

Town of Halfmoon Planning Board

September 26, 2005 Minutes

Those present at the September 26, 2005 Planning Board meeting were:

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

Alternate

Planning Board Member: Daphne Jordan
Bob Beck

Planner: Jeff Williams

Town Attorney: Bob Chauvin
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the September 26, 2005 Planning Board Meeting at 7:03 pm. Mr. Watts asked the Planning Board Members if they have reviewed the September 12, 2005 Planning Board Minutes. Mr. Roberts made a motion to approve the September 12, 2005 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

Public Hearing:

05.154 PH T-Mobile USA, Crescent Road – Cell Tower Site Plan

Mr. Watts opened the Public Hearing at 7:04 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. Jeff Davis, of Hiscock & Barclay, is representing Omni Point Communications doing business as T-Mobile. *Mr. Davis stated the following:* T-Mobile is a public utility in New York State for zoning purposes and a FCC wireless provider. T-Mobile is upgrading their current network across New York State that includes the Town of Halfmoon specifically along I-87 and the Crescent Road area. The propagation map shows coverage generated from existing sites and the proposed site at Exit 8. They looked at the possibility of a co-location on an existing tower on Dunsbach Road and an existing utility pole and neither showed needed coverage. They also looked at raw land options and they chose an existing tower in the Town of Halfmoon on the west side of I-87 at Exit 8 where there is an existing 100 FT. light weight tower at this location with a 9 FT. antenna on the top with a total structure height of approximately 109 FT. They would be removing the 109 FT. tower and are proposing a 140 FT. monopole cell tower. They are proposing a fenced compound and all the

setbacks would be met except for the setback to I-87. They have requested a waiver from the DOT and the DOT has responded stating they had no issue with this setback. They propose landscaping around the compound with 17 American Arborvitae plantings. They have provided the Board with 3 color choices; sky blue, light white blue and a darker blue to paint the facility. The painting would include the tower, the antennas and any other installations at the top of the pole to camouflage the site. There are many trees in the area that will provide its own natural camouflage. Mr. Watts asked if anyone from the Public wished to speak. Ms. Henny O'Grady, of Church Hill Road, asked if there are any trees at this site that are 140 FT. high. Mr. Davis stated no, not in that particular area. Ms. O'Grady asked if the facility would extend beyond the tree line. Mr. Davis stated the facility will be above the tree line but there are trees on the backside that will blend in at the base but the top will extend beyond the tree line. *Ms. O'Grady stated the following:* She was pleased that they propose to paint the tower and the reason she is bringing this up is because she is Chairperson of the Trails Advisory Committee and there has been a conceptual proposal to possibility placing a trail along the west side of the Northway (I-87) beginning under the twin bridges and would extend to Exit 10. She asked the applicant to keep the trail in mind and add some amenities to that area so the tower wouldn't stick out like a sore thumb. Mr. Davis stated at the Town's request they conducted a balloon test to simulate what the tower may look like in certain locations and he has brought photos for the Board's review. Ms. Jerry Hoffman, a resident of Clifton Park, asked for verification of the sites location on Crescent Road. Mr. Davis stated he was unable to get an exact address for this location; however, the site is directly adjacent to the Exit 8 exit ramp near a pool and spa business. Ms. Hoffman asked how tall the trees were in this area. Mr. Davis stated he believes the trees are approximately 50 to 60 FT. tall. Ms. Hoffman asked why the tower would be painted blue amongst the green trees. Mr. Davis stated there are different painting techniques but the towers they have painted all one color do blend in better with the sky. *Mrs. Mildred Mincher, who owns property at Exit 8, stated the following:* In 1958 New York State needed to have an extra turning lane so they were force to evacuate the area and were left with 4.5-acres which the State declared landlocked. They had high hopes of having their land put to good use by having the proposed cell tower put on their land. Mr. Watts closed the Public Hearing at 7:16 pm. *Mr. Higgins stated the following:* He is on the committee and observed the balloon test. He questioned if Omni Point would also be the operator of the cell tower and who would be located on the tower. *Mr. Davis stated the following:* Omni Point would construct and operate on top of the tower and they are doing business as T-Mobile. Mr. Davis stated that Omni Point's federal license is in the name of Omni Point Communications and for advertising purposes they go under a different name. *Mr. Higgins stated the following:* The Board's approval is based on Omni Point having a contract to actually supply a service. He was not aware that trail's committee had a concept plan to place a trail in this area and asked how much space there is between the fence and the property line. Mr. Davis stated that the scale map shows approximately 15 FT. Mr. Higgins asked if the trail had to be placed totally on private property and not in the State right-of-way. Ms. O'Grady stated the thought is to have the trail run along the State right-of-way along the west side of the Northway. Mr. Higgins asked what the width of the trail would be. Ms. O'Grady stated 16 to 18 FT. Mr. Higgins stated that the applicant does not have that much property in this area. Mrs. Wormuth stated in the applicant's defense that although the Town does supports the development of trails throughout the Town, this trail is conceptual and is not part of an adopted trails master plan. Mr. Davis stated that this was private property and Omni Point has entered into a lease agreement for a 40 x 60 FT. area with an access easement. Mr. Davis stated the lease agreement includes the tower, a location for their equipment and for other communication people to put in their

equipment should they want to co-locate on the tower. Mr. Watts asked if there would be space for a trail in that area. Mr. Davis stated that there might be a couple of feet between Exit 8's fence, the plantings, and the actual property but certainly not 16 to 18 FT. Mr. Davis stated there might be enough property in NY State's right-of-way. Mrs. Jordan asked why one paint color below the tree line and another paint color above the tree line on the tower would not work. Mr. Davis stated this has been done and it does look good in the summer but in the winter it is more visible and also with the two different paint colors it becomes a major maintenance issue as the trees around the tower grow taller. Mr. Watts asked Mr. McNamara, representative from Environmental Design Partnership, if he has been aware of these color issues in the past. Mr. McNamara stated that if you consider the existing water towers and communication towers that you generally see, they are a paler shade of blue. Mr. Roberts asked if they would allow for co-location on the tower. Mr. Davis stated yes, as it would be built for co-location, which is now standard in the industry. *Mr. Higgins stated the following:* Mr. Williams, Mr. Bianchino, Tim Murphy and he all attend the balloon test. They drove around in all directions and as the applicant stated earlier, there is a lot of natural buffering at this site because of the trees on the north end as well as a number of trees that surround the area. The tower would not be really noticeable from a long distance. *Mrs. Murphy stated the following:* Based on the balloon test report, it is her understanding, that the Board may choose to determine that this is not going to be a stealth facility based on the placement in an area due to the topography. The visual impact of the tower itself is fairly limited together with the applicant's willingness to paint the tower at the request of the Board. Based on this the Board does have the authority to waive the provisions or requirements set forth in the statute with regards to the fall down zone, which has been mentioned by the applicant. Mr. Watts asked if there were any issues with the bond. Mrs. Murphy stated if the Board chooses to approve the cell tower application, the applicant would be posting a removal bond in the event the cell tower is vacated and no longer in use.

Mr. Roberts made a motion to approve the T-Mobile USA cell tower site plan contingent upon the cell tower to be painted a "light white blue" color, trees added around compound, a NEG. DEC. to SEQOR and a removal bond to be posted prior to issuance of the Certificate of Occupancy. Mr. Berkowitz seconded. Motion carried.

Old Business:

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

Mr. Jason Dell, of Lansing Engineering, proposed a 10-lot major subdivision located on Stone Quarry Road. *Mr. Dell stated the following:* The proposed subdivision would be serviced by a 12-inch extension to the water main. Sanitary sewer would be provided by a force main, which will be pumped to the Woodin Oaks pump station. Storm water would be managed on-site. They were before the Board for a Public Hearing at the September 12, 2005 meeting and the majority of the comments revolved around traffic issues and Creighton-Manning has provided a response to CHA for the traffic related issues. They have received comments from CHA and Mr. Frank Tironi and they feel that the remaining issues are all technical in nature and they are before the Board to request preliminary approval for the Stone Quarry Estates project so they may proceed with DOH, DEC and a water agreement. *Mr. Bianchino stated the following:* They have reviewed the revised plans and have reviewed the response that Lansing Engineering received from Creighton-Manning regarding the public's comments on traffic. The 10-lot subdivision will not have a significant impact on traffic in that area. All other outstanding comments from CHA are technical in nature that can be addressed prior to final approval.

Mr. Berkowitz made a motion for a NEG. DEC. to SEQR and to grant a preliminary approval for Stone Quarry Estates Major Subdivision contingent upon CHA's outstanding comments being addressed prior to final approval. Mrs. Jordan seconded. Motion carried.

05.162 OB County Waste, 1927 Route 9 – Commercial Site Plan/GEIS

Mr. Joe Bianchine, of ABD Engineering, is representing County Waste for their commercial site plan/GEIS application. *Mr. Bianchine stated the following:* They have represented the site plan to the Board in the past and there have been no changes to the site plan. They have worked out a couple of issues on the drainage with CHA and CHA is in agreement with the drainage issues. They are before the Board for final approval of the project. Mr. Bianchino stated all previous comments have been addressed.

Mr. Roberts made a motion for a NEG. DEC. to SEQR and to approve the commercial site plan/GEIS for County Waste. Mr. Ruchlicki seconded. Motion carried.

05.202 OB Route 146 Office Building, 436 Route 146 – Commercial Site Plan

Mr. Frank Fazio, of C.T. Male Associates, is representing SkyMark Properties for a commercial site plan for Route 146 Office Building located at 436 Route 146. *Mr. Fazio stated the following:* He was before the Board at the September 12, 2005 meeting for the 0.69-acre parcel project. They propose to construct a two-story office building consisting of 5,850 SF. There would be 5 parking spaces in the front of the building with the remaining parking in the rear of the building. They show 29 parking spaces needed and would require 24 parking spaces for their 12 to 16 employees. They have locations for banked parking spaces in the front and one in the rear of the building. Access to the site would be from Route 146. Landscaping and green space are proposed for the front of the building. Sewer and water are both available from Route 146. They plan to retain storm water on-site with dry wells and piping. At the last meeting there was an issue regarding zoning for the pre-existing, non-conforming lot and he believes the Town Attorney has made a ruling regarding this issue. Mr. Chauvin stated there is a letter on files with the Board indicating that he did not believe there was a need to bring a referral to the ZBA for a variance and the applicant could proceed with the site plan review.

This item was tabled and referred to CHA for review.

05.211 OB Dalston Subdivision, 116A Route 236 – Minor Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: They were before the on September 12, 2005 with the proposed minor subdivision and one of the main questions that arose during the Board's review was how the water services were to work with these existing buildings and the existing water connection to house. He received a call from the Board Council last week regarding a conversation he had with Frank Tironi regarding the water service. The water service comes into the property from the south and the Town will only be responsible for maintenance of the water service to the curb box to the right-of-way and an easement would be provided across the property for the owner of 116B Route 236 who would maintain the water service back to the curb box. The easement will be a private matter and the Town of Halfmoon will not be responsible for that maintenance and will be stated as such on the plans. This proposal needs 2 area variances – lot 116A does not meet the required lot width and lot 116B does not conform to the required lot area or lot width. If the Board is comfortable with the explanation of the water service, they respectfully request a denial for the minor subdivision so they may apply to the Zoning Board of Appeals to obtain the 2 variances. Mr. Ruchlicki asked if the existing water connection runs from one house to the other house.

Mr. VanGuilder stated yes. Mr. VanGuilder stated that a new curb box would be installed and the water line would T-off so that water can be shut off separately to the 2 houses.

Mrs. Jordan made a motion to deny the Dalston Minor Subdivision, as both lots do not conform to minimum lot requirements; i.e. – lot width and area. Mr. Roberts seconded. Motion carried.

New Business:

05.203 NB Freihofer Bakery Outlet, 1580 Route 9 – Change of Tenant & Sign

Mr. Paul Losavio, the applicant, proposed a Freihofer Bakery Outlet located at 1580 Route 9, which is currently Pai's Tae Kwon Do. *Mr. Losavio stated the following:* They plan to partition the building to utilize 2,700 SF of the space to sell Freihofer thrift bakery products. Mr. Watts asked the applicant if they would be open 7 days a week and would have 3 to 5 employees. Mr. Losavio stated that was correct. Mr. Watts asked if they would advertise as the Freihofer Bakery Outlet of Halfmoon. Mr. Losavio stated they would advertise as Halfmoon. Mr. Watts asked Mr. Williams if there would be any traffic issues at this site even with the addition of this applicant. Mr. Williams stated no. Mr. Watts asked Mr. Roberts if he had reviewed the sign applicant. Mr. Roberts stated he reviewed the 2 sign applications and he sees no problems. Mr. Roberts asked the applicant how the signs would be lit and if they would use neon. Mr. Losavio stated the sign would be internally lit with fluorescent bulbs and the signs would have no neon. Mr. Polak stated to the applicant that there is no parking allowed along Corporate Drive or Route 9. Mr. Watts stated the Town would be enforcing the parking ordinance if need be.

Mr. Roberts made a motion to approve the change of tenant and sign applications for the Freihofer Bakery Outlet. Mrs. Jordan seconded. Motion carried.

05.209 NB Pino Commercial/Light Industrial Park PDD, Route 146 – Major Subdivision/GEIS

Mr. Jason Dell, of Lansing Engineering, proposed the Pino parcel light industrial park PDD. *Mr. Dell stated the following:* The Town Board has referred them to the Planning Board for the PDD application. The applicant is proposing a 9-lot subdivision. The smallest lot would be 2.14-acres. At this time the tenants for those lots is undetermined. All of the lots of this PDD would conform to the C-1 zoning requirements. Municipal sewer and water that is located on Route 146 would service the site. The minimum 20% green space will be exceeded. A portion of the green space would be in the front of the parcel and the remainder of the green space will be along the eastern side of the project. The parcels to the north and to the east are zoned Agricultural/Residential. The parcels to the west and the south are zoned Commercial. The proposed project is in accordance with the draft master plan for the corridor. The proposed community benefit would be approximately \$5,000 per lot that would be used for the construction of some recreational fields or for lighting some fields. Mrs. Wormuth stated that the public benefit was not discussed at the Town Board and the Town Board has not reviewed the current proposed public benefit for this project. Mr. Dell stated the public benefit was included as part of their narrative that they submitted. Mr. Watts stated the public benefit is subject to discussion, negotiations and review. Mr. Higgins asked if lot 1 would be a green space lot as Mr. Dell had mentioned green space to meet the GEIS requirements along the road frontage. Mr. Dell stated they propose to do a portion of the required 20% along the front of lot 1 as was done in the Clemente PDD across the street. Mr. Higgins stated that the GEIS does recommend a good percentage of the green space to be along the road where it would buffer the area and feels that a small strip of green space does not meet what GEIS requires as far as

road frontage green space. Mr. Watts stated the Board would be looking for adequate buffering along Route 146. Mr. Chauvin stated to the applicant to be aware that transitional buffers may be required due to the abutting parcels being of a residential zone designation. This item was tabled and referred to CHA.

05.210 NB Kinetic Inc., 159 Ushers Road – Change of Use

Mr. Joe Tedesco, the applicant, proposed a change of use for Kinetic Inc. *Mr. Tedesco stated the following:* Currently the business is an automotive garage and they propose to enclose an existing carport to make a heated garage to be used for automotive detailing. The car detailing would involve an inside/outside wash that would take about 4 to 5 hours per car. At the very most 2 to 3 cars could be detailed per day. This would require one employee. They would not require any additional parking or new signage. The 10 parking spaces they were previously approved for would be more than adequate. There would not be an excess of cars at the site, as the cars that are dropped off in the morning would be picked up in the evening. Two years ago when they were before the Board they were referred to the Zoning Board due to a pre-existing, non-conforming use. There is an existing residential home located on the same parcel but they have two different addresses. Mr. Watts asked Mrs. Murphy if she had reviewed this change of use application. Mrs. Murphy stated that she had reviewed the application and because this is not going to be an expansion of the non-conforming use, it will be incidental to the approved use. Mrs. Murphy stated the applicant's proposed use is in conformance with the zoning for that area and the applicant does not have to go to the ZBA should this Board chose to act.

Mrs. Jordan made a motion to approve the change of use application for Kinetic Inc. Mr. Ruchlicki seconded. Motion carried.

05.212 NB Independent Wireless One (Sprint), Stone Quarry Road – Cell Tower Co-location

Mr. Paul Lent is representing Sprint Independent Wireless for the cell tower co-location located on Stone Quarry Road. *Mr. Lent stated the following:* This co-location will be on an existing national grid power pole. They are proposing flush mounted antennas at the 80 FT. level on the existing utility pole. The space to be occupied is approximately a 6 FT. x 9 FT. area in the outside cabinets. They believe this is the best use of an existing utility installation and it would meet coverage needs that have been identified close to the Route 9 area where Sprint has a coverage gap. Mr. Watts asked Mrs. Murphy if she had reviewed this application. Mrs. Murphy stated everything that the Board requires has been addressed.

Mr. Berkowitz made a motion to set a Public Hearing for the October 11, 2005 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

05.214 NB The Stereo Workshop, Inc., 1668 Route 9 – Sign

Mr. Ron Alvaro, the applicant, proposed a sign application for The Stereo Workshop, Inc. located at 1668 Route 9 on the freestanding Spare Time Bowl sign. Mr. Alvaro stated the sign would be double-sided and internally lit.

Mr. Roberts made a motion to approve the Stereo Workshop, Inc. sign application. Mr. Beck seconded. Motion carried.

05.215 NB Stewart's, 1857-1859 Route 9 – Sign

Mr. Tom Lewis, of Stewart's Corporation, proposed a freestanding sign at the Stewart's Shop located at 1857-1859 Route 9. *Mr. Lewis stated the following:* They recently purchased the property that they previously leased. They would like to move their sign due to poor sight distance as you are traveling south on Route 9. There is no Stewart's sign on the existing freestanding sign. Mr. Roberts made a proposal to the applicant to put up a Stewart's sign similar to the Stewart's sign on Guideboard Road that is 11.5 FT. high rather than combining their sign with the existing 16 FT. freestanding sign. Mr. Roberts stated with his suggested proposal Stewart's would have their own sign in front of their building on their property that would be consistent with the height of signs in the area. Mr. Lewis stated other than saving money, what would the reason be to use Mr. Robert's suggested proposal. Mr. Roberts stated he feels this would be beneficial to Stewart's and the Board would like to keep the height of signs consistent in the area rather than using Mr. Lewis's proposed 16 FT. high sign. Mr. Lewis asked the Board if they could get an approval on their sign application as submitted and, if they like Mr. Robert's suggestion, can they get an approval either way. Mr. Roberts stated the Board couldn't make an approval on one sign and then do another. Mr. Chauvin stated the applicant could only get an approval for the application as submitted. Mr. Watts asked what was indicated for the height of the sign on the application. Mr. Lewis stated 16 FT., which is 4 FT. higher than the existing sign. Mr. Lewis stated that because the traffic traveling on Route 9 goes at a faster speed, if they lower the sign that they are proposing, whatever signs go on the bottom really would get shortchanged. Mr. Roberts stated that Stewart's is the only one on that sign. *Mr. Lewis stated the following:* Because of where the sign is located, they are looking to improve the visibility of the new future tenant's signs. He feels they owe it to the future tenants to have these signs visible on the freestanding sign. Mr. Watts asked the height of existing sign. Mr. Roberts stated 12 FT. Mr. Watts stated he had no objection with the 16 FT. sign at that location due to the speed of traffic on Route 9.

Mr. Roberts made a motion to approve the Stewart's sign application as presented contingent upon the removal of the existing sign. Mrs. Jordan seconded. Motion carried.

05.216 NB Town of Halfmoon Historical Society, Route 9 & Terminal Road – Sign

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05.217 NB Town of Halfmoon Historical Society, Crescent/Vischer Ferry Road – Sign

Mr. Chauvin recused himself from this item. Mr. Watts stated the Board's gratitude to Mr. Tom Lewis, of Stewart's, and the principals at the Mills Office site for allowing the Town of Halfmoon Historical Society's signs to be placed on their properties. Mr. Walt Polak, Planning Board Liaison, will be representing the Town of Halfmoon Historical Society's sign applications for Nancy Morris, President of the Town of Halfmoon Historical Society, who was unable to attend tonight's meeting. *Mr. Polak stated the following:* He has been working with the group and Mr. Don Roberts to find locations for the signs. He also wished to thank Mr. Lewis, of Stewart's, and Mr. Chauvin for their participation with the signs. The signs will state, "Welcome to Historic Halfmoon", "incorporated 1788", "Gateway to Saratoga County". They chose the Route 9 and Terminal Road location as when you travel from the Colonie/Albany area that is the "gateway" to Saratoga County at that point. They looked at locations up and down the I-87 (Northway) and because of the setbacks required by the State and Federal regulations the signs would not be able to be seen from the Northway. They did come up with a location at Exit 8 of the Northway as you get off the ramp and travel east the sign will be located at the Mills Law Firm.

At the Route 9 and Terminal Road site the sign will be located approximately 30 FT. in front of a tree and as you enter the Mills site the sign will be approximately 12 FT. from the driveway toward the slope before it tapers off. He met at the Mills site with Mr. Roberts to make sure there were no sight issues, that the signs would be out of the State right-of-way and to insure that the signs would not interfere with traffic entering or leaving both sites. Mr. Roberts stated that they had to be off the State right-of-way if the signs were to be larger than 32 SF and this is why they have placed the signs on private property. Mr. Williams asked if there would be other signs at other gateways to the Town of Halfmoon. Mr. Polak stated they will be receiving a grant to help the Historical Group and they would be working with some smaller signs at each entrance to the Town. Mr. Roberts asked if there were plans to put any commercial advertising on these signs. Mr. Polak stated no, these signs are to advertise only the "gateway" and he is also working to get future flood lighting for the two proposed signs.

Mr. Roberts made a motion to approve the Town of Halfmoon Historical Society sign applications for Terminal Road and Crescent/Vischer Ferry Road as submitted. Mr. Higgins seconded. Motion carried.

05.218 NB Dubray's Autobody & Detailing, 211 Fellows Road – Change of Use

Mr. Earl Dubray, the applicant, stated the following: He would like to place a fence behind the existing garage for storage of towed vehicles. He would like to place chain linked fencing 60 FT. x 60 FT. with a gate in the rear. He would also like to add towing to his business. Mr. Nadeau asked the applicant what he planned to do with the cars. *Mr. Dubray stated the following:* He would do bodywork and he has been doing some towing for the AAA, road clubs and he is looking to also get business from the Police Department. The proposed chain linked fence with the gate would have a secure lock in case any vehicle accident had a fatality, DWI or anything of that nature. Mr. Roberts asked if the applicant would be doing any used car sales at the site. Mr. Dubray stated no. Mr. Higgins asked if Mr. Dubray had a sign at his site. Mr. Dubray stated he has a sign that says "Dubray's Auto". Mr. Berkowitz asked Mr. Dubray if there were any residences near his business. Mr. Dubray stated there was a 93-year-old gentleman, Mr. Covell, who just passed away and he believes Mr. Covell's sister now owns the property, Mr. Ken Gorcesky and Albany Steel owns property in the area. Mr. Berkowitz asked how close his business was to Mr. Gorcesky's house. Mr. Dubray stated 200 to 250 FT. Mr. Berkowitz asked if Mr. Dubray would be towing in the middle of the night. Mr. Dubray stated yes this is possible. Mr. Berkowitz asked if there would be a lot of noise moving the cars around. Mr. Dubray stated no. Mrs. Jordan asked if a Public Informational Meeting would be needed for this project due to the residences. Mr. Watts stated that this was a possibility and he would like to set up a committee to look at the proposed changes to what is currently going on at this business. Mr. Higgins stated that he and Mr. Berkowitz were the original committee for this project and basically there are only 3 properties owners near this business. Mr. Watts asked Mr. Higgins and Mr. Berkowitz to visit the site and then this project would be put on the next Planning Board agenda. Mr. Berkowitz asked Mr. Dubray to get a letter from Mr. Gorcesky stating that he would have no problem with Mr. Dubray's proposed project. Mr. Dubray stated that he would get a letter from Mr. Gorcesky.

This item was tabled and Mr. Berkowitz and Mr. Higgins will be the committee to visit site on 211 Fellows Road.

05.219 NB DeVoe's Rainbow Orchards, 1569 Route 9 – Addition to Site Plan

Mr. Chauvin recused himself from this item. Mr. Larry DeVoe, the applicant, proposed an addition to site plan for DeVoe's Rainbow Orchards located at 1569 Route 9. *Mr. DeVoe stated*

the following: He described the existing site conditions. He is proposing to add a 756 SF addition to the existing drive-in restaurant to gain additional space for the employees and supply storage. At the present time he is keeping the restaurant supplies in another building. He also proposed to construct a 2,000 SF pole barn to store equipment related to the apple orchard business. Mr. Higgins asked if any handicap parking spaces are required. Mr. Watts stated that the Code Enforcement Department would answer this question. Mr. DeVoe is asking for an approval for the addition to the restaurant and the pole barn or some type of wood structure to store their equipment. Mrs. Jordan asked if the applicant is proposing additional parking. Mr. DeVoe stated yes. Mr. Watts stated to Mr. DeVoe that the Town would appreciate if he would advertise his business as being in Halfmoon and not in Clifton Park. *Mr. DeVoe stated the following:* He advertises as being located on Halfmoon Parkway in Clifton Park and he would not change as most of his customers come from outside and he understood Mr. Watts's statement, but he will not commit to something that he is not going to do or may not do. *Mr. Watts stated the following:* He would appreciate Mr. DeVoe's consideration in this matter and in the interest of consistency he is asking Mr. DeVoe to consider this suggestion and make the change as many other businesses have. Most businesses in that commercial corridor of Route 9 are becoming quite well known as being in Halfmoon. Mr. Berkowitz made a motion to approve DeVoe's Rainbow Orchards addition to site plan. Mr. Ruchlicki seconded. Motion carried.

05.220 NB Daystar Technologies, 21 Corporate Drive – Change of Tenant

Mr. Joe Bianchine, of ABD Engineering, is representing Daystar Technologies. *Mr. Bianchine stated the following:* Daystar Technologies currently exist at 13 Corporate Drive. Daystar Technologies will remain at the 13 Corporate Drive location but they need more office space so they are proposing to lease 5,500 SF of office space at 21 Corporate Drive, which was previously the National Finance Building. Daystar will use 21 Corporate Drive for offices and would employ about 25 people at that location. Mr. Watts asked Mr. Williams if there would be adequate parking available. Mr. Williams stated yes. Mr. Roberts asked if there would be a sign. Mr. Bianchine stated there might be a small sign in the doorway but there would not be an outside freestanding sign.

Mr. Roberts made a motion to approve the change of tenant application for Daystar Technologies. Mrs. Jordan seconded. Motion carried.

05.221 NB Klersy Subdivision, Farm to Market Road – Major Subdivision/GEIS

Mr. Joe Bianchine, of ABD Engineering, is representing Klersy Building Corporation located in the Bethlehem/Delmar, New York. *Mr. Bianchine stated the following:* The applicant owns 90-acres on Farm to Market Road. They have shown the constrained lands within the project which is 22-acres of Federal wetlands which they have had delineated. There is also approximately 18-acres of lands that have steep slopes, which a majority of the sloped land is located to the rear of the property. They are proposing a 50-lot conventional residential subdivision, which is located in the GEIS area so they would comply with the GEIS rules and regulations. They are proposing 2 access points off of Farm to Market Road with a cul-de-sac to extend to the rear of the lands and another small cul-de-sac off of the southern access road. The subdivision proposes to tie-in to the Town's 12-inch water line along Angle Lane and a force main sanitary sewer system along Farm to Market Road, which is part of the County sewer system. They would need to extend the water district for this property. They would need to pump into the sewer system from Farm to Market Road and would be working with Belmonte Builders to coordinate this. There are proposed stub streets to vacant lands of Tribbley

and VanWert for possible future connections. They would dedicate 20% of open space (over 18-acres) to the Town. They have set up the project so there would be no homes along Angle Lane and all the open space would border Angle Lane. They have previously presented this project to the Board proposing 125-lots before the wetlands were delineated and have reduced the project to 53-lots. All the lots would be in the range of 20,000 to 30,000 SF except for the lots located to the rear of the parcel and these lots would range from 2 to 6-acres because of the steep slopes. They are proposing 1 keyhole lot which would be 2.7-acres. Mr. Higgins if stated the area along Farm to Market Road had been extensively filled and would they be able to get sufficient surface for the 2 roads. Mr. Bianchine stated that they would probably have to dig some of that area out. Mr. Higgins asked if they had any plans to use Angle Lane. Mr. Bianchine stated they had no plans for any houses or lots coming off of Angle Lane. This item was tabled and referred to CHA.

Mr. Ruchlicki made a motion to adjourn the September 26, 2005 Planning Board Meeting at 8:31 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi,
Planning Board Secretary