

## **Town of Halfmoon Planning Board**

### **March 12, 2007 Minutes**

Those present at the March 12, 2007 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

**Senior Planner:** Jeff Williams  
**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy

---

Mr. Watts opened the March 12, 2007 Planning Board Meeting at 7:03 pm. Mr. Watts asked the Planning Board Members if they had reviewed the February 26, 2007 Planning Board Meeting Minutes. Mr. Roberts made a motion to approve the February 26, 2007 Planning Board Meeting Minutes. Mr. Ouimet seconded. Motion carried.

**Public Hearings:**

**07.016 PH Beth Thayer, CPA, 57 Spice Mill Blvd. – In-Home Occupation**

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. Mrs. Beth Thayer, the applicant, stated the following: I am a CPA and I would like to perform accounting services out of my home. Most of my clients would not come to my home. Most of the material is mailed or I would pick it up from the clients. There would only be one client at a time at my home. There would be no need for on street parking because we have a 20 FT. x 100 FT. driveway. If I have scheduled appointments, I would never schedule two appointments near each other. No client would have to wait and there would be plenty of time in between appointments. 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. Roberts made a motion to approve the In-Home Occupation for Beth Thayer, CPA. Mr. Berkowitz seconded. Motion carried.

**07.018 PH Christopher Subdivision, 139 Cemetery Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:07 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: The request is to subdivide 2 residential lots that are located

at the intersection of Cemetery Road and Vosburgh Road to create a third lot. There would be 15,453 SF conveyed to Lot #3 from Lot #1 and 13,350 SF conveyed to Lot #3 from Lot #2. The newly created lot (Lot #3) would become a 28,000+ SF parcel. In the process of bringing public water and sewer to the newly created lot; public water and public sewer would then serve all 3 lots. Mr. Watts asked if anyone from the Public wished to speak. Mr. Richard Greg, 144 Cemetery Road, stated the following: My wife Judy and I own property that is directly across the street from this proposed subdivision. We have one of the first houses that were built in 1992. We were promised a number of things that would happen as far as water drainage in this area that never happened. Before we built our home there was a big subdivision going up in the rear of our property and we were told there would be storm drains and sewers. Also the road was reconfigured since that time. The biggest problem we had is that there is a lot on the corner with an existing duplex and when we purchased our lot we were told that the existing duplex lot would be forever wild because of all the water drained to that area from higher land in another area. Because this proposed subdivision is across the street from our home, we are again concerned that this is not going to be done correctly and we will have further water problems with the current drainage that has not been corrected since 1992. We also do not want to see another duplex or a modular home on the proposed lot because it could have an impact on all the property values in this area. Our concern is with adding another home on the proposed lot and how it would further compromise the water drainage. Mr. Rabideau stated if there is any additional drainage on the proposed lot it would be minimal and it would not go over the road to affect Mr. Greg's parcel. Mr. Greg stated he disagrees with Mr. Rabideau's statement as they have had some very heavy rains the last couple of years and with the driveway across the street the drainage is not channeled properly away from there. Mr. Rabideau stated this would be taken into consideration. Mr. Greg stated when the road was configured, the storm drains were never moved and the storm drain is in the middle of the lot where the duplex is across the street and there is no place for the water to go. Mr. Rabideau stated that this would be a Town issue. Mr. Watts stated this would be looked at. Mr. Greg stated this would affect his property. Mr. Watts stated the following: I received a letter from someone who could not make tonight's meeting with concerns relative to the site and they indicate they had concerns with unsightly conditions of the proposed site. There is debris, cars, unlicensed vehicles, a boat, camper, ATV's and a shed on the lot. Our Code Enforcement Department visited the site and stated there was one unlicensed vehicle on the lot, which is allowed. There were some issues that were evidenced to us relative to the site itself. If these issues are not true code violations, we cannot take action but we would ask that the applicant, particularly in this case, take a look at what might be done with this site to make it look more presentable. Mrs. Greg asked if the trees and green space would remain on this property. Mr. Watts stated the following: The issues of green space and open space are always an issue with people who have moved to Halfmoon who go into properties that were empty fields when they built their houses. There are zoning requirements that have to be met in terms of pieces of property but we cannot keep people who own property who follow the zoning ordinances from subdividing their property or having homes constructed on them as these people have property rights. We have a lot of areas with green space but we cannot draw a line in the sand and say no one else can come here. We do try to work within this as best we can. Mr. Greg stated the following: We still need to work with this water issue because we can't just keep deflecting water drainage. I have talked to Mr. Ken DeCerce regarding this issue over the years and really got nowhere with it. Mr. Nadeau asked Mr. Greg if his yard gets flooded. Mr. Greg stated the following: When we moved into our home the property next door was vacant and this was a catch basin for all the drainage. Originally we

were told that there would be storm drains installed in the front, which never happened. Our home is between two major subdivisions and when we get a heavy rain, the water just channels down the road because there is no place for the water to go. I have pictures where the water channels into my yard because the catch basin was not put in the right place. The lot across the street also floods. Mr. Nadeau asked if a new garage was placed on his site or was it on another site. Mr. Greg stated the new garage is on Varrazano. Mr. Nadeau also stated the drainage is a Town issue that needs to be looked at because we can't penalize the applicant for a subdivision. Mr. Greg stated it would become my issue if I have more water draining on my property. Mr. Watts closed the Public Hearing at 7:16 pm. Mr. Watts stated the Board will refer the drainage concerns to our Town Highway Superintendent and to our Town Engineers for a review to see where the issues lie with the water and no action would be taken tonight relative to this application. Mr. Greg stated that Mr. Walt Polak has been to the property a number of times and I believe the engineers have been at the property also. Mr. Watts stated if this was the case and there have been thorough engineering reviews, it might be a problem that is not caused by this but by other things. Mr. Berkowitz asked what type of home would be built on the new lot. Mr. Rabideau stated a single-family home. Mr. Higgins stated that the Board had asked Mr. VanGuilder to locate the existing 2 wells on the properties even though they were not going to be used.

This item was tabled to review drainage concerns in the area.

**07.019 PH Prospect Meadows - Lot #72, 35 & 37 Summerfield Circle – Lot Line Adjustment**

Mr. Watts opened the Public Hearing at 7:18 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am before the Board representing Belmonte Builders in their request for a lot line adjustment for DOH Lot #72 and Lot's #35 and #37 Summerfield Circle. When the initial subdivision was developed they left a 40 FT strip of land through the preservation area to tie Farm to Market and Summerfield Circle that was to be used for a multi-use pathway. Since that time, it has been determined that a multi-use pathway would be detrimental to the environment and a maintenance issue for the Town. Therefore, the applicant has decided to use the lighted sidewalks through the subdivision in order to get to the northern end of the subdivision. The land transfer is to annex 1.12-acres of Lands of the Town of Halfmoon to Lot #72, which would increase Lot #72 to 12.61-acres. Where the trail was going to connect with Summerfield Circle, the lot lines have been moved to the center of the trail. This action will convey 3,993 SF of land to Lot #35 to create a 31,445 SF lot and 3,987 SF of land will be conveyed to Lot #37 to create a 27,690 SF lot. Mr. Watts asked if anyone from the Public wished to speak. Mr. Charles Ashe, 35 Summerfield Circle, stated the following: I am in agreement with this proposal, however, I have a couple of questions. It is my understanding that the current owner of the property is Smith Road Development and they are going to transfer the property to us and the other homeowner at 37 Summerfield Circle. Is Smith Road Development going to pay for the cost of the survey? Mr. Gerry Magoolaghan, of Belmonte Builders, stated the following: Yes, this is correct. We will pay for all costs including the deed and the survey. Mr. Ashe asked if the trail that is on the other side of the circle is still going to be constructed and used. Mr. Magoolaghan stated yes. Mr. Henrietta O'Grady, Church Hill Road, stated the following: I would like to speak as Chairperson of the Trails Advisory Committee. I want to make it clear that we are losing some of the trail property but the Trails Committee has looked at this very closely and it was felt that this part of the trail was unnecessary and this area was all wetlands that we didn't want to disturb. The sidewalks

within the development are very accommodating and we felt that this was a good thing to do. Our objective was to make sure that we had a link for the future. Mr. Magoolaghan stated the following: I confirm Mrs. O'Grady's statements. We have plans to make sure that the other connection piece would be built. Mr. Ruchlicki asked regarding the estate land and asked how far the no-cut buffer would extend. Mr. Rabideau stated the estate lot would remain the same. Mr. Peter Belmonte, of Belmonte Builders, stated that building area would not change. Mr. Higgins stated I was on the original committee for the Prospect Meadows development and I agree that trying to maintain a trail through that area would be impossible and this would be a benefit to have this trail amended. Mr. Watts closed the Public Hearing at 7:24 pm. Mr. Higgins confirmed with Belmonte Builders that all fees and deed recordings for this proposed action would be borne by Belmonte Builders. Mr. Magoolaghan stated yes. Mrs. Murphy stated the following: For purposes of the record, the applicant is doing that on consent. That would not be something that we would legally bind the applicant to as that is an arrangement between 2 private parties but since the applicant is present and is consenting on the record to that condition then it would be okay.

Mr. Higgins made a motion to approve the lot line adjustment for Prospect Meadows – Lot #72, and 35 & 37 Summerfield Circle. Mr. Roberts seconded. Motion carried.

**New Business:**

**07.021 NB Stenner Pumps, 1419 Vischer Ferry Road - Sign**

Mr. Josh Karon, of Bast Hatfield, stated the following: Stenner Pumps is a new company that is located in Bast Hatfield Commercial Park at 1419 Vischer Ferry Road. The proposed sign would be 3 FT x 13.5 FT, one-sided, mounted on the wall above the front door and would be internally lit.

Mr. Roberts made a motion to approve Stenner Pumps sign application. Mr. Nadeau seconded. Motion carried.

**07.023 NB Allen & Colwell, 465 Hudson River Road – Lot Line Adjustment**

Mr. Paul Allen, the applicant, stated the following: I live at 465 Hudson River Road. My south property line runs at an angle to the north with my next-door neighbor's property, Mr. Wayne Colwell. Mr. Colwell and I have agreed to equally split a parcel of land so our boundary line between our 2 parcels would be perpendicular to the road. Mrs. Murphy stated to Mr. Nadeau that the 2 lots are non-conforming lots and this lot line adjustment would make them more conforming and this is okay under our ordinance.

Mr. Berkowitz made a motion to set a Public Hearing for the March 26, 2007 Planning Board Meeting. Mr. Nadeau seconded. Motion carried.

**07.024 NB Brown Subdivision, 1506 Route 9 – Minor Subdivision**

Mr. Dave Flanders, of David A. Flanders Associates, stated the following: I am representing Mr. Tom Brown for this application. Mr. Brown owns a parcel of land on the westerly side of Route 9, north of Grooms Road. The property consists of approximately 1.92-acres. There is an existing one-story, single-family residence and a garage on the back and a one-story commercial building which is a liquor store. The property is zoned C-1 Commercial and Mr. Brown wishes to subdivide the property to separate the commercial portion of the property (liquor store) from the residential portion of the parcel so he can possibly sell the commercial portion of the property. The commercial portion of the property would go around the parking area of the liquor store, along side of the garage and in back of garage to the rear property line. Both lots would have the required minimum area and both lots would have the required

frontage providing the liquor store parcel would be a flag lot. Both properties are connected to public water and sewer. For access to the garage in the rear we have created a 20 FT ingress/egress easement along the southerly line of Lot #1A. There is an existing curb cut circular driveway that is used on the residential portion but predominantly Mr. Brown uses the southerly entrance. Mr. Higgins asked what the road frontage was on Route 9 for the commercial parcel and what the required frontage was. Mr. Flanders stated the following: The required frontage was 150 FT. Lot 1B has 150 FT and the building width is longer along the building setback line, not the front property line. The commercial lot only has 97 FT but we are considering this a flag lot. Mr. Williams advised me that he checked with the Town Attorney on this. Mr. Watts asked Mrs. Murphy if she had reviewed this proposal. Mrs. Murphy stated the following: I have and although you are used to seeing a thin line leading up to a bigger lot, this lot size conforms to your flag lot definition. Your flag lot definition does not require that there be a thin driveway leading to a bigger lot so this would comply. It takes what is now a non-conforming use and makes it 2 separate lots each with conforming separate uses. Mr. Higgins asked if the flag lot is acceptable for commercial application also as well as residential. Mr. Watts stated yes.

Mr. Nadeau made a motion to set a Public Hearing for the March 26, 2007 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

**07.026 NB     General Mechanical Group, 1415 Vischer Ferry Road - Signs**

Mr. Dan Lanphear, of Sign Studio, stated the following: The applicant would like to have 2 signs at General Mechanical Group located at 1415 Vischer Ferry Road. One sign would be wall mounted and one sign would be freestanding. The wall-mounted sign would be 5 FT x 5 FT, constructed of aluminum, mounted on the masonry, one-sided and flood lit. The freestanding sign would be 5.6 FT high, 16 SF, 18 inches off the ground, one-sided and flood lit. Mr. Roberts stated the floodlights could not shine into the roadway. Mr. Lanphear stated okay.

Mr. Roberts made a motion to approve General Mechanical Group sign application contingent upon the freestanding sign is not place in the right-of-way, the lights do not shine in the road and a building permit is obtained to erect the sign. Mr. Nadeau seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the March 12, 2007 Planning Board Meeting at 7:38 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi,  
Planning Board Secretary