

Town of Halfmoon Planning Board

November 9, 2009 Minutes

Those present at the November 9, 2009 Planning Board meeting were:

Planning Board Members:	Steve Watts – Chairman Don Roberts – Vice Chairman Rich Berkowitz Marcel Nadeau Tom Ruchlicki John Higgins John Ouimet
Senior Planner:	Jeff Williams
Planner:	Lindsay Zepko
Town Attorney:	Lyn Murphy
Town Board Liaisons:	Walt Polak

Mr. Watts opened the November 9, 2009 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the October 26, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the October 26, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Hearing:

09.090 PH DCG Development Co., 1542 & 1544 Route 9 – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:03 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: We presented this project at the October 26, 2009 Planning Board meeting. This project is a 2-lot subdivision of a 29.5-acre parcel of land. The parcel of land is located on the west side of Route 9 and is zoned C-1 Commercial. Currently on the property there is a small residence near the front of the parcel with a gravel access drive leading from Route 9 to the structure. From that point there is a gravel parking lot just to the rear of the existing single-family residence, which is currently being used by the Capital District Youth for Christ who would be the new tenant for the rear parcel that we are proposing to subdivide. The two lots that we are speaking about range in size from 14.3-acres to the rear and 15.2-acres in the front. The Capital District Youth for Christ operation and facility currently sits on the 14.3-acre parcel. We went in for the site plan over the spring and since then they have constructed a youth rope and challenge course at the rear of the parcel. The course has been very successful over the summer and they are looking forward to expanding their facility but to do so they would like to have their operation on their own parcel so that is the purpose of this subdivision. They would gain access from an existing gravel drive that is currently there and that gravel drive would have an easement over it to give them access. They would have frontage on Route 9 to make it a legal lot with 20 FT of frontage. There was some discussion at the meeting over its

location and I think that we pointed out several reasons for the location of that 20 FT piece of property that provides the frontage and is almost 1,000 FT long. Basically, we are trying to preserve as much developable area on Lot #1 for future development and to give ourselves as much flexibility as possible. Since we are not going to be able to develop anything along those wetland areas, we thought that would be the best place for the 20 FT wide piece of property to be located. Obviously, the Capital District Youth for Christ organization is happy with the easement as it is much more beneficial and probably more financially smart for them to share an access easement. That way they can share the cost of the maintenance of the road rather than owning a 1,000 FT long driveway on their own and they are okay with that arrangement. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:06 pm. Mr. Higgins stated the following: I mentioned this the last time and I'm still a little confused. Is the legal access to the lot the 20 FT wide piece on the northern portion of the lot? Mr. Vuillaume stated yes. Mr. Higgins stated which goes through jurisdictional wetlands and asked how are those people going to build a road that goes through jurisdictional wetlands? Mr. Vuillaume stated the following: They would not ever build a road through the jurisdictional wetlands or the 20 FT wide piece of property. They would always have an access easement through Lot #1 to gain access to their property and they could share that cost with the developers of Lot #1. Mr. Watts asked Mr. Vuillaume to show where Lot #1, Lot #2, the access easement through Lot #1 and the 20 FT strip of property that we are talking about is on the northern edge. Mr. Vuillaume pointed that information out to the Board and the audience. Mr. Watts stated so your curb cut would eventually be where? Mr. Vuillaume stated the curb cut would always be in the middle of the property. Mr. Watts stated so that 20 FT wide frontage is really just on paper. Mr. Vuillaume stated that would not be utilized for anything, just for paper. Mrs. Murphy stated the following: It is not just for paper; the State statute requires that there is that frontage on a Town road. They don't have to utilize that frontage but in order to comply with the law they have to have the frontage in existence. They just have to have it as part of the fee simple ownership. Mr. Higgins stated as far as the access easement through Lot #1 it says 30 FT wide temporary easement. So, in other words can they pull this easement somewhere down the road and move the easement somewhere else on the land without the people on Lot #2 having anything to say about it? Mr. Vuillaume stated they would have to approve of the re-location of it. Mr. Nadeau stated okay but on that re-location, as Mr. Higgins' stated, you are going to be crossing wetlands and what if that should not happen and how would we get access to those lots if we can't cross those wetlands? Mrs. Murphy stated the following: I am assuming that the language in the easement requires the consents of both parties in order to change the easement. I am also assuming that the plan possibly for future development would be to create a Town road that would access the site giving it frontage not on just one location but on two. Mr. Vuillaume stated the following: Correct, depending on how many tenants we are really speaking about on Lot #1 in the future there could be a Town road that could go through that parcel of land giving access again to Lot #2. If it were to be just one lot or one big tenant, then they would have the same exact easement to give them access. That easement itself physically may be moved somewhere else on the property depending on how that gets developed. Mr. Nadeau asked but at what point does it become an actual easement where they are stating that it is temporary? Mr. Vuillaume stated it would become an actual easement when we file this map. Mrs. Murphy stated I believe the Board would be more comfortable if you just let me see and approve the language easement. Mr. Vuillaume stated the following: Sure that is fine. We will make sure that we have the proper language and that you have an opportunity to approve of the language of the easement. Mr. Roberts stated but it is still going to be an actual temporary easement. Mr. Vuillaume stated yes. Mrs. Murphy stated the following: For clarification purposes, an easement travels with the land so with any modification to the land, the easement would remain. He is calling it a temporary easement because they are saying that they plan on moving it somewhere in the future. That is not a legal description;

he's just calling it that. That is why I want to see the actual language. Mr. Nadeau stated so in theory there would always be an easement there? Mrs. Murphy stated correct. Mr. Vuillaume stated correct, the word "temporary" doesn't mean that it can go away. Mrs. Murphy stated right, they wouldn't revoke that easement, which is filed with the County, unless and until another one was filed.

Mr. Berkowitz made a motion to approve the minor subdivision for DCG Development Co. contingent upon the Town Attorney reviewing and accepting the proposed access easement language. Mr. Roberts seconded. Motion carried.

New Business:

09.092 NB McHargue Subdivision, 162 Beach Road – Minor Subdivision

Mrs. Julie MchHargue, the applicant, stated the following: I live at 162 Beach Road in Halfmoon. I would like to subdivide my property for my own purpose of selling my big home within a couple of years and building a smaller home for myself. I was born and brought up in Halfmoon and I would like to stay here. I also work for the Town of Halfmoon. I would like to subdivide my existing 1.24-acre parcel in two lots. Lot A would have 158 FT of frontage and Lot B would have 171 FT of frontage along Beach Road. Lot A with my existing 2-story home would be 30,002 SF and Lot B is proposed to be a 28,373 SF vacant lot. Mr. Watts asked Mr. Williams if there was an issue regarding the size of the lots? Mr. Williams stated the following: I have discussed this proposed subdivision with your surveyor, Mr. Brian Holbritter. The area is serviced by public water and private septic systems and 30,000 SF is the minimum lot size requirement for this area. Lot A with the existing home would meeting the minimum lot size requirement but the vacant Lot B does not meet the 30,000 SF minimum lot size requirement. Mr. Watts asked if this was explained to the surveyor and Mrs. MchHargue? Mrs. MchHargue stated yes. Mr. Watts asked Mrs. MchHargue if she understood that once this application is denied due to the inadequate minimum lot size requirement that she could go to the Zoning Board of Appeals to apply for a variance. Mrs. MchHargue stated I do.

Mr. Ouimet made a motion to deny the MchHargue minor subdivision on the basis that the proposed Lot B does not meet the minimum lot requirements (area) for zoning. Mr. Roberts seconded. Motion carried.

09.093 NB Exit 9 Wine & Liquor Warehouse, Inc., 9 Halfmoon Crossing – Change of Tenant & Sign

Mr. Todd Fischer, of Solar Associates, Inc./Equinox Companies, stated the following: I am here tonight on behalf of Exit 9 Wine & Liquor and ourselves. With me tonight is Mr. Mark O'Callaghan who is the proprietor of Exit 9 Wine & Liquor and we are here to answer any of the Board's questions. Mr. O'Callaghan has indicated to us that he really wants to move out of his current location in The Crossings strip center in the Town of Clifton Park. Mr. O'Callaghan wishes to relocate to the old Linens and Things building located at 9 Halfmoon Crossing. We are not going to change anything with the site and the only thing we are doing is a change of tenancy. We are also here tonight for proposed signage. There are 188 parking spaces on the site which I think is 2 or 3 more parking spaces than is actually required by the code and there would be plenty of parking available. Again, nothing is changing with the actual building itself; just interior work that we will obtain a building permit to do this work. In addition to that tonight we would like to talk about the change of signage on the building. The south façade, the east façade and the west façade on the backside of the building that faces The Crossings strip center are the exact same locations where Linens and Things had their signage. The proposed signage represents approximately 20.5 SF less signage than what Linens and Things had. We are here tonight for the Board's approval of the signage on the façade. Mr. Watts

asked when are you planning on hopefully moving? Mr. O'Callaghan stated the first week in January and we should be all moved in by January 8th. Mr. Watts stated I know you don't have a long move in terms of distance but it would be a good move and we would like to welcome you to Halfmoon. Mr. Nadeau asked if they would be occupying the entire building. Mr. O'Callaghan stated yes. Mr. Higgins stated when the previous tenant was in that building, the neighbors in the rear had some questions about delivery times because the loading dock is in the rear of the building. I just wanted to mention this because obviously we don't want to have problems with the neighbors in the rear as far as deliveries later in the evening and things like that. Mr. O'Callaghan stated the following: All of our deliveries take place approximately between 8:00 am to 12:00 noon. Sometimes there may be a truck idling back at the loading dock at 7:30 am but nothing in the evening or earlier than that. Mr. Higgins stated yes, because there is a residential area right behind your site. Mr. O'Callaghan stated yes, we would definitely remain sensitive to that. Mr. Watts asked how far is that residential area. Mr. Higgins stated it is the apartments right behind the site. Mr. Fischer stated I have seen Mr. O'Callaghan's deliveries and I can honestly tell you they're not at weird hours and the deliveries are always during normal business hours. Mr. Watts stated welcome to Halfmoon and asked Mr. O'Callaghan to please advertise as being located in Halfmoon. Mr. O'Callaghan stated no problem. Mr. Roberts asked if the proposal signage would be internally illuminated with no exposed neon? Mr. Fischer stated that is correct.

The following is the Planning Department's topic write-up regarding the signage:

Sign Size: sign #1-127 SF, sign #2-127 SF, sign #3-87.83 SF = 341.8 SF

Sided: ☒ **one-sided** ☐ **Two-sided**

Location of Sign: all wall-mounted, sign #1 and #2 over door entrances and sign #3 on rear of building.

Lighted: ☒ **Internal** ☐ **Flood**

Planning Board Date(s): 11/09/09

Brief Description: The 37,488 SF building is allotted 362.5 SF of signage per the Town's sign ordinance. The 2 proposed signs to be placed over the entrance are approximately 30 SF smaller than the previous tenants, while the sign on the rear wall is about 42 SF larger. All signs are conforming to the Town Ordinance. There are no freestanding signs proposed for the site.

Mr. Berkowitz made a motion to approve the change of tenant application for Exit 9 Wine & Liquor Warehouse, Inc. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Exit 9 Wine & Liquor Warehouse, Inc. Mr. Nadeau seconded. Motion carried.

09.094 NB Sand Dollar Travel, 1471 Route 9 (Crescent Commons) – Change of Tenant & Sign

Mrs. Murphy recused herself from this item. Mr. Michael Klimkewicz, owner of Crescent Commons, stated the following: Ms. Anna Marie Perrotti is also present tonight and we are here tonight for a change of tenancy for Sand Dollar Travel. Ms. Perrotti wishes to occupy about 440 SF of office space and she would require 4 parking spaces. Her business hours would be from 8:00 am to 5:00 pm six days a week. Mr. Watts asked the applicant where she would be re-locating from. Ms. Perrotti stated I will be re-locating from 2 Halfmoon Executive Park Drive. Mr. Roberts asked Mr. Klimkewicz if the proposed signage would conform to the rest of plaza's signage. Mr. Klimkewicz stated correct. Mr. Watts asked along with your new monument sign? Mr. Klimkewicz stated correct.

The following is the Planning Department's topic write-up regarding the signage:

Sign Size: sign #1-12 SF, sign #2 -7.4 SF

Sided: ☒ one-sided ☒ Two-sided

Location of Sign: sign #1-wall-mounted over entrance, sign #2- on plaza monument sign

Lighted: ☒ Internal ☐ Flood

Planning Board Date(s): 11/09/09

Brief Description: The applicant wishes to place a 12 SF wall-mounted sign over the entrance to the suite. The proposal also includes a plate of the plaza monument sign that is to be 7.4 SF on each side. The proposal is conforming to Town Code. Parking appears adequate on site.

Mr. Berkowitz made a motion to approve the change of tenant application for Sand Dollar Travel. Mr. Ruchlicki seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Sand Dollar Travel. Mr. Nadeau seconded. Motion carried.

09.096 NB Alto Quality Insuring, 1471 Route 9 (Crescent Commons) – Change of Tenant

Mrs. Murphy recused herself from this item. Mr. Michael Klimkewicz, owner of Crescent Commons, stated the following: I am here tonight on behalf of Alison Richard, the proprietor for the Alto Quality Insuring. This proposal is for an insurance company and the applicant would occupy 400 SF of office space on the second floor. There is no signage requirement. Ms. Richard has one employee and she would require 3 parking spaces. Her business hours would be from 8:00 am to 5:00 pm six days a week.

Mr. Ouimet made a motion to approve the change of tenant application for Alto Quality Insuring. Mr. Higgins seconded. Motion carried.

09.095 NB Wal-Mart, 1549 Route 9 – Addition to Site Plan

Mr. Charles Rogoff, of Apex Companies, LLC, stated the following: We are representing Wal-Mart stores and with me tonight is the store manager, Mr. Brian Lalon. We are proposing to add a 41 FT x 69 FT x 10 FT high masonry block enclosure. The masonry block enclosure would be located by the existing concrete loading dock area. It would be used to store or to better control the storage of the recycled pallets and the cardboard bales that are generated in the store. Currently those items are stored outside. There would be no roof on this structure and no front gate on the structure. That it is due to winter reasons, as we did not want to deal with snow issues on the gate. It would be located on an existing concrete loading dock pad so it would be concrete inside and concrete outside and there would be no change there. There would be no lost parking spaces and no lost landscaping and nothing would change as far as that is concerned. The enclosure is designed to hold 136 cardboard bales and about 1,020 pallets. Nothing would be stacked above the side of the wall, which is 10 FT high, so you wouldn't be able to see anything from the road. Why are we doing this? Basically for esthetics. In the northeast region, Wal-Mart has been going back to stores that do not presently have these enclosures and they have been installing them. It helps to keep things organized and a little bit cleaner on that backside of the store. Also, the enclosure would be painted the same color as the store so it would blend in with what is already there. At the same time we are looking at replacing the existing wooden fence along the perimeter of the existing storage area because those wooden fences are in pretty poor

condition at this time. We are proposing to replace two sections of the wooden fence with a white vinyl fence that would give it a longer maintenance life. It would be a stockade, the same height and the same type of construction but would be vinyl. Along the back we are proposing to put a black vinyl coated chain link fence 10 FT off the curb line to give them a snow storage area. What has happened to this fence is that the snow is getting pushed up against it in certain areas especially along the back. The enclosure itself would make up the blocking lines for the rest of the fence so we weren't proposing to replace that. This is our proposal at this point in time. Mr. Higgins asked regarding the 4.5 Ft fence in the rear; what is going to prevent paper, small pieces of cardboard and everything else from just blowing right out to the neighbor's property? Mr. Rogoff stated that is why they are putting that fence back there. Mr. Higgins stated yes but at 4.5 FT when you have 10 FT high walls it is less than half the height of wall. Mr. Rogoff stated the following: I'm not expecting anything to come out of this enclosure. I'm talking about the rest of this area if it is blowing across and that is what we are trying to screen and block the material from coming out there. We can make it taller but usually Town's like smaller fences. Mr. Higgins stated the following: There is a solid fence there now so if something blows up against the solid fence it is going to sit there and you would have to clean it up. With a 4.5 FT open fence, stuff can blow over the top of it and asked how high the existing fence was? Mr. Rogoff stated 6 FT so we would only be lowering it 2 FT and a chain link fence would stop the garbage. Mr. Higgins stated I am worried about it blowing over the top of the fence because you are almost creating a funnel with 2 higher pieces. Mr. Rogoff stated we could make it a 6 FT fence. Mr. Higgins stated I just don't want the debris blowing over on the neighbor's property. Mr. Watts asked what has your experience been with other stores where you are using 4.5 FT fences? Mr. Rogoff stated the following: If you are going to get a good windstorm, plastic is going to carry and there is nothing that is going to stop it even if you have a 20 FT fence. Most of the debris is trapped along fences because we happen to clean up a lot of the stores on a monthly basis and there is where we find the garbage trapped along the base of the fence. Again, we went with 4.5 FT because most Town's like to have smaller things verses bigger things but if you want to match it, we can make it 6 FT to match. Mr. Watts asked how long is the fence? Mr. Rogoff stated 90 FT and we tried to go with the black vinyl because that hides it a little bit better and it looks better over a longer time. Mr. Rogoff stated the fence would attach to the white vinyl and the chain link would be on the backside. Mr. Higgins stated the following: I don't think it is an esthetic question because basically the only people that would be looking at it would be the DeVoe's next door. I am more concerned about trying to keep the material from just blowing over there. Mr. Watts stated I would say that if their experience has been that that size covers it, I would kind of go with what they wanted. Mr. Nadeau asked have we had any issues with the existing fence? Mr. Watts stated the following: We have had no issues at all this site. On that we've asked relative to keeping it clean, they do a very good job, and we have not had any complaints from any of the neighbors, there have not been any code violations, their fire inspections have been fine and the lot is maintained well. Mr. Ouimet stated the following: I think that 4.5 FT is high enough as long as there is vigilance and you make sure that you watch in case the wind comes up and you get an accumulation of paper, cardboard or plastic and you just clean it up. I'm not really about things blowing over the top. Mr. Berkowitz stated I drive by that area everyday and I don't really notice anything. Mr. Watts asked when is this going to be done. Mr. Rogoff stated we were just talking about that because have you ever been at a Wal-Mart store during Thanksgiving and Christmas? Mr. Watts stated yes. Mr. Rogoff stated the following: Well that is not going to happen. We are going to talk to the district manager to find out what his wishes are. Mr. Watts stated okay.

Mr. Roberts made a motion to approve the addition to site plan application for Wal-Mart and the Board asked the applicant to be vigilant on wind blown debris at the site. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 9, 2009 Planning Board Meeting at 7:30 pm.
Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary