

## **Town of Halfmoon Planning Board**

### **June 25, 2007 Minutes**

Those present at the June 25, 2007 Planning Board meeting were:

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

***Alternate***

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

**Senior Planner:** Jeff Williams

**Town Attorney:** Lyn Murphy

**Town Board Liaison:** Paul Hotaling

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the June 25, 2007 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the June 11, 2007 Planning Board Minutes. Mr. Ouimet made a motion to approve the June 11, 2007 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

Mr. Beck replaced Mr. Roberts in his absence.

**Public Hearings:**

**07.063 PH Palin Subdivision, 8A Sunset Blvd. – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Harold Berger, of Harold Berger P.E., stated the following: I am representing the Palin's for a minor subdivision application. This is a simple subdivision with the creation of a flaglot, which would have a 22 FT wide access to a 1.37-acre parcel in the rear portion of the 2.5-acre parcel. The remaining parcel, which has an existing home, would have an area of 1.02-acres. At the June 11, 2007 meeting the Board suggested that we plot on the survey the existing sewage disposal systems. The homes are served by public water but are served by individual sewage systems. We have provided the neighboring septic areas and well locations on a revised subdivision plan. Mr. Watts asked if anyone from the public wished to speak. Mr. George Demetros, of 6 Sunset Blvd., stated my only concern is with the driveway and I don't want snow or gravel in my yard when they plow. Mr. Watts stated to Mr. Berger that when the owner's plow, make sure they are careful. Mr. Berger stated

yes and we would also provide a buffer, which would be at least 5 to 6 FT between the proposed driveway and the property line. Mr. Watts closed the Public Hearing at 7:03 pm. Mr. Nadeau made a motion to approve the Palin minor subdivision. Mr. Higgins seconded. Motion carried.

**07.065 PH      Ashland Ests. Subdivision Lot #53/45 Spice Mill Blvd. – Major Subdivision**

Mr. Watts opened the Public Hearing at 7:05 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Richard Gabriel, the applicant, stated the following: My parents wish to subdivide a 5.20-acre parcel on Spice Mill Blvd. The subdivision would create a new 1.22-acre building lot and the 3.97-acre parcel which has an existing home. The parcel has public water and public sewer. We would have 100+ FT of road frontage. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:07 pm. Mrs. Murphy asked if the public sewer would be in the Central Halfmoon Transportation Corporation area. Mr. Garbriel stated yes, he was sure it was. Mrs. Murphy asked the applicant if they checked with the sewer district to see if they have the ability to hook-up the sewer to the newly created lot. Mr. Gabriel stated I have not but I may defer this to my associate. Mrs. Murphy asked if the applicant made payment to the Central Halfmoon Sewer Transportation Corporation or to the County Sewer. Mr. Gabriel stated I do not know. Mrs. Murphy stated the approval of this application should be made contingent upon the Central Halfmoon Transportation Corporation accepting the sewer flow.

Mr. Nadeau made a motion to approve the Ashland Estates major subdivision contingent on the Central Halfmoon Transportation Corporation accepting the sewer flow. Mr. Berkowitz seconded. Motion carried.

**New Business:**

**07.060 NB      Nail Expo, 1683 Route 9 (St. John Plaza) – Change of Tenant**

Mr. Jim Reeks, of Bast Hatfield, stated the following: This application is for a change of ownership. The business is going to stay the same and would change from one owner to another owner. The employee count and the hours of operation would remain the same. Mr. Higgins asked if the new owner had to obtain a State license. Mr. Reeks stated yes. Mr. Watts asked that the applicant advertise as "Nail Expo of Halfmoon". Mr. Reeks stated I will mention that.

Mr. Berkowitz made a motion to approve the change of tenant application for Nail Expo. Mr. Ruchlicki seconded. Motion carried.

**07.066 NB      Kokwai Yap, M.D., 1410A Route 9 (Garden Gate Plaza) – Change of Tenant & Sign**

Dr. Kokwai Yap, the applicant, wishes to operate an acupuncture service located in the Garden Gate Plaza. Mr. Watts asked if Mr. Yap would be the only employee. Dr. Yap stated yes. Mr. Watts stated there would be adequate parking. The applicant wishes to place a tenant panel on the approved existing freestanding sign at the plaza. The sign dimensions would be 2.4 FT x 4.5 FT tenant panel, two-sided for a total of 21.6 SF and the sign would be flood lighted.

Mr. Berkowitz made a motion to approve the change of tenant application for Kokwai Yap, M.D. Mr. Nadeau seconded. Motion carried.

Mr. Nadeau made a motion to approve the sign application for Kokwai Yap, M.D. Mr. Ouimet seconded. Motion carried.

**07.067 NB      Crown Atlantic Company, LLC Telecommunication Tower,  
17 Parkford Drive – Co-Location**

Mr. Dave Brennan, representative for Crown Atlantic Company, LLC stated the following: I am here on behalf of Verizon Wireless. We are seeking a co-location or an amendment to our site plan. Currently there is a 12-panel antenna set at the 187 FT elevation and a 4 FT diameter microwave dish at the 98 FT elevation on the existing 190 FT tower in the Parkford PDD. We would like to remove the existing 4 FT microwave dish and replace it with a new 4 FT diameter microwave dish at the 110 FT elevation and add an additional 6 FT diameter microwave dish at the 124 FT elevation on the existing 190 FT tower. The purpose is to provide an emergency backup system if the landlines linking the system together are severed. This would allow the system to continue to communicate between the towers via microwave transmission. Mr. Watts asked if there were any maximum height restrictions in the prior approval. Mr. Williams stated the tower is set at 190 FT and they would not be increasing that height. Mr. Watts asked Mrs. Murphy if a public hearing was required for this application. Mrs. Murphy stated the cell tower legislation encourages co-location; therefore, the Board has the ability to waive the necessity of having a public hearing in the interest of an approval. Mr. Watts asked if this application was strictly for a co-location. Mr. Brennan stated yes, we presently have an existing antenna at the top of that tower which has 12 antennas.

Mr. Ouimet made a motion to approve Crown Atlantic Company, LLC Telecommunication Tower addition to site plan/antenna modification. Mr. Nadeau seconded. Motion carried.

**07.068 NB      Wilber National Bank, 20 Solar Drive – Change of Tenant & Sign**

Mr. Robert Hayes, the applicant, stated the following: We have a change of tenant due to change of ownership of Provantage Funding. It was recently purchased by the parent company, Wilber National Bank. We would not have any additional employees. Some of our employees are now employees of both the mortgage company as well as the bank. The sign application is for a 12 SF tenant panel on a previously approved 48 SF freestanding sign. The sign will replace the previous tenant panel. The sign would be 2 FT x 3 FT, double sided and flood lighted. Mr. Watts asked the applicant to please advertise as "The Wilber National Bank of Halfmoon".

Mr. Berkowitz made a motion to approve the change of tenant application for Wilber National Bank. Mr. Higgins seconded. Motion carried.

Mr. Berkowitz made a motion to approve the sign application for Wilber National Bank. Mr. Higgins seconded. Motion carried.

**Old Business:**

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

Mr. Ruchlicki recused himself from this item and Mr. Leonard sat in for him. Mr. Joe Bianchine, of ABD Engineering & Surveyors, stated the following: I am representing the Klersy Building Corporation. The Klersy's own a 90-acre parcel on Farm to Market Road and Angle Lane. The VanWert property, Valente's Gravel Operation, Sysco, Mr. Ruchlicki's property and the Tribley property border the Klersy parcel. There are 23-acres of Federal wetlands on the property. The rear of the property has some steep slopes and ravines. The applicant wishes to develop this property as a single-family residential development with the minimum 20,000 SF lots. Most of the lots would be in excess of the 20,000 SF. There would be one entrance off of Farm to Market Road. The property has over 1,300 FT of frontage on Farm to Market Road. Most of this frontage except for the curb cut for the access would be part of an open space area and would be dedicated to the Town. The first property line would be set back at a minimum of

100 FT from the right-of-way on Farm to Market Road. There would be more houses along the proposed interior roadway and there would be two cul-de-sacs towards the rear. The project would have three future connector roads to large vacant lands adjacent to the project. We are proposing a total of 53-lots and 49 of these lots would be located on the new roadways. We are showing 4-lots fronting off of Angle Lane. The lots would be provided with public water, sewer and drainage. We have talked to the Saratoga County Sewer District (SCSD) and we would be providing a pump-station for the sewers and a combination of grinder pumps to a force main. We would also have to deal with the Central Halfmoon Transportation Corporation. There is a 12-inch water line along Angle Lane, which goes to the Sysco Development. We are proposing to tap off of that line and extend the Central Halfmoon Transportation Corporation line. Drainage would be controlled to meet the NYSDEC Phase II stormwater regulations and there would be 2 stormwater detention basins. We have laid out the site so that we would be disturbing a little less than 1/2-acre of the 23-acres of Federal wetlands on the site. We tried to minimize that as much as we could and we are dealing with the Army Corp of Engineers (ACOE). We have flagged the Federal wetlands and the ACOE have been to the site and they have agreed with the delineation of the wetlands but I do not have a letter from them at this point. The Town describes constrained land as land over 15% slope. The steep slopes are strictly in the rear of the site which is over 15% and we are looking to disturb 1.5-acres in the rear portion of the site. We are looking to donate 21-acres of open green space. Mr. Higgins asked if the Town was willing to accept this open space land. Mr. Bianchine stated this is something the Town would have to decide on. Mr. Watts asked if this was the first time the Board has heard about the land donation. Mr. Bianchine stated we have talked about this before and if the land were not donated to the Town then it would have to be setup through a Homeowner's Association (HOA). Mr. Watts stated to my recollection this is the first time we have heard about the land donation concept. Mr. Bianchino stated I think there has always been a discussion that there would be open space but we did not talk about the donation of the open space. Mr. Nadeau asked if the open space was all wetlands. Mr. Bianchine stated a significant portion of the open space was wetlands but there is a fair amount of the open space that is good land. Mr. Watts stated this would be the decision of the Town Board. Mr. Watts stated when we get to that point we would formalize this more. Mr. Nadeau asked Mr. Bianchino for a synopsis of this project. Mr. Bianchino stated the following: Going through their review and going through the GEIS area, Mr. Bianchine described the wetlands and 15% slopes, which are defined as constrained land in the GEIS. The density and the development of those areas per the GEIS findings are supposed to be limited. As Mr. Bianchine had stated they have a little less than 2-acres of 15% slope. I don't know if this plan is different from the plan that we reviewed in March but we thought there was more than that in there. There was some grading proposed and some of the 15% slopes are moguls that I think are being proposed to be cut and flattened, which is part of that 2-acres of disturbance. Ultimately, with the type of development that is proposed here and the areas that are proposed to be disturbed, we felt that it did not meet with the letter of compliance at this point. We are not in a position to recommend to the Board, as we have done in the past, because the proposal does not meet the requirements of the GEIS Statement of Findings. Therefore we cannot recommend a Neg. Dec. to SEQR. Based on where we are, with the proposed development in the area that it is, it still is not consistent with the GEIS findings. We have reviewed this proposal and Mr. Bianchine has responded to our March 5, 2007 letter. The 15% slope that is being disturbed is not what we anticipated. Mr. Watts asked if Saratoga County has reviewed this plan and if so, did we receive a response to their review. Mr. Bianchine stated the following: The County Planning Board did review this project and for whatever reason they recommended a disapproval. They

gave no good justification or reasons as to why and how it impacts any County facilities or other municipalities. I did talk to the County Highway Dept. and they had no problems with the roads and I talked to the County Sewer District and they had no problems with what is proposed for this development. From the County perspective, they do not give me any direction as to why. Mr. Watts stated the following: The County's April 9, 2007 letter stated "Please find enclosed our correspondence of October 27, 2005 and February 24, 2006 within which the Saratoga County Planning Board (SCPB) provided an initial recommendation of disapproval followed by a request for additional information. We now have the correspondence, however, nothing in that correspondence nor in the resubmitted subdivision map deterred this agency from again rendering any recommendation other than disapproval. SCPB's February 24, 2006 was a rather extensive letter in which they speak of the 15% issues and "the required 20% open space is comprised essentially of constrained lands. The remaining 21 acres of constrained land not allocated to open space are, therefore, designed into the building lots". "The Statement of Findings for the Northern Halfmoon GEIS", which Mr. Bianchino went through, and "a review of the proposed lot layout indicates that there are issues regarding access associated with Lots 23, 24 and 28. Lots 22, 27 and 40 pose a concern for proper building placement within the building envelope. We suggest that the planning board should be presented with a grading plan....". Mr. Nadeau asked Mr. Bianchine if he had seen this letter. Mr. Bianchine stated the following: I saw that letter, but that doesn't pertain to any County issues. It is the SCPB's job to review the plan as it pertains to County or other municipalities or a State highway or something like that. Those issues that they present are County issues in terms of the grading and the slopes. Regarding the 15% the only impacts are the peak areas in the rear, which would be large lots. These lots would be 4 to 5-acre lots. We had to do the larger lots because of the topography of the area. Mr. Watts stated the following: Those comments from the County were appropriate comments for the SCPB to make in their review process. We would take these comments into consideration in our decision process and all other information that we received as well. You may have a philosophical point-of-view difference with the County but there were some very specific concerns that the SCPB reviewed that were stated in their October 27, 2005 letter. This is what we have from the County and there were some rather specific issues raised by the SCPB. Mr. Bianchine stated I think we did address this by providing the grading plan for the entire subdivision and again, all we are disturbing is 15% or 1.5-acres in the rear. Mr. Bianchino stated in going through some of the areas that we looked at in the difference between the old map and the new map appeared that your proposed grading was eliminating the 15% slope areas and asked did we misread the map? Mr. Bianchine stated the following: We changed the base mapping to redefine the 15% slope in the rear area that would have disturbance. The 15% is only a 1 on 6.7% slope and is not a very steep slope. There are a lot of 15% slopes on streets. Mr. Watts stated the following: There seems to be some issue between CHA's review and Mr. Bianchine's comments. I would like to adjourn this item for further review by CHA because I would like CHA and Mr. Bianchine to go over the issues together regarding the contours, slopes, GEIS, etc. Mr. Bianchino stated the following: As Mr. Bianchine stated they did show a grading plan on the revised plan that gets into the constructability of the lots. Our concern has always been on the livability of the lots and what happens in the future and what affect there would be with the Town's Building Department when homeowners want to come in and build a certain addition on their house and the only place they would be able to do it is on a side yard. There are a lot of those things, even at the concept level, that we have to look at to make these lots livable and comfortable. They may be trying to fit too many things into a piece of property that can't really support it. This may not be a specific finding but it is another part of the findings where the

GEIS looked at being more conservative and working for the landowner. Mr. Watts stated to the Board that all of Mr. Bianchino's comments should be considered before a decision is made. Mrs. Murphy asked Mr. Bianchine if he had the GEIS. Mr. Bianchine stated yes. Mrs. Murphy stated so you are aware of the requirements as set forth by the Town Board and the ramifications for not complying with the program's requirements. Mr. Bianchine stated yes. This item was tabled for CHA to review proposed grading regarding steep slopes and conformance with GEIS findings.

**06.185 OB      Princeton Heights, Princeton Road – Major Subdivision**

Mr. Warren Longacker, of Lansing Engineering, stated the following: I am before the Board to re-introduce the revised Princeton Heights Residential Development. The parcel of land is 39.5-acres located east of Interstate 87 and west of Princeton Avenue. The parcel is zoned (R-1) Residential. The applicant is proposing 47-single family residential units. The lot sizes are proposed to be 20,000 SF with a minimum front yard setback of 50 FT and a minimum side yard setback of 15 FT. The access would be provided at the extension of the existing Princeton Avenue and as well as an existing paper street which is located on the north side of Princeton Avenue. The paper street would be extended approximately 3,150 FT and would turn into a cul-de-sac. However, an additional right-of-way has been provided so that this road could potentially be expanded to the immediate parcel to the south and would still meet the requirements of the Town. Sanitary sewer service for this site would be provided through a proposed gravity network throughout the entire subdivision that would eventually discharge to a central pump station and pump to an existing gravity sewer located off of Princeton Avenue. The site would be facilitated by the Town's consolidated water district and the extension would be made to the existing water main located on Princeton Avenue. Stormwater management would be provided on-site with 2 stormwater management ponds. One would be located at the northwestern portion of the site and the other would be located at the southwestern portion of the site. We are in receipt of CHA's last comment letter. We still are awaiting the results from Phase 1, which is the archaeological study that has been done as well as comments from the NYSDOT pertaining to the stormwater management areas next to their right-of-way. We would like to request a public hearing be scheduled and would incorporate any changes that may occur due to the NYSDOT comments and the archaeological findings. Mr. Watts asked if this site was originally proposed as a PDD. Mr. Longacker stated yes, that is correct. Mr. Watts asked how many lots were proposed in the original application. Mr. Longacker stated 154-lots. Mr. Watts stated one of the issues with the original application was with the access and many concerns were raised regarding the roads. Mr. Longacker stated the following: The traffic study has been revised and the same intersections have been taken into account with the subdivision's reduction in the proposed homes. When the subdivision is complete, the impact to the existing roads would be minimal per CME's traffic study. Mr. Watts asked if there were issues raised at the public hearing regarding water issues in that area. Mr. Longacker stated the issues were in regards to stormwater management. Mr. Williams stated there were concerns with the existing drainage. Mr. Longacker stated they are factoring some of that drainage into one of the proposed catch basins. Mr. Higgins stated at the public hearing the residents who live to the north were concerned about potential runoff coming onto their properties. Mr. Longacker stated there are large wetlands all throughout the parcel. Mr. Watts asked if Mr. Longacker reviewed the comments from that public hearing on the original proposal. Mr. Longacker stated yes they did. Mr. Higgins asked how long the road was up to the cul-de-sac. Mr. Longacker stated about 1,400 FT. Mr. Watts asked for more information relative to the State Historic Preservation Office (SHPO). Mr. Longacker stated they initially

contacted the NYSDEC and SHPO back in October. SHPO no longer responds as it is sent to a consultant and they handle questions or concerns from the municipalities or a State agency. The NYSDEC sent a comment letter in April stating that there were no endangered wildlife species on-site but there may be various areas of historical significance. We forwarded that letter to SHPO and SHPO came back and said "yes, there may be potential on this site for a archaeological sensitivity. We expect to receive SHPO's study when it is complete and we hope to have it before the next scheduled public hearing. Mr. Watts asked Mr. Longacker if he had any indication on the results of this report. I went to SHPO's website and two-thirds of this site did not show that it was in an archaeological sensitive area. Mr. Bianchino asked if the report would be sent to both SHPO and Lansing Engineering. Mr. Longacker stated yes, that is correct. Mr. Higgins stated another comment made by some of the neighbors was regarding the proximity of some of the house along the Northway and concerns about buffering and noise and have any provision been made along that area to keep some existing natural vegetation. Mr. Longacker stated the following: In the original plans there were town homes proposed in that area and now we are going to extend it down further and we are proposing to move the road back while still maintaining the minimum lots sizes for the single-family homes. This provides the opportunity to push these lots closer to the road. The proposed house areas on the lots are 15,000 and 16,000 SF with approximately 60 FT of vegetation where the clearing limit is shown to the right-of-way. I also measured from one clearing line to the tree line along the Northway, which is approximately 240 FT. Mr. Higgins asked if "clearing" means a buffer zone where natural vegetation will remain. Mr. Longacker stated yes, that is correct. Mr. Watts stated the Saratoga County Planning Board (SCPB) rendered an approved decision at their July 20 meeting and Mr. Bianchino has reviewed this and found no issues at this point other than the SHPO issue. Mrs. Murphy stated the following: You can't make a determination of significance with regards to SEQOR until the you receive the other information from SHPO and you can't act on the public hearing until you make a SEQOR determination. Once you have the public hearing, then your 60-day period starts at that point. It is up to the Board's discretion if they want to schedule a public hearing in hopes that they will have the information in time or wait until they have the information or at least have a better idea when they are going to have the information to schedule the public hearing. Mr. Ruchlicki asked if there were going to be some kind of deed restrictions relative to the wetlands that are within the bounds of the lots that run toward the upper left. Mr. Longacker stated this would be done if it were required. Mrs. Murphy stated the Town has required deed restrictions with the understanding that they're enforced civilly, not by the Town. Mr. Watts stated absent the SHPO I think everyone is of the opinion that we need something back with more substance and then we can schedule the public hearing.

This item was tabled waiting for information/review from the State Historic Preservation Office (SHPO).

Mr. Ruchlicki made a motion to adjourn the June 25, 2007 Planning Board Meeting at 7:48 pm. Mr. Beck seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi,  
Planning Board Secretary