDOT regarding the driveway curb cut onto Crescent Road. *Mr. Koval stated the following:* Mr. VanGuilder handed him this letter this evening and it is the first he has seen the letter and he is unaware if his brother, the applicant has seen the letter. If his brother does need to apply for the curb cut, I believe he will have it done. My only point is when we purchased the property, before the business was there, the curb cut was already there and no changes were made. The existing driveway was also there and no changes have been made to it. This item was tabled for NYSDOT permit and asked applicant to remove storage trailer from the site.

**06.133 OB Beeche Light Industrial Shop & Warehouse, Routes 4 & 32 Hudson
River Road – Commercial Site Plan**

Mr. Scott Lansing, of Lansing Engineering, proposed the Beeche Light Industrial Shop & Warehouse commercial site plan. *Mr. Lansing stated the following:* Also present at tonight's meeting is Mr. Greg Beeche, the owner applicant of the parcel, and Mr. Robert Jarvis, Mr. Beeche's attorney. The overall parcel is approximately 5.02-acres located on the west side of Routes 4 and 32. The parcel is zoned M-1 Industrial and is currently vacant. The applicant is proposing 2 buildings for a light industrial shop and warehouse per the M-1 Industrial uses and area requirements. Access for the buildings would be from Briggs Lane and Routes 4 & 32.

Briggs lane would be used for passenger vehicles and Routes 4 & 32 would be restricted for truck access only. The 2 buildings would total approximately 22,820 SF. One building would be approximately 13,000 SF and the other building would be approximately 9,820 SF. The parking areas would be located in close proximity to the buildings. The number of parking spaces does meet the zoning requirements for the parcel and the applicant is intending on banking some of the parking spaces for a potential future use. Gravel areas would be on the south side of building #1 for storage of the building materials. Water would be extended from Routes 4 & 32 into the parcel to service the 2 buildings. Sanitary sewer would be serviced by an on-site wastewater disposal system and a storm water management basin would manage storm water on-site. We have an outstanding comment from CHA relative to the Routes 4 and 32 access and all other comments for the site have been addressed. The access comment revolves around obtaining NYS DOT approval for the access. We have submitted application to the NYS DOT and they have indicated that they are willing to accept and grant approval for that permit with some exceptions from the Town in which the NYS DOT is looking for direction from the Town. Also there was a recommendation by CHA to restrict truck traffic from Routes 4 & 32 or eliminate Briggs Lane. The applicant would prefer to restrict truck traffic just to Routes 4 & 32 and they have stated this in prior correspondence. Mr. Polak asked if they would be using Briggs Lane. Mr. Lansing stated Briggs Lane would be used for passenger vehicle traffic only with no truck traffic proposed on Briggs Lane. Mr. Roberts asked how this would be enforced. Mr. Lansing stated he understands that the applicant's deliveries are limited and the applicant would schedule his deliveries and would make sure the delivery trucks would use Crystal Lane. Mr. Berkowitz asked if Crystal Lane was an existing road at this time. Mr. Lansing stated yes, Crystal Lane is an existing driveway with a dead end. Mr. Berkowitz asked why does the applicant want a second access. Mr. Lansing stated Crystal Lane would access Routes 4 and 32 and this access would be for truck traffic and the Briggs Lane access would be for passenger vehicles only. Mr. Nadeau asked what was the Highway Department's position in this matter. *Mr. Bianchino stated the following:* The Highway Department had concerns with the existing condition of Briggs Lane. They were afraid the additional truck traffic and the use of heavy equipment would become a maintenance problem on Briggs Lane and Briggs Lane could not handle the increased traffic. Mr. Watts asked how many trips per day were calculated on Briggs Lane. *Mr. Lansing stated the following:* There are 14 employees so there would be potentially 28 trips per day if they use Briggs Lane because they could also use the Routes 4 & 32 access. The applicant is also proposing upgrades to Briggs Lane by adding grading and crusher run to the roadway. *Mr. Jarvis stated the following:* Crystal Lane is a paper street that was included on a map in 1909 by a man named John Flynn. There currently is an entranceway off of Routes 4 & 32 where Crystal Lane would have been, but at this time there is no such street. The applicant is not proposing to develop a street at this location but rather a private driveway into his premises. The access from Briggs Lane was to provide a second access point. Originally the plan was designed to have traffic going to either entrance. In response to the concern with the Highway Department about the possible degradation of Briggs Lane due to heavy truck traffic, Mr. Beeche volunteered not to allow trucks on this road. Trucks would use Routes 4 & 32 instead of Briggs Lane. In regards to the issue of the crusher run on Briggs Lane, this would be a gift from Mr. Beeche to add some stability to the road. Mr. Berkowitz asked if there was a weight limit on Briggs Lane. Mr. Jarvis stated he did not know. Mr. Polak stated he believes the Town took over Briggs Lane so they could maintain the road and snowplow the road for the residents in the back and it is a substandard roadway. Mr. Watts asked if binder would be placed on Briggs Lane along with the crusher run. Mr. Jarvis stated just the crusher run. Mrs. Murphy asked Mr. Jarvis if he was present at the County Planning

Board when this application was heard. Mr. Jarvis stated he was not. Mrs. Murphy asked if Mr. Jarvis was aware that the County's conditional approval is based upon removal of the Routes 4 and 32 access. Mr. Jarvis stated he saw this in the County's letter but he had no idea why the County is justified in asking for this. Mr. Bianchino stated if the applicant is willing not to use Briggs Lane for truck traffic, the question is how would this be monitored or how would it be enforced. Mr. Nadeau asked for clarification on the County's reasoning on eliminating the access on Routes 4 & 32. Mr. Bianchino stated he did not discuss this with the County but his guess would be that Briggs Lane already had an existing curb cut on Route 4 and it was their recommendation not to add another curb cut on Route 4 since Briggs Lane is already there.

Mr. Jarvis stated the following: If that is the County's reasoning, then they are not familiar with that section of Hudson River Road because there are many curb cuts along the roadway. We are not actually adding another curb cut, as it already exists. Mr. Watts asked Mr. Bianchino if all the County's comments in their letter of March 30, 2006 have been addressed regarding visual buffering, landscaping plan and the proposed storm water management area. Mr. Bianchino stated these comments have all been addressed. Mr. Jarvis stated he believes the County is willing to defer to the NYSDOT and the NYSDOT has verbally indicated they are going to issue a permit. Mr. Watts asked Mr. Jarvis if he believes the NYSDOT will give the curb cut permit. Mr. Jarvis stated yes. Mr. Watts asked if Mr. Jarvis would approach the NYSDOT to obtain that permit and bring to the next Planning Board Meeting so we may move forward with this project. Mr. Jarvis asked if it was possible to approve the project contingent upon the permit approval from the NYS DOT. Mr. Ouimet stated that the Board has asked Adirondack Basement Systems to obtain a permit from the NYSDOT before the Board makes an approval for their project and there needs to be some consistency with the Board's decisions. Mr. Jarvis stated the NYSDOT has stated they would not issue the NYSDOT permit until we received site approval from this Board. Mr. Nadeau asked what were the County's concerns as in the past we have worked with the County because this is part of the process. Mr. Higgins stated he would also like to know the County's concerns. Mr. Jarvis stated if the NYSDOT is willing to issue the permit then why should Saratoga County be concerned. Mr. Watts stated that it is unclear as to who would have access on Briggs Lane and controlling the type of vehicle traffic on that road. Mr. Beeche stated he couldn't guarantee that truck traffic would not use Briggs Lane but he would not go back on his word and would make every effort to attempt to control this from happening. Mr. Watts read the portion of the County's letter pertaining to this issue. "Decision: Approve with modification. Saratoga County Planning Board recommends that the conceptual site plan for the Beeche Light Industrial Shop be modified to eliminate the connection of Crystal Lane to NYS Routes 4 & 32. Briggs Lane, a Town road, directly links the project site with the State highway. Rather than create a new curb cut to the State highway, the existing access should be utilized with upgrades being made to the Town road where necessary for commercial truck use".

Mr. Beeche stated the following: There is no link between his property and Briggs Lane. There is no access road there. There is a created temporary dirt fill to remove trees but there has never been access from the property onto Briggs Lane. There is, however, an existing access from Routes 4 & 32. Mr. Berkowitz asked if this is a landlocked parcel. Mr. Beeche stated no as there is currently an existing driveway, which is the paper street, Crystal Lane, to his address at 356 Hudson River Road. Mr. Jarvis stated there has never been a driveway from Briggs Lane into the parcel, however, there has been a driveway from Routes 4 & 32 that goes to the property.

Mrs. Murphy stated the following: What the County is saying is, rather than create a new curb cut, which you state already exist on Routes 4 & 32, you should utilize the existing access with upgrades being made to the Town road, which you are saying you don't want to do. So, what we're saying is if you

want access from Routes 4 & 32, that would be in compliance with their decision. I believe the Board is also saying that if this is not what you want, then they can adjourn this for 2 weeks and try to figure out something that would be acceptable to both you and this Board.

Mr. Berkowitz made a motion to approve the Beeche Light Industrial Shop & Warehouse contingent upon the curb cut would be on to Crystal Lane (Routes 4 & 32) only and no access on to Briggs Lane. Mr. Roberts seconded. Motion carried.

06.145 OB Tucker Subdivision, 259 Lower Newtown Road – Minor Subdivision

Mr. Dave Flanders, of David A. Flanders Associates, stated the following: The applicant wishes to subdivide his 2.86-acre parcel located on Lower Newtown Road and Allen Drive. The property would be subdivided into 2 lots. One parcel would be 1.9-acres with the applicant's existing single-family home. The other parcel would be 0.9-acres for a proposed residence. The applicant has been before the Zoning Board of appeals and was granted an approval for an area variance to allow for a second flag lot to be created on Allen Drive. There would be public water available for the 2 lots and there would be on-site septic systems. The proposed septic area would be at a minimum of 100 FT separation from an existing neighbor well. A perc test has been performed. The neighboring property is graded in a way that the drainage water would run from south to north and the perc test made on the soil indicated that there is no sign of any run off. The proposed driveway would be at a lower elevation than the adjoining property. They are proposing to grade the driveway along with putting in 2 FT of fill so the water would run off the driveway in a northerly direction. There are no signs of any accumulation of water in the well area.

Mr. Nadeau made a motion to set a Public Hearing for the August 14, 2006 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

06.157 OB Gaetano/B. Tanski, 457 Route 146 – Commercial Site Plan

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: They are proposing to position the new automotive garage further back on the property to meet the minimum 70 FT front yard setback. Some parking spaces were lost due to the repositioning of the garage. The site plan shows 13 parking spaces with 4 land-banked spaces for future use if needed. The parking is situated along the rear of the site behind the existing and proposed building. When the Town re-aligns Plant Road, they would eliminate the access from Route 146 and would access on the NY Auto Auction driveway. There have been discussions with the NYS DOT regarding drainage along Route 146 and they have determined that the site can release water into the existing drainage system. One condition was in regards to the proximity of the driveway where the driveway area is to be maintained by the property owner in accordance with NYS DOT standards. The other condition was that there would be no water drain from the garage connected to the drainage system. They have added 2 notes to the site plan for these 2 conditions. These 2 conditions have also been addressed in correspondence to the Planning Board and to CHA. All other issues from CHA and from this Board have been addressed except the issuance of the NYS DOT permit. Generally NYS DOT does want an approval from the Planning Board before they grant a permit because a change may occur that could possibly change the curb cut permit. Also, the contractor who is doing the work needs to provide insurance and bonding that NYS DOT requires in their final application.

Mr. Roberts made a motion to approve the Gaetano/B. Tanski commercial site plan contingent upon NYSDOT curb cut permit and the residential use will be removed within 60 days of Certificate of Occupancy for the garage. Mr. Berkowitz seconded. Motion carried.

06.173 OB Stenner Pump, Vischer Ferry Road – Commercial Site Plan

Mr. Frank Palumbo, of C.T. Male Associates, proposed a commercial site plan for Stenner Pump located on Vischer Ferry Road. *Mr. Palumbo stated the following:* We have addressed all of CHA comments and we have provided photographs of the improvements we have made to the access road. Mr. Bianchino stated the area has been paved and a tractor-trailer was driven over the pavement to make sure it works. Mr. Polak stated he was at the site and this issue has been resolved.

Mr. Berkowitz made a motion to approve the Stenner Pump commercial site plan contingent upon the new Town road meets requirements of the Town's Road Dedication Policy. Mr. Higgins seconded. Motion carried.

New Business:**06.179 NB Lindemann Subdivision, 695 Hudson River Road – Minor Subdivision**

Mr. Mark Danskin, of Danskin Land Surveying LLC, proposed a minor subdivision of Lands of Ronald and Pamela Lindemann located at 695 Hudson River Road. *Mr. Danskin stated the following:* The applicants wish to subdivide a 2.30-acre parcel to create 2 lots. Lot A would be a 1.38-acre lot and Lot B would be a 0.92-acre lot. They are proposing to build a single-family home on Lot B. The applicants intend to sell the existing 1-story single-family home on Lot A to their son. Both lots have public water and private sewer. All zoning requirements have been met except for the lot width on Lot B, which would be considered a flag lot with 50 FT of frontage. No further subdivisions are planned for this parcel of land.

Mr. Roberts made a motion to set a Public Hearing for the August 14, 2006 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

06.180 NB Dickinson Subdivision, 308 Grooms Road - Minor Subdivision

Mr. Dave Dickinson, of David E. Dickinson Associates, proposed a minor subdivision on his property located at 308 Grooms Road. *Mr. Dickinson stated the following:* The property is located across from Harvest Church. This property was originally subdivided in 1992, which created 2 lots. One lot is approximately 30,000 SF and the other lot is a little over an acre. I am now proposing a lot line adjustment to make Lot 2 a conforming lot with the required area of 40,000 SF. Mr. Williams stated that 40,000 SF is required for a duplex lot. Mrs. Murphy asked if there was enough frontage on both flag lots. Mr. Williams stated yes.

Mr. Roberts made a motion to set a Public Hearing for the August 14, 2006 Planning Board meeting. Mr. Higgins seconded. Motion carried.

06.184 NB Rainbow Direct, 1623 Route 9 – Sign

This applicant was not present and no action was taken on this item.

06.185 NB Princeton Heights, Princeton Road – Major Subdivision

Mr. Scott Lansing, of Lansing Engineering, stated the following: Mr. Peter Belmonte and Mr. Gerry Magoolaghan, of Belmonte Builders, are also present for tonight's meeting. The parcel is approximately 41.5-acres located to the south of Manchester Drive and to the west of Newcastle Road and Dover Place. The property is currently zoned R-1 Residential. There are approximately 33-acres of brush and woods on the parcel and 6.9-acres of Federal wetlands. Originally this project was proposed as a Planned Development District (PDD), which included 3 parcels. The current application before the Board would include only 1 parcel. The original application proposed 28 single-family, 48 townhouses and 96 condominiums for a total of 172 units. The applicants have modified their application and they are now proposing 46 single-

family residences in accordance with the R-1 Residential zoning. The R-1 Residential zoning requires a 20,000 SF minimum lot size, 50 FT front yard setback, 30 FT rear yard setback and 10 FT side yard setback. The applicants are proposing Town roadways throughout the project with a primary access to the Princeton Road area with a potential future connection towards the south that could connect off to Essex Lane or to Crescent Road. We have discussed the potential future access with Mr. Bianchino and he indicated that he would support the Board's decision to approve the project with this type of amenity. Water for the project would be supplied from public water on Princeton Road where there is an existing 8-inch water line. They would be connecting to this line and extending through the project and also towards the south for the potential future extension. Sanitary sewer would be connected to Princeton Road where it would ultimately go to the Grooms Road pump station. Capacity of the Grooms Road pump station has been verified through a prior study by CHA. Storm water would be managed on-site. They are proposing 2 storm water management areas at the low points of the site. Mr. Watts asked if they were withdrawing the PDD application. Mr. Lansing stated yes. Mr. Watts asked for more definition on the proposed road access points. Mr. Lansing stated there was concern with traffic trip generations and the traffic study that was last performed indicated that at 172 units there would not be a significant impact on the level of service of the roads or intersection. We have not updated this study, but going from 172 units to 46 units we did not feel the need to update the study. Mr. Watts asked if they still have the same access points. Mr. Lansing stated they have one access point at this time on Princeton Road. Mr. Polak asked if the Grooms Road pump station would be able to handle the capacity without any upgrades. Mr. Lansing stated a study was performed by CHA and also reviewed by the County and this pump station had adequate capacity with the original 172 units. Mr. Nadeau asked if another Public Informational meeting was needed. Mr. Watts stated the Board would have to hold a Public Hearing at some point. Mr. Roberts asked Mr. Lansing for an updated traffic study. Mr. Lansing stated yes, he would provide that information to the Board. Mr. Belmonte stated that the technical evaluation of the traffic study is not going to change because the project has been changed from a PDD with 172-units to a Major Subdivision with 46-units. This item was tabled and referred to CHA and the Board asked the applicant to provide a traffic study for this project.

06.186 NB Sushi-Na-Ra, LLC, 1683-1687 Route 9 (St. John Plaza) – Change of Tenant

Mr. Tom Pratico, of Bast Hatfield, proposed a change of tenancy for Sushi-Na located in St. John's Plaza. *Mr. Pratico stated the following:* The business operation would remain the same with new ownership.

Mr. Berkowitz made a motion to approve the change of tenant application for Sushi-Na-Ra, LLC. Mr. Ouimet seconded. Motion carried.

06.187 NB Farm to Market Road PDD, Farm to Market Road – Revised Trail System

Mr. Scott Lansing, of Lansing Engineering, stated the following: The Farm to Market Road PDD was approved in 2001. Part of the plan for this project included a sidewalk system along the roadways within the project. Another portion of the project included a trail system that connected from the southwest portion of the parcel that would connect to the trail system on an adjacent project, the Smith Road PDD. Prior to constructing the trail, the applicant looked over the area of the proposed trail system that is to traverse the wetlands and found that part of the wetlands have expanded considerably along the proposed path. We have reviewed this

with the Town Planner, the Town Engineer and some of the Board members and found that the impact of the trail would not be worth the benefit. There are sidewalks in place for the residents of the Farm to Market Road PDD to access the Smith Road trail system. If the Board does wish to eliminate this trail section, we are asking for guidance on the parcel of land that was originally dedicated to the Town on whether or not the trail system should be conveyed back to the homestead lot. Mr. Williams stated that he and CHA inspected the condition of Summerfield Circle. We did notice that the original trail plan would be located in an area that would become a maintenance issue once the trail is dedicated to the Town. The applicant stated he would revise the site plan and Mrs. Henrietta O'Grady, chairperson for the Town's Trail committee, has reviewed the changes and she is agreeable with the revised plans. Mr. Lansing stated the question is if the parcel of land that was to be used for the trail system is not constructed, would the Town want to convey this land back to the homestead lot or would the Town want to hold onto the parcel of land. Mr. Higgins stated that Mrs. O'Grady had some concerns on how the trail would be designated. *Mr. Belmonte stated the following:* They would need to make an appropriate connection to where the existing trail comes out on the south side of Farm to Market Road to bring the pedestrians to the sidewalk system. We are trying to manage it so there is the least amount of impact to existing vegetation. Mr. Magoolaghan stated Mr. Lansing has devised a plan so we can go around and behind the existing trees without any impact. Mr. Watts asked who would own the land. Mr. Magoolaghan stated we would probably convey that part of the trail. Mr. Belmonte stated the individual homeowners own the sidewalks in Prospect Meadows but the Homeowner's Association (HOA) maintains them. Mr. Belmonte stated they would agree to handle this the same way it is handled in the rest of the community. Mr. Bianchino stated he believes the sidewalks are in the right-of-way but they are maintained by the HOA. Mrs. Murphy stated she assumes the Town would be happier if they took the land. *Mr. Bianchino stated the following:* The first issue was a right-of-way issue where the applicant wanted to put the trail on along Farm to Market Road to connect to the existing sidewalk he believes the PDD Legislation asked for that land to be dedicated for future right-of-way deeds and the County would not take it. The second issue was that the land has not been dedicated at this point. Mr. Magoolaghan stated they would dedicate the trail along Farm to Market Road. Mr. Lansing stated it is his understanding that the subdivision plans have been filed for this phase that includes this trail. Mr. Belmonte stated they would want to file an amended map specific to the homestead lot. Mrs. Murphy asked if the trail system itself is maintained by the HOA and if they keep that section as a part of the homestead lot they would need an easement from the owner of the homestead lot to maintain and create the trail. *Mr. Belmonte stated the following:* That is okay because he is the owner of the lot and he has no problem with providing an easement for the HOA to maintain that section of sidewalk. The concrete sidewalks are maintained by the HOA and when they revert to a trail system, which is the stone dust system, this is the Town's responsibility. The trail that the Town is presently maintaining is on the south side of Farm to Market Road, which is part of the large trail network. Mr. Higgins asked if the trail would be completed all the way to the north, which is the Slish property. Mr. Magoolaghan stated the property is staked out and it is ready for construction. Mr. Belmonte stated there is a short 100 to 150 FT section on the northeast corner of Summerfield Circle that is departing the community going toward the Slish property that would then resume to be part of the overall Town's trail network. Mrs. O'Grady stated this is what the Trail Committee understood and what they wanted. Mr. Williams asked if the Prospect Meadow's trailheads that heads east to the beginning of Outlook Drive North would be on the County's right-of-way. Mr. Magoolaghan stated no. Mr. Williams stated this major trail system has a potential to connect the Zim-Smith with our passive recreation park

and asked if the applicant should contact the County to see how they feel about pedestrian crossing signs on the County road and placing a hash mark between the trailheads connecting Prospect Meadows and the Summit Hill trails. *Mr. Belmonte stated the following:* It would be no different now than it has been all along; the crossing is virtually in the same location. So, whatever the County's opinion was at one time, it would be the same now and to the best of his knowledge the County has never requested that. Mr. Watts asked who would own the trail. Mr. Williams stated the development to the south of Prospect Meadows is Summit Hills and the Town would own that trail at some point and the sidewalks would be maintained by the HOA except for a little section at the very north of Prospect Meadows that will lead to the lands of Sligh. Mrs. Murphy stated the applicant is requesting that this Board approve the modification to the site plan with regards to trails and the Board needs to determine whether or not they feel this is appropriate at this time. Mr. Bianchino asked if in order to re-file a map with an amended property line, would we need to go through a modified subdivision plan, which would require a submission of a modification to consolidate those properties. Mrs. Murphy asked if the deeds had already been filed. Mr. Belmonte stated to the best of his knowledge the only thing that has been filed is the subdivision map. Mrs. Murphy stated that this does not matter and the applicant does not need to go through this process, as the County would not realize that the map is in existence, which we have been dealing with on other matters. Mr. Berkowitz made a motion to approve the revised trail system for the Farm to Market Road PDD contingent upon the trail being completed in conjunction with the Phase II road dedication. Mr. Roberts seconded. Motion carried.

06.188 NB C P Capital Management, 5 Executive Park Drive – Change of Tenant & Sign

Mr. Neil Castro, property owner of 5 Executive Park Drive, stated the following: No changes would be made to the existing office space or existing sign. They would only be changing the name of the business. Mr. Williams asked Mr. Castro if the building was at full capacity. Mr. Castro stated no. Mr. Williams stated the lot would meet the parking requirements for this tenant. Mr. Roberts stated the applicant would just be replacing the signage that was at this site.

Mr. Roberts made a motion to approve C P Capital Management's change of tenant and sign applications. Mr. Nadeau seconded. Motion carried.

06.189 NB Krupsky Subdivision, 141 Ushers Road – Minor Subdivision

Mr. Dave Flanders, of David A. Flanders Associates, stated the following: This is a proposed subdivision plan of Lands of Joseph and Jean Krupsky. The parcel is located on the northerly side of Ushers Road. The parcel is zoned LI/C-Light Industrial Commercial. The applicant wishes to subdivide the parcel into two lots and convey a 50 FT strip of land to a neighbor, Melinda Lehman, which currently is being utilized for ingress/egress through an easement. He has talked with Mr. Williams and Mr. George Hansen, of the ZBA, and they recommended that we submit the Planning Board minor subdivision application and the ZBA application at the same time, which we have done. We are making application to the ZBA for a use variance for the parcel to construct a residential use. The existing residence on the property where the Krupsky's live was built in the 1800's and was zoned and still remains R-1 Residential. Lands of Lehman is also zoned R-1 Residential. The plans show the existing single-family residence. The septic system for the Krupsky and Lehman residences are tied into the Saratoga County public sewer. The first step of this application is for an existing 50 FT strip of land that is an ingress/egress easement where the driveway is currently accessing the Lehman residence.

They wish to convey this ingress/egress easement and fee to the Lehman's thereby creating a legal size lot and the Lehman's would then own their driveway. At the current time the Lehman lot is substandard and with the increased acreage will make the lot in compliance within the existing zone. The second step is to create a flag lot in the rear of the Krupsky residence for a new single-family home and tie the driveway off the existing driveway to the Lands of Lehman and creating a foreshortened ingress/egress easement for that area alone. The proposed residence would also tie into the Saratoga County sewer district. The property is basically flat and there is an abrupt drop off to the northeast, which drops down into wetlands. The wetlands are an overflow from the Dwaaskill and they have delineated the wetland boundaries. There is a Town easement on the property for the reconstruction of a bridge and another easement to the Saratoga County Sewer District for storm drainage purposes along the Dwaas Kill. Water for the properties would be provided by drilled wells. Mr. Polak stated in the Town's zoning recommendations we are looking to change the LI/C-Light Industrial Commercial to R-1 Residential. Mr. Higgins asked if they wanted to eliminate the joint driveway because they want to limit the number of curb cuts. Mr. Krupsky stated they want to have one entrance/exit instead of the 2 driveways.

Mr. Roberts made a motion to set a Public Hearing for the August 14, 2006 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

06.190 NB Carlito's Extreme Detailing, 1428 Route 9 – Change of Tenant & Sign

Mr. Joseph Lito is representing his wife Kathy Lito for Carlito's Extreme Detailing, LLC. *Mr. Lito stated the following:* They are proposing to bring a detailing business to the Town of Halfmoon. The business would entail the cleaning of automobiles and they wish to sell a maximum of one vehicle at a time on the lot. The vehicle for sale would be registered and plated. Mr. Watts stated that the Carlito narrative stated that there would be one new and one used car. Mrs. Lito stated when she talked with Mr. Williams he mentioned that they could not sell new and used cars on one site because of zoning requirements. Mr. Roberts asked where this one car would be displayed. Mr. Lito stated the vehicle would be in the parking area that is approved for eight cars. Mr. Roberts stated that the used car for sale could not be placed in the State's right-of-way. Mr. Williams stated that the last Planning Board approval for this site was for a TV electronic repair shop and before the TV repair shop there was an auto repair shop. Mr. Lito stated they have checked with the DMV and they said this site had prior approval for sales of vehicles and had a New York State Department of Motor Vehicle used car license. *Mrs. Murphy stated the following:* Since it has been two years since the site has had a pre-existing non-conforming use, it loses that status. I am not speaking for the Board, however, she feels the Board does not have a problem with the car detailing but I do think that there may be a question with regards to the legality of selling a vehicle. You may find that the Town permits you to have vehicles on this site as long as they are registered and the Town will allow up to one unregistered vehicle. This is different than operating a used car sale which we don't allow except incidental to the sale of new vehicles. Mr. Higgins asked if the applicant was trying to get a used retail dealer license. Mr. Lito stated yes, however, we don't necessarily have to sell vehicles on this site, we could sell them off-site at a different location and the DMV would allow this. We would still like to have our sign, so we can have our books and plates to sell cars and take them to the auction. *Mrs. Murphy stated the following:* If there were no sale of vehicles on this site or on a site in Halfmoon, it would not be under this Board's jurisdiction. We don't control what signs or permits DMV issue; we only control what is on your property in the Town of Halfmoon. Mr. Nadeau asked if the DMV requires an approved site plan to issue a dealer's license. Mrs. Murphy stated the applicant would have an approved site plan but not for

the sale of cars. *Mr. Lito stated the following:* We would not have the vehicle that was for sale on this site but they would like to hang their DMV sign on the building so we could get our license. They have a dealership that they have a contract with to clean their vehicles and this requires transport plates and a DMV license. *Mr. Watts stated the following:* The Board does not want any vehicle sales at this site, as it does not meet the Town's ordinance. We would need an updated site plan for the new use showing the driveway connection to Tire Warehouse. Mrs. Murphy stated she would research the issue of whether or not we are dealing with a pre-existing non-conforming use or whether we are dealing with something that the applicant would have to obtain a variance to operate.

This item was tabled for an up-to-date site plan for use and no used car sales would be allowed at this site.

06.191 NB Bobrow Dist. Corp. (Boyd Enterprises), 8 Enterprise Drive – Sign

Mr. Kelly Donnoe, of Capital Signsmith Inc., is representing Boyd Enterprises and Bobrow Distributing to replace an existing monument style sign. *Mr. Donnoe stated the following:* The new sign would be similar in size and shape as the existing sign. The new signage would be in the exact location as the existing sign. The new sign dimensions would be 5.5 FT x 10.04 FT, 6 FT-8 inches high, one sided and flood lit.

Mr. Roberts made a motion to approve the sign application for Bobrow Dist. Corp. (Boyd Enterprises). Mr. Nadeau seconded. Motion carried.

06.192 NB Capital Region Business Park, Lot #5 Corporate Drive – Sign

Mr. Mike Arel, of Delmar Sign, proposed a sign application for Lot #5 Corporate Drive in the Capital Region Business Park. *Mr. Arel stated the following:* The sign would meet all the Town requirements. The applicant proposes to construct a freestanding, double sided sign. The sign would be 66 SF total and 8 FT high. The sign will not be illuminated and will have 3 replaceable tenant signs; Anaconda Sports, Via Talk and Daystar.

Mr. Roberts made a motion to approve the sign application for Lot #5 in the Capital Region Business Park. Mr. Nadeau seconded. Motion carried.

06.193 NB Halfmoon Family Dental, 1456 Vischer Ferry Road – Commercial Site Plan

Mr. Andy Rymph, of Chazen Companies, Dr. Gary Swalsky, the applicant, and Mr. Mike Roth, of Strachan, Roth & Gilmore Architecture were present for the Halfmoon Family Dental commercial site plan proposal to the Board. *Mr. Rymph stated the following:* The applicant is proposing to expand the existing wood frame residential home to construct a 3,150 SF dental office located at 1456 Vischer Ferry Road. It would be a 6-chair dental facility. The center section of the existing building would be renovated with expansions on both the east and west sides. Parking for the facility would be 16 total parking spaces meeting the Town's requirements. A majority of the parking would be in the rear of the building except for 2 handicap parking spaces along the front of the building. The office hours would be Monday, Tuesday, Thursday, and Friday 8am-5pm and Wednesday 8am-6pm, closed weekends. There currently is one right-of-way access to the property at the same location as the proposed curb cut. The site is serviced by public water and an on-site septic system. They are proposing a raised septic system with a dowsing tank. Natural swales and a small depression area would control storm water management. All setbacks would be met with the exception of the existing front yard setback of 45.2 FT. All the other criteria's should meet the Town regulations. Mr. Watts asked how far the setback would need to be to conform. Mr. Rumpf stated 70 FT.

Mr. Roberts made a motion to deny Halfmoon Family Dental's commercial site plan application due to the proposed expansion of a residential unit into a professional office does not meet the required front yard setback. Mr. Nadeau seconded. Motion carried.

06.194 NB Merrill Lynch (Parkford Square), Route 146 – Change of Tenant

Mr. Jim Loiselle stated that they have the opportunity to lease the remaining area of the building, approximately 5,500 SF. They would need a total of 25 parking spaces and they have 27 spaces available. Mr. Watts stated that the application did not specify the total number of employees and the total number of clients that would be in the building at any given time and that more information is needed to clarify to the Board the exact use. Mr. Loiselle stated that the applicant has clients that would meet in this office on an appointment basis and at one time, there could be a maximum of 25 employees in the building for a conference type situation. Mr. Watts stated that he does not feel comfortable with the information that was provided in the application. Mr. Roberts asked if the concern was over parking. Mr. Watts stated that the issue was that the application and narrative did not provide enough information regarding the number of people in the office. Mr. Loiselle stated that the applicant asked for 25 parking spaces and they are able to provide 27 spaces and this was a space that the applicant would utilize to meet with clients in between Saratoga and Albany. This was not a walk-in type situation. Mr. Nadeau asked if the application could be approved based on the submission of a complete narrative. Mrs. Murphy stated that the Board has the option of approving the application with the condition of X-number of employees allowed in the office. Mr. Loiselle stated that the concern was over the parking and asked if the application could be approved contingent on 27 parking spaces. Mrs. Murphy stated that there was no way for the Town to regulate it. Mr. Roberts stated that a Merryll Lynch representative should have been present for this meeting. Mr. Loiselle stated that the matter is time sensitive and could an outline be provided stating exactly what information is needed. Mr. Watts stated that a detailed narrative outlining the procedures of the office is needed. Mrs. Murphy stated that the Town cannot enforce a lease agreement in regards to the parking. Mr. Loiselle asked if the application could be approved contingent on the submittal of a complete narrative. Mr. Watts asked how many employees would be needed in the beginning. Mr. Loiselle stated 6 or 7. Mr. Watts stated that they would entertain a motion to approve the application contingent on 10 employees, and they Board would consider changes to the approval at the next meeting after a complete narrative was filed.

Mr. Roberts made a motion to approve the change of tenant application for Merrill Lynch for a maximum of 10 employees only. Mr. Nadeau seconded. Motion carried.

Minutes:

Mr. Berkowitz made a motion to approve the July 10, 2006 Planning Board Meeting Minutes. Mr. Ouiment seconded. Motion carried.

Mr. Ouimet made a motion to adjourn the July 24, 2006 Planning Board Meeting at 10:40 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary