

## **Town of Halfmoon Planning Board**

### **April 14, 2008 Minutes**

Those present at the April 14, 2008 Planning Board meeting were:

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

***Alternate***

**Planning Board Members:** Bob Beck  
Gerry Leonard

**Planner:** Lindsay Zepko

**Deputy Town Attorney:** Bob Chauvin

**Town Board Liaisons:** Paul Hotaling  
Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the April 14, 2008 Planning Board Meeting at 7:03 pm. Mr. Watts asked the Planning Board Members if they had reviewed the March 24, 2008 Planning Board Minutes. Mr. Roberts made a motion to approve the March 24, 2008 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

**New Business:**

**08.034 NB      Rolling Hills Subdivision, Lot #37 & #38 Rolling Hills Drive – Lot Line Adjustment**

Mr. Percy Cotton, of Chas. H. Sells, Inc., stated the following: I am here tonight representing Charlew Builders for a lot line adjustment of the Rolling Hills Subdivision at the corner of Ridgewood Drive and Rolling Hills Drive. The developer would like to rearrange the lot line between Lot #37 and Lot #38 to give both lots better back yards. We have run a line that is on the bisector between the two streets back to the rear of the buildings and then angled into an existing lot corner. The idea is to give these 2 lots a more developable and a better layout on the lot. By making this change, the developer feels the lots would be more saleable. Mr. Nadeau stated I am not sure on creating that corner triangle lot. Mr. Cotton stated I don't believe it violates anything in the subdivision requirements that I am aware of. Mr. Higgins asked if they were considering both of the corner lots. Mr. Cotton stated I guess they are, yes. Mr. Higgins stated the definition for a corner lot is that it has to have a certain amount of property on each of the roads. Mr. Cotton stated the following: Then I guess we are not

considering either one of them corner lots and I don't believe that there is requirement that there be a corner lot in that sense of the word. The 2 lots occur where the streets intersect. I think this is an improvement of what we had there before where it ran straight out and was a typical rectangular lot and the other lot was long and narrow which gave them very little back yard. This proposal would give them a better back yard situation and make the lots more useable. Mr. Watts asked if the driveway configurations were still the same. Mr. Cotton stated I not certain how they were before but the way they are now is a better location because they are further away from the intersection. Mr. Higgins asked what the side yard, rear yard and front yard setbacks were. Mr. Cotton stated the following: I believe the setback requirements are 30 FT rear yard, 10 FT minimum side yard, 50 FT front yard and these 2 lots would meet all those setback requirements. Both the lots have 1 rear yard, 1 front yard and 1 side yard. Mr. Chauvin stated the following: I think the issue then becomes that if the Board considers them corner lots, which to the layperson such as myself that is what they are, then they have to have the required frontage on either street or require a Zoning Board of Appeals variance even though as Mr. Cotton has said, it might make it better and more marketable. I think it conflicts with the way our ordinance is drafted because our ordinance defines the corner lots. If you look at Mrs. Zepko's notes for tonight's meeting, it seems to me that they are creating 2 corner lots and if so, then they are not going to have the required frontage on each street. If that is the case and you want to do that and it works for you, then it probably should require a variance so we don't create something that is not in conformance with the ordinance. Mr. Watts asked what does the Board think relative to the corner lot issue? Mr. Higgins stated the following: I think the way it was originally set up was a typical corner lot with frontages on both streets. What the applicant is proposing here is something that I have not seen before and I honestly don't know what to call it. Mr. Watts stated this might make sense from a building standpoint but I'm stuck on this one. Mr. Ouimet asked if the house that faces Rolling Hill Drive has a large enough back yard under the original lot line. Mr. Cotton stated it did but not for the house that they would like to put there. Mr. Ouimet stated I am looking at the rear lot based on the original lot layout. Mr. Cotton stated it depends on which way the house would face on which would be the rear lot and the other reason why we wanted to do this is that it gave the rear yard more privacy. Mr. Berkowitz asked if these 2 lots have been purchased yet? Mr. Cotton stated no they have not, that is why we are before the Board for the lot line adjustment. Mr. Watts asked how many square feet is each lot? Mr. Cotton stated one lot is 21,604 SF and the other one is 20,454 SF. Approximately 350 SF went from one lot to the other. Mrs. Zepko stated the following: According to the code it means that they both meet the definition of a corner lot. The Town code defines a corner lot as "a lot located at the intersection of and fronting on two or more intersecting streets and having an interior angle at the corner intersection of less than 135 degrees". That being said, they need to provide the setback of 50 FT for the front yard on both streets, which this doesn't. Therefore, they do not meet the Town code as I am reading it and the rear yard setback is 30 FT only on one side of the lot. Mr. Watts stated they are corner lots, but they do no border on both streets. Mr. Chauvin stated I am looking at it as a corner lot but I would like to review this and render an opinion to this Board within 2 weeks. Mr. Cotton asked if this proposal could be subject to a variance. Mr. Watts stated the following: Correct. This is a unique situation so we will refer this to counsel for an opinion. I don't know if anybody feels this is a bad thing because it does make sense with the 2 good size lots. The issue is what definition may we approve it or disapprove it to go to the Zoning Board of Appeals.

This item was tabled and referred to counsel for review and an opinion.

**08.037 NB      Pirates Hideout, 175 Guideboard Road – Sign**

Mr. Al Parker, the applicant, stated the following: This proposal is to replace our existing freestanding sign. The sign is 64 SF, two-sided and flood lit. We are also proposing a new sign for our building that would be 40 SF, one-sided, flood lit and would be wall-mounted on the front of the building. Mr. Roberts asked if both signs would be lit with floodlights? Mr. Parker stated yes. Mr. Roberts stated make sure that the lights do not shine in roadway. Mr. Parker stated both lights are pointed inwards. Mr. Higgins asked what the area on the bottom of the sign would be used for. Mr. Parker stated that area would be used for changeable lettering to list specials such as the ice-cream flavor of the week. Mr. Higgins asked if it would be like a flashing signboard. Mr. Parker stated no. Mr. Roberts stated the lettering would be changed by hand.

Mr. Roberts made a motion to approve the sign application for Pirates Hideout. Mr. Nadeau seconded. Motion carried.

**08.038 NB      Swatling Falls PDD, 162 Upper Newtown Road – Major Subdivision/  
PDD**

Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight to introduce the Swatling Falls PDD project. We are here as part of the PDD process as this is a Planned Development District. We are here on a referral from the Town Board and we are here for a review from the Planning Board. I would like to go through the existing conditions, proposed conditions, the project amenities and the next steps for the project. Overall the existing condition of the project is a 94.79-acre parcel located at 162 Upper Newtown Road. The existing use on the parcel is agricultural. The existing farmhouse and accessory structures are in the upper right hand corner of the parcel. The fields and vegetation are shown on the aerial photo. There is a good amount of vegetation and forested type areas. The aerial photo also depicts the surrounding uses. There are a couple of single-family homes that have been constructed in the area, an existing farm to the east and vacant lands to the west, north and south of the parcel. Soils on the site are loam and silt loam. Topography on the site is rolling and we show contours on the map. Those are 10 FT contours and a plateau where the farmer currently farms and a few other plateau areas. There is a drainage corridor and the MacDonald Creek, which meanders along the western boundary of the parcel. There is a waterfall in the northwest corner of the parcel. There is a large specimen tree in the lower field that has been farmed around for many years. The application is proposing a PDD for the parcel. We tried to position the different types of uses appropriately on the parcel and utilize the existing plateau areas and have concentrated our density and worked down in density toward the MacDonald Creek in a more natural setting. The proposal is for 24 twin home units located on 12 great lots in the northern portion of the site. Each one of those lots would be 20,000 SF overall with 10,000 SF per twin unit. Each side of the twin homes would be dedicated to individual owners and owner occupied as opposed to a 2-family or a duplex type unit. Frontage on the great lot would be 125 FT with a 30 FT front yard setback, 10 FT side yard setback or 0 FT side yard setback depending on the zero lot line in the middle and a 30 FT rear yard setback. They are proposing 37 carriage lots, which are 10,000 SF minimum size lots with 60 FT frontage, 30 FT front yard setback, 10 FT side yard setback and 30 FT rear yard setback. Also proposed are traditional lots with 10,000 SF minimum and the average size lot would be 20,223 SF. Frontage on these lots are 80 FT minimum and we have designed this such that 50% of the lots do have a minimum of 90 FT of frontage, 30 FT front yard setback, 10 FT side yard setback and a 30 FT

rear yard setback. Overall the applicant is proposing 104 units or 1 unit per gross acre or 2.63 units per net acre. Roadways for the parcel are proposed as Town roads and they would be designed and constructed to Town standards and offered to the Town for dedication. There would be approximately 8,000 linear feet of roadway in the project. There would be municipal water and there currently is a waterline along Upper Newtown Road and those waterlines would be extended into the project to serve the individual residences in the project. We are proposing a gravity system to a pump station for sanitary sewer. The applicant is currently working with the project to the east to share infrastructure and to make a more efficient sanitary sewer systems. This proposed project and the project to the east would have gravity to a pump station and then would go out and pump towards Betts Lane where I believe there is a trunk sewer line there where the flows from both projects would go. In the event for some reason this project does not move forward and does not go through, the applicant is prepared to put the pump station in the same location but then run a force main out Upper Newtown Road to connect to the Sheldon Hills project. The first choice would to be work with the adjacent project and create the most efficient system that they can. Stormwater would be managed on site. We are showing several locations scattered throughout the site for conceptual stormwater locations. We took a look at the parcel and what the parcel potentially would yield density wise in comparison with that we are proposing. We did look at conventional calculations and we based it off the net acreage for a conventional subdivision and we came up with approximately 97 units. We are proposing 104 units so this would be a variance of 7 units. We also looked at the maximum permitted densities for a PDD in accordance with the zoning ordinance and we came up with 133 units for single-family, 178 units for two-family and 446 units for multi-family. Again we are proposing 104 units which is slightly more than the conventional calculations by 7 units but it is much lower than all the calculations that would be permitted under the PDD. With all PDD's what is the community benefit for the offsets from the zoning for those additional 7 lots and some area considerations as well? We have come up with approximately 43-acres or 45% of the overall parcel as open space that would be located in 2 separate areas of the parcel. The specimen tree was something that we tried to preserve and that area would be open without a house positioned on it. There would be access to the waterfall and the waterfall is proposed to be a part of Town land. With that Town land, the applicants are proposing a trailhead and a trail system that goes through the project next to the waterfall, to the residences within the project, to the public right-of-ways and also provides a corridor down along the MacDonald Creek which I understand is a plan for the Town to try to hinge a trail system along MacDonald Creek and also access to the public right-of-way by that specimen tree to have access and a focal point in that area. We have been working with the Town Board and I feel we have made considerable advancements with the Town Board. One of the Town Board's comments was relative to lot sizes. We did have a previous submission where we proposed lot sizes that were 7,500 SF and we worked with the Town Board on this. They were also concerned about the ownership, operation and maintenance of the Town land and the amount of Town land. The original application had a lot of land being dedicated to the Town and we have since modified that. We extended the lots into an area that was to be dedicated to the Town and we were going to propose a deed restriction on that area. It would still be open space but now it would be owned, operated and maintained by individual owners. The applicants had a concern about individual owners owning pieces of land and people possibly encroaching on it. The solution to that was to take that land and put it in a Homeowner's Association (HOA's) so no individual would own that land but it would be open space and there would be more of a restriction on that land so it wouldn't be encroached on. So the open space has remained somewhat consistent through the different scenarios but it is

just a matter of it being reduced. One area of Town land is now approximately 27-acres and the balance of the 45-acres would be in a HOA. Another concern the Board had was that we had a number of curb cuts on Upper Newtown Road. Originally we had 3 curb cuts on Upper Newtown and we have reduced that to 2 curb cuts. Mr. Watts asked if the open space to the right would have public accessibility. Mr. Lansing stated the following: Yes and no. We have areas that are HOA owned but then we also have a corridor going down through for the trail system. The trail system is proposed to be owned and operated by the Town so it would be available to all the residents within the Town of Halfmoon where the HOA land would not and probably would not want the public on that property for liability reasons. Mr. Watts asked if the lands to the left in your proposal would be donated to the Town. Mr. Lansing stated correct, along MacDonald Creek, back to the waterfalls and in another area. We feel the PDD parallels the zoning ordinance and master plan and we are here tonight for questions and comments from the Board. Our objective tonight is hopefully for a referral to CHA for their comments and to work toward a public informational meeting to obtain comments from the public as well. Mr. Nadeau asked how many lots out of the 104 units are at 10,000 SF? Mr. Lansing stated there would be about 61 lots at 10,000 SF. The twin homes would be at 20,000 SF on average. Mr. Nadeau stated it sounds like a majority of the lots would be at 20,000 SF but you are saying 61 lots are at 10,000 SF. Mr. Lansing stated the average lot size for the traditional single-family homes is 20,000 SF and there are 43 lots proposed for the traditional single-family homes. Mr. Nadeau asked what school district this PDD would be located in. Mr. Lansing stated Shenendehowa. Mr. Higgins asked the square footage of the estate lot. Mr. Lansing stated 227,000 SF or roughly 5-acres. Mr. Higgins asked if this lot would be included in part of the open space because it would be privately owned. Mr. Lansing stated no we are not. Mr. Higgins asked if there would be any future development or subdivision on the estate lot. Mr. Lansing stated the following: This is the lot for the existing homeowner. No future development or subdivision is proposed for the estate lot but we could put restrictions on it. Mr. Higgins asked regarding the zero side yard for the twin homes. Mr. Lansing stated the following: The overall lot is 20,000 SF and 125 FT wide. The side yard setback from great lot to great lot would be 10 FT but there would be a zero lot line between the twin homes. Mr. Higgins asked what is the reason why you went with dual driveways on the twin homes? Mr. Lansing stated each side of these homes are proposed to be owner occupied so we wanted to have an independent driveway for each person. Mr. Higgins stated when you see this on the drawing it looks like a lot of driveways coming out in a very limited amount of area and I am concerned about safety. Mr. Ruchlicki asked the length of the road that the cul-de-sac is on and does it meet the Town's requirement? Mr. Lansing stated it is about 900 FT. Mr. Ouimet stated there are 2 proposed exit points onto Upper Newtown Road and asked if they have given any thought in the carriage home section with going through that cul-de-sac to access the second point of access to Upper Newtown Road. Mr. Lansing stated there is a considerable grade drop from one cul-de-sac to the other that is about 90 FT. Mr. Ouimet stated I was referring to the other side of that cul-de-sac. Mr. Lansing stated that elevation difference is about 90 FT. Mr. Ouimet asked how many homes would be subject to one way in and one way out to Upper Newtown Road. Mr. Lansing stated all the roadways are proposed as 2 lane roadways. Mr. Ouimet asked how many carriage homes are proposed for this project. Mr. Lansing stated there are 37 carriage homes. Mr. Ouimet stated so there would be 37 families with just one way in and one way out. Mr. Lansing stated yes, in one area. Mr. Ouimet asked if that was a boulevard entrance? Mr. Lansing stated yes. Mr. Ouimet stated the road that goes off from the twin homes appears to be smaller than the other roads. Mr. Lansing stated the following: That road was proposed as more of an access to the Town trailhead area but

also as a secondary access point for this lower plateau in this area. So, there is no yield as far as lots go in that area. It is more of a secondary access point and access to the Town Park. Mr. Ouimet asked so it is narrower? Mr. Lansing stated it actually is the same width and just looks narrower on the plan. Mr. Higgins stated that it was mentioned the number was about 97 for a conventional subdivision and asked if this is taking into consideration all the constraints that are on the property. Mr. Lansing stated correct, in our project narrative I believe we have the calculations with taking out slopes, taking out wetlands, taking out watercourses and I believe we even took out for roadway right-of-ways. Mr. Higgins asked if they did an actual layout of that. Mr. Lansing stated we did not we just did the calculations. Mr. Higgins stated so you probably actually may be discounting a few more as far as the steep slopes and things like that that you may not be able to get to. Mr. Lansing stated the following: I don't feel that would be appropriate because we did account for all the steep slopes in those calculations and subtracted all of those out from the overall parcel and then divided out by the interlining density and when you lay lots out you could potentially have a back portion of yard up into a sloped area. I feel it is a fair estimate for a conventional. Could it be one way or the other? Yes, it could be a little bit more or it could be a little bit less. Mr. Berkowitz asked what the benefit was for the Town. Mr. Lansing stated we are proposing the dedication of the Town land, the waterfall, eco-systems throughout the parcel, the trailhead and the Town Park. Mr. Berkowitz asked if any thought was given to a total area traffic study with the other projects in the area. Mr. Lansing stated yes the applicants are discussing that. Mr. Nadeau asked what is to prevent the homeowners in the traditional lots area from using that access road, that you and Mr. Higgins were referring to, rather than going all the way around the outside to come back to the main entrance? Mr. Lansing stated we could propose a breakaway gate at that location with a Knox box on it for keys if the Town so desires. Mr. Higgins stated I have more of a problem this way than with the other way. Mr. Berkowitz stated I feel that should be a Town Road. Mr. Higgins stated it should be a full Town road because you are limiting your access to just one and I personally have a problem with that. Mr. Nadeau stated people have to travel twice as far around to get to that point. Mr. Ouimet stated, as do I, especially with the density that is proposed. Mr. Berkowitz stated there should be a second access. Mr. Polak stated Mr. Lansing had said that you were going to have an access to trailhead to get to the waterfall and asked if there would be a pull off area in there. Mr. Lansing stated yes, we have proposed an area to pull off and park. Mr. Watts asked if the applicant is proposing to pay for all those improvements as part of the public benefit and would they construct the trails. Mr. Lansing stated yes. Mr. Berkowitz asked if the adjacent property would be connected with this property? Mr. Lansing stated yes, there is a potential for this. Mr. Ruchlicki asked Mr. Lansing to clarify the issue that surrounds the HOA land and the trail that goes through there as it is marked as Town land. For example, if I walked the trail and go down in that area that you have marked as Town land, can I go off into the HOA land or am I restricted to stay on that trail? Mr. Lansing stated the following: I guess theoretically you would be restricted to stay on the trail. Ownership wise though they are separated because of liabilities. Mr. Ruchlicki stated the following: The reason why I asked is because the people who are associated with the HOA would lay claim to that parcel on either side of that trail and they wouldn't want anybody to go off of that trail. When you have a trail like that and when people walk it, they won't stay on it. Especially if it is a nice area and they can get off and do other activities, even if it is to just sightsee and I do have a problem with that. Mr. Lansing stated the following: I do understand Mr. Ruchlicki's concern. Our previous submission had that all as Town lands. However, the Town Board was a little uncomfortable with the magnitude of land that was being proposed for dedication and they wanted that limited so that the Town would have less liability and less land

to own, operate and maintain. This plan was something that we came up with to try to address the Town Board's concern. Mr. Roberts stated the following: I share the Town Board's concern with having more land to maintain. Through the years our Town has had good experiences and not so good experiences with HOA's. I am concerned about the 12-acres of land potentially under the HOA's jurisdiction. It is fine if it works but if it doesn't work it can be a mess. I am also concerned about the overall density of this site and I think there are a lot of dwellings for this site. Mr. Watts stated I would hope our counsel and the applicant in the development of the HOA would have that as a strong enough Homeowner's Association so that would not be an issue and that we would carefully review it as part of the PDD legislation as well.

This item was tabled and referred to CHA for their review.

**08.039 NB Saratoga County Sewer District #1 WWTP Upgrade, 1002 Hudson River Road – Sign**

Mr. E. Hernandez, of Delaware Engineering, stated the following: We are proposing to replace an existing sign in front of the Waste Water Treatment Plant. We have modeled the sign after the Town of Halfmoon's sign that is out front as well as the sign at the Water Plant. We are proposing a split face block with a similar text. We are using the same company that did the Town signs. The dimensions would be approximately the same. We are proposing to move the sign back about 20 FT farther from the road so it would be on the Sewer District's property and away from the NYSDOT right-of-way. The sign would not be lit.

Mr. Roberts made a motion to approve the sign application for Saratoga County Sewer District #1 WWTP Upgrade. Mr. Higgins seconded. Motion carried.

**Old Business:**

**07.086 OB Northside Drive Access Point, 5 Northside Drive – Commercial Site Plan & Sign**

Mr. Gavin Vuillaume, of Environmental Design Partnership (EDP), stated the following: This proposed project was before the Planning Board in September. We presented this project as part of an overall site plan. The overall site plan proposed 2 commercial buildings that were recently approved by the Town of Clifton Park Planning Board. As part of that project we were proposing to amend an existing emergency access drive that currently exists along Route 9. The purpose for this was to provide better access to and from the commercial properties that front on Route 146. In November the Town of Clifton Park Planning Board thought it was a good idea to have some access off of Route 9 to improve circulation not only to new buildings but also the existing buildings that are there. There is an existing Chili's Restaurant, an existing hotel and the 2 proposed buildings. The one building in front that is proposed as a Starbucks is currently under construction and the second building will be under construction shortly. We received our approvals in Clifton Park and as part of that approval the Clifton Park Planning Board asked that we also gain approval in the Town of Halfmoon for that driveway. This is why we made application to the Town of Halfmoon Planning Board in order to gain that approval. Mr. Watts stated not to belabor the point, but whether they ask or not, since the lands are within the Town of Halfmoon you would be required to come to the Town of Halfmoon. Mr. Vuillaume stated the following: Yes we are required to get that approval from the Town of Halfmoon Planning Board. We are also required to get the approval from New York State since it is within the NYS right-of-way we are required to get a permit. We did receive a letter back from New York State. They were not apposed to the intersection and they were fine with the

right-in/right-out. However, they stated as part of their letter that this needs to be an alignment or layout that would be approved both by Clifton Park and Halfmoon. We made our presentation to this Board back in September. There were several comments and the most significant concern that the Board had was its relationship to the new commercial driveway on Route 9 that provides access for the Shoppes of Halfmoon. We have outlined that location on the drawing. Originally we had the normal standard NYSDOT right-in/right-out configuration. However one of the concerns of the Board and CHA was that people would make illegal turns into the new driveway especially coming from the north and possibly even coming across Route 9 from the Shoppes of Halfmoon. We have modified the new driveway alignment to increase the distance from the driveway that comes into the parcel by about 50 to 60 FT from what we originally proposed. This would give us an offset of about 80 FT. This way we would discourage any illegal turning movements. This is the best that we could do. We do have control of the parcel to the north so we are able to almost utilize all the frontage along that parcel in order to provide this better right turning movement. In doing so we do realize that in the future that parcel will be developable and will need some access. If we go with this layout, we are committed to have that entrance and exit be moved to this new driveway location. In other words, this parcel right now, which is vacant, would not be able to have any other access other than this shared driveway in order to access this parcel. There is also some other available commercial land in the back but more importantly is the land on Route 9 that currently has 80 FT of frontage that would need access and would probably utilize the shared driveway as apposed to a full access in and out. With that modification we feel that we have addressed the concerns that CHA and this Planning Board had with the improper turning movement. The only other concern that was mentioned in one of the reports was that there was the concern that people would use this as a shortcut. Creighton-Manning Engineering (CME) put together an explanation of the turning movements that currently are in usage over in that area and it is important to note that at Route 9 when you are going south you really are not forced to wait at that intersection because it is a yielded intersection. It is quicker to go through that intersection than you would to go through this site. CME have pointed out a substantial analysis of why people would not use this as a shortcut. We don't feel that this is a detriment to the turning movements in this vicinity. We do realize that the Board is concerned with the Shoppes of Halfmoon's location with their driveway and we have done as much as we could to try to deter that illegal turning movement. Mr. Abele is present and he will go over the aerial photo for you. Mr. Ed Abele, the applicant, stated the following: Mr. John Nolan, manager of Chili's Restaurant, is also present at tonight's meeting. Unfortunately the proprietor of the hotel is out of town. Mr. Vuillaume has done a very good summary of things. The only thing I would like to add is some history that the Board may find of interest. When we originally developed the site we laid it out for 3 businesses. The first business that came in was the hotel and that was followed by Chili's. We realized that to develop access out onto Route 9 we would need the local approval but prior to that we would need NYSDOT to sign off on that and that at times can be a lengthy process. I recall at the time that we were under some time constraints so that was kind of the genesis of the Fire Road access. The original intent was always to have a road go out onto Route 9. In fact the original acquisitions of the property had that in mind. I think of a couple of important points that Mr. Vuillaume mentioned probably bear repeating. One point was if you are traveling southbound on Route 9 are people going to use this as shortcut? If you are heading southbound at Fire Road where the Salvation Army is located there is an opportunity to take a right turn there and go all the way down. If you were to proceed down past Fire Road and come into these business and if you took this as a shortcut, you would have a stop sign followed by a traffic light. I don't think it would make a lot of sense when you can



just proceed right down Route 9 where there is a yield sign instead of a traffic light and then continue on your way. We thought that was important to point out. I think the people who would utilize Northside Drive would be the people who patronize it. We realize that we need the Town of Halfmoon's local approval. Our thought was that we could strengthen our application before we came before the Town by getting NYSDOT to be willing to consider it and then also the Town of Clifton Park. Mr. John Nolan, of Chili's Restaurant, stated the following: One of things that would help with the access road is it would give people another point in. Right now it is confusing for a lot of customers to find us because there is not a direct access off of Route 146. If you miss the access at the light on Fire Road, then the people drive by and are lost. We feel that another access point would greatly help our business especially on one of the main roads. Route 146 won't work but with an access for people traveling southbound on Route 9 would help out greatly for people to find us and would also increase our business. Mr. Abele stated the following: In summary, we recognize right away that a full curb cut would not be something that made sense. What we are proposing is a limited access point with a right-in/right-out. I think that the considerations that the Town of Halfmoon put forth at the last meeting were valid and we are hoping our redesign with a more intense flare on the curb will satisfy that concern. Mr. Vuillaume stated the following: One other thing that is part of this application that does appear on the drawing is the proposed signage. We would like to have signage along Route 9 for the patrons that this would provide access for. Mr. Nadeau asked if the County had seen this second revision? Mr. Vuillaume stated yes they did and they still were not in favor of it and they still had a negative response. Mr. Ouimet asked if CHA had seen this revision. Mr. Bianchino stated the following: We did look at the additional information that was proposed and submitted by EDP and by CME. With respect to CME and their response regarding the use, their comments were noted but it still doesn't change the comments that CHA had back in November. Our main concern was regarding digressional and access management in this corridor. We think that this proposal was contrary to that access point. Mr. Ouimet asked Mr. Bianchino if it was his opinion that this remains an emergency access only road? Mr. Bianchino stated yes. Mr. Berkowitz questioned Mr. Abele's statement regarding that Board's comments were valid the last time and that you agreed with us. Mr. Abele stated the following: We agreed that the existing curb design could be improved. The previous curb design that we had did not have as acute of a taper that it now has and I think there was concern about people coming across Route 9. EDP redesigned it to be more aggressive so that people would funnel in. This is a fairly large obstacle to crossing Route 9 and the people coming out making a right turn we did not view as a problem. I know that access management is something that is unfamiliar to me and we have seen it in various projects that we are involved with. In this particular project, I do think it serves an important need. There is a lot of commerce that is conducted in this area so another point of access was something we thought was reasonable. Mr. Vuillaume stated the following: A comment that came up when we were presenting this in Clifton Park was the possibility of a full access. At that time they were asking us whether or not we would try talking to the Valvoline people about limiting their driveway. I don't know if that would influence this Board's decision if we did speak to the Valvoline people to see if they wouldn't mind utilizing this new access because we could possibly eliminate a driveway there. Mr. Roberts stated I would be against that because there is no comparison between traffic for Valvoline and what this proposal is. Mr. Vuillaume stated okay. Mr. Watts stated I am not sure that if one question that we had last time was addressed in regards to possible future development of vacant and occupied lands north of the access road. Mr. Abele stated this is a good point as we do have property that is a developable lot that at some point we're going to try to develop. This is on the back burner now but I think we

would utilize some of that frontage for a right turn in. Before we got carried away marketing the site and any curb cut, we would want to know what bearing, if any, it had on it. If the Board decides not to disapprove this, I guess this piece of property would have access. Mr. Vuillaume stated the following: Right. Obviously you would need to get access to that parcel and if we were to develop that parcel we might have to have its own separate driveway that doesn't connect to the rest of it. Mr. Watts asked how far back the vacant lands go. Mr. Vuillaume stated the aerial photo shows the vacant parcel and there is a large chunk that is undeveloped and the Abele's do not own that but it could be developed in the future. Mr. Abele stated the owners of the parcel, Marietta Jones, and I believe they do have access to Route 9. Mr. Watts asked if that land was vacant. Mr. Abele stated yes, that is vacant. Mr. Higgins asked if this property had access to Route 9. Mr. Abele stated there are various curb cuts on Route 9 heading southward. Mr. Roberts stated I can see the applicant's desire to open this up from a business standpoint, however, I agree with the County and CHA and I do not see that anything has changed since our previous discussions.

Mr. Roberts made a motion to deny the Northside Drive Access Point Commercial Site Plan as presented. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to deny the Northside Drive Access Point sign application. Mr. Berkowitz seconded. Motion carried.

**(See Resolution of Denial attached: pages 11 and 12)**

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## TOWN of HALFMOON

111 Route 236, Halfmoon, NY 12065  
County of Saratoga

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April 21, 2008

**To:** Mary Pearson, Town Clerk

**From:** Planning Department

**Re:** Northside Drive Access Point Site Plan Application, Planning Board Formal Resolution

### RESOLUTION OF DENIAL

**WHEREAS**, Applicant, Firehouse Road Associates II LLC has applied for the creation of a Town Road known as Northside Drive to connect to US Route 9 from Applicant's mixed use parcel on the west side of US Route 9 and the north side of NYS Route 146 in the Town of Clifton Park; and

**WHEREAS**, the existing emergency exit would become a Town road to be constructed in the Town of Halfmoon to access US Route 9 in the Town of Halfmoon from Applicant's land in the Town of Clifton Park; and

**WHEREAS**, the current access is for emergency access only and is not for the purpose of accommodating ingress and egress traffic; and

**WHEREAS**, the area of Applicant's property contains a Chili's Restaurant, a new proposed Starbucks, a motel and other vacant lands which could be developed commercially or for retail in the future; and

**WHEREAS**, the proximity of the now congested US Route 9 and the NYS Route 146 intersection to the proposed road, would increase congestion and decrease service to this intersection; and

**WHEREAS**, the new Shops of Halfmoon development on the north side of US Route 9 was recently constructed with full access to US Route 9 in the same area as the proposed new road; and

**WHEREAS**, southbound stacked vehicles and uncontrolled turn movements to and from US Route 9 from both commercial drives poses possible conflicts that would depreciate that access to Northside Drive even remaining as it currently operates; and

**WHEREAS**, the use of Northside Drive to circumvent cued traffic by southbound travelers on US Route 9 in an effort to get westbound on NYS Route 146 creates a potential undesirable affect; and

**WHEREAS**, the Saratoga County Planning Board has recommended on two (2) separate occasions, against permitting the new road connection; and

**WHEREAS**, the Town of Halfmoon's Engineers have reviewed the CME traffic report and have advised that it does not address, to the satisfaction of the Town Engineers and the Town Planning Board, the access management issues in this corridor and would be create a new conflict; and

**WHEREAS**, the likelihood of potential crossing and turn movements, while in violation of the design proposed, would be introduced and would create an unnecessary and dangerous condition; and

**WHEREAS**, the near intersection of Old Route 146 and US Route 9, affords access along with Fire Road to the subject premises, which properties have visibility from NYS Route 146, but no visibility from US Route 9; and

**WHEREAS**, it is felt that lack of visibility from US Route 9 would cause a conflict with drivers not appreciating the outflow and inflow of traffic to the commercial park; and

**WHEREAS**, the Halfmoon Town Planning Board has reviewed the and has reviewed the Saratoga County Planning recommendations, traffic report and is aware of the site issues;

**NOW THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. That the application be and the same hereby is denied.
2. That the Planning Board finds that the proposed US Route 9 access as a part of the Northside Drive application, would be contrary to the stated goal of access management in this area, would create an unnecessary and dangerous condition and would create a new Town road which would inappropriately and inadequately intersect US Route 9.

DATED: April 17, 2008

**08.006 OB      Bast Hatfield Commercial Park, 1399 Vischer Ferry Road – Major Subdivision**

Mr. Tom Pratico, of Bast Hatfield, stated the following: We are here tonight for a subdivision of a 40,000 SF lot. The property is located at 1399 Vischer Ferry Road. At the Board's request we modified the map to have the same lot lines that are described on the survey map that was signed on October 13, 2004. I believe we have met the rest of the requirements. Mr. Higgins stated the following: In the previous presentation the applicant was saying that the possibility exists for Bast Hatfield to build a new building that they would move their new offices into. Mr. Pratico stated that is something that could happen in the future. Mr. Higgins asked how much of that area would be storage and how much would be for the building itself because right now you have quite a bit of storage in the back of your existing building. Mr. Pratico stated the following: That wouldn't be a site for our office. If we did anything it would be on the big lot that is left. Mr. Higgins stated okay then that property would not be used for your offices, but that wasn't the impression that they gave us at the last meeting. Mr. Higgins stated the following: Another thing that was brought up at the previous meeting was about the designation and the storage behind the site. This area has designation for 24 Con-Ex boxes and we have never seen this before on any previous site plans and the question came up about storage and things like that and Mr. Watt's has been out to see the site. Being that this is off-site from what the subdivision is, we had some discussion of whether or not that was an appropriate designation for this plan. Mr. Pratico stated the following: I didn't want to change the plan because it was on the original drawing but it is not correct. Those Con-Ex boxes go in and out to jobs as we start projects and finish projects. We run an average of 30 to 35 projects at a time so it is a constant movement of that equipment. So maybe that area should be designated as storage. Mr. Watts asked if they were in the process of cleaning this site up. Mr. Pratico stated the following: Yes, I have a crew of people out there now and we have started the clean up. Now that the snow is gone and we are getting rid of some items that are of no use to us anymore and we are neatening the whole yard up for appearance. We have inspections from our finance company regularly so we try to keep things neat and orderly. This is hard to keep up in what we do. When a job shuts down things come in and we get rid of things and it is cleaned up for a little while, then it gets messy again and it is cleaned up again. Over the winter we have piled up quite a few things in there that have since been removed. It is probably half done right now and it might take us another 2 weeks to finish. Mr. Watts asked if the Board had an issue with the site plan where the Con-Ex boxes are shown? Mr. Higgins stated it has never been on a previous site plan. Mr. Watts stated it just said storage container on the site plan. Mr. Pratico stated it was shown as a designation that I didn't catch when C.T. Male did the site plans but we can modify the plans. Mr. Nadeau stated the following: Being that this is a gray area I think the issue is that we don't want to approve this subdivision showing that the Con-Ex boxes are on there because neither side seems to know what was supposed to be there. So for the approval of this subdivision I think they should be off of this subdivision map. I understand that Bast Hatfield is a construction company and that they need these things. Mr. Chauvin stated the following: If you are satisfied with everything else, I would have no problem with the subdivision approval if your resolution of approval be conditioned upon the map being corrected to delete all reference to those Con-Ex boxes. Mr. Nadeau asked if this map with the containers on it was the same presented for the public hearing? Mr. Pratico stated yes, it is the same map presented at the public hearing. Mr. Chauvin stated this is certainly acceptable for you to make it a condition to remove that from the map because this is not what the Board is approving. Mr. Nadeau stated I asked this question because we held the public hearing with the incorrect map. Mr. Chauvin stated that

designation to my mind would be inconsequential in terms of the overall approval of a subdivision, which is simply dividing the parcels. You are not giving any site plan approval for the new lot and I think you shouldn't hastily give a modification to the old map. If the old map didn't have the containers on there, take it off before this gets stamped if the subdivision is okay with the Board. Mr. Higgins stated and the easement language would be subject to counsel approval also. Mr. Chauvin stated the easement language that Mrs. Murphy or I am going to review would then be translated into a recorded easement and we would have proof of the recorded easement to access that parcel.

Mr. Nadeau made a motion to approve the Bast Hatfield Commercial Park major subdivision contingent upon the removal of storage containers from the subdivision map and the easement language would be subject to counsel approval. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the April 14, 2008 Planning Board Meeting at 8:10 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi,  
Planning Board Secretary