

Town of Halfmoon Planning Board

July 23, 2007 Minutes

Those present at the July 23, 2007 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
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

Mr. Watts opened the July 23, 2007 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the July 9, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the July 9, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Berkowitz and Mr. Leonard abstained due to their absence from the July 9, 2007 Planning Board Meeting. Vote: 5 – Aye 2 – Abstained

Mr. Leonard replaced Mr. Ruchlicki in his absence.

Public Informational Meeting:

07.013 PIM Bove Storage Center, S. Main St. & Larkspur Ave – Commercial Site Plan

Mr. Watts opened the Public Informational Meeting at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. John Gay, of Northeast Consultants P.C., stated the following: We are here tonight to present to the public the proposal that Mr. John Bove has submitted to construct a self-storage facility in the Town of Halfmoon on South Main Street. The project also borders the City of Mechanicville on the street side and on the VFW side. The site has been used for commercial use for years. We have exchanged ideas for this proposal with the Planning Board, Mr. Bove and our firm in the attempt to make a project that would fit in and be an asset to the neighborhood. In doing this we have created the storage units to resemble houses or office buildings on the fronts of the buildings and we have positioned the rows of units so what you would see from the street side is the fronts of the buildings. After discussions and looking at another project in Town that had

wrought iron fence along the entire roadway, we elected with the help of the Planning Board to install wrought iron fencing along the entire road frontage of the project. We also elected to heavily landscape the area that would be between the wrought iron fence and the street line and this is depicted on the drawings. In conjunction with the new laws we have created a stormwater management area along the project side to store and cleanse the water before it is discharged. We feel this is going to be a good project for the Town of Halfmoon and also for the City of Mechanicville. Mr. Watts stated the following: The Planning Board determined to hold a Public Informational Meeting based on the fact that the project did border Mechanicville and surrounding residential uses. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:04 pm. Mr. Higgins asked for clarification regarding the wrought iron fencing because the drawing says chained link. Mr. Gay stated that might be an older drawing because the current drawings should say wrought iron along the road frontage. Mr. Watts stated we have had issues in the Town in the past with some of these self-storage areas. People obviously need these self-storage areas or these storage facilities wouldn't be as successful as they are. We have worked diligently with the applicant to make this an attractive site. Mr. Higgins stated for the record that the applicant has agreed that there would be no outside storage. Mr. Bove stated that is correct. Mr. Nadeau made a motion to approve the commercial site plan for the Bove Storage Center contingent upon a note being placed on the final site plan stating there would be no outside storage on site. Mr. Roberts seconded. Motion carried.

Public Hearings:

07.038 PH

**Sheldon Hills PDD-Phase 2, Route 146 & Upper Newtown Road -
Major Subdivision/GEIS/PDD**

Mr. Watts opened the Public Hearing at 7:06 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Mike McNamara, of Environmental Design Partnership, LLP, stated the following: I am here tonight representing A & M Holdings for Phase 2 of the Sheldon Hills project. Sheldon Hills is mixed use PDD that contains single-family homes and twin homes and in Phase 3 there would be multi-unit buildings. Currently Phase 1 is the only phase that has been constructed upon. The developer has done the necessary work out of Route 146 as well as the public portion of the multi-use path. Phase 2 would be an extension from where they left off in Phase 1. Both Covington Drive on the north and Sheldon Drive on the south will be extended beyond where we left off in Phase 1. Phase 2 will include 29 additional single-family lots and all of these lots would be on Sheldon Drive. There would be 54 twin home units that would be located on Covington Drive and Sheldon Drive. Water, stormwater management and sanitary sewer would also be extended from Phase 1 of the project. Currently there is a temporary sanitary pump station at the end of Phase 1 and would be removed and a permanent sanitary pump station would be constructed at the bottom of the hill. The final 3 stormwater management areas would also be built in Phase 2 of the project. There is a stream crossing within this project that would require retaining walls. The purpose of the retain wall is to minimize the disturbance in the stream corridor and would remain in compliance with the Army Corp wetland permit that we have. In our review of this area in preparation for the Phase 2 construction we did identify the need for some kind of a fence at the top of the retaining wall. We would be interested in the Board's opinion as to what they would like to see there; whether it would be a 4 FT chain link fence or wood split rail with wire mesh. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:11 pm. Mr. Richard Allen, of Route 146, stated the following: My property is next to the Sheldon Hills subdivision and I would like to know if it is

possible to have some kind of easement into the back of my property. I have 60-acres of land that is separated down the center by a 150 FT deep ravine. Therefore, I have no practical or economical access to that side of the property. Mr. McNamara stated the following: This is something that we would have to look at. I don't know if it can be done in Phase 2 but it may be possible in Phase 3. My first impression is that there is some terrain that we would have to worry about. I also don't know how it would affect the PDD and if it is something than can be done or not. Mrs. Murphy stated the following: The question to me is could the easement transfer from that owner to another owner for a PDD, the answer is no. This Board would not be in a position to mandate a transfer from one private owner to another private owner. Mr. Watts closed the public hearing at 7:11 pm. Mr. Watts stated the following: The applicant wishes to gain a preliminary approval for the project in order to submit to NYSDEC, NYSDOH and SCSD #1 for their reviews. CHA has reviewed this and did not have any concerns. Mr. Bianchino stated correct. Mr. Higgins asked if this was just for Phase 2. Mr. Watts stated yes. Mr. Watts asked if they had changed the numbers for the configuration of the townhouses and condos. Mr. McNamara stated the following: Yes we did. We have reduced the number of single-family lots and increased the number of twin homes. The unit count went up by 6 and we reduced Phase 3 units by 6. Mr. McNamara asked if the Board had any opinion on the fence. Mr. Roberts stated the Board would review this.

Mr. Roberts made a motion to grant preliminary approval to allow the applicant to approach NYDEC, NYSDOT and SCSD #1. Mr. Higgins seconded. Motion carried.

07.071 PH Pipino Subdivision, 17 Fellows Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:15 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder's & Associates, stated the following: I am representing Paul Pipino, Jr. in his request to subdivide a 2.35-acre parcel into 2 duplex lots. The parcel is located on the north side of Fellows Road approximately 1,000 FT west of Route 236. We are proposing to have Lot A and Lot B. Both lots would be approximately 1.2-acres. The proposal is for 2 duplex lots. The site has public water and would be serviced by 2 individual septic systems. We are proposing 1 curb cut on the existing driveway to minimize impact to the wetlands and also to minimize clearing. There are 2 existing structures that we are proposing to tear down and keep the clearing to a minimum. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:17 pm.

Mr. Nadeau made a motion to approve the minor subdivision application for the Pipino Subdivision. Mr. Berkowitz seconded. Motion carried.

07.073 PH Craig A. Hayner/Town of Halfmoon Subdivision, Route 236 – Minor Subdivision

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. Jeff Williams, Town of Halfmoon Senior Planner, presented the minor subdivision application for Craig A. Hayner/Town of Halfmoon. Mr. Williams stated the following: Craig and Carolyn Hayner own a 16.13-acre parcel on Route 236. The parcel is zoned R-1 Residential. The Hayner's have sold 10-acres of this property to the Town of Halfmoon. The 10-acre parcel would be conveyed to the adjacent 51.83-acre Lands of Town of Halfmoon, which is to be developed into the Town's Active Recreation Park. Mr. Watts asked if anyone from the public wished to speak. Mr. John Hickok, of 43 Fellows Road, asked what the Town planned to do with the property along the borders. Mr. Williams stated the following: As far as I know the Town has a plan already in progress with the Active Recreation

Park which would be on the 51.83-acres of land to the north of the 10-acre parcel. At the current time I do not believe the Town has any plans for the 10-acre parcel other than to retain it for more acreage. Mr. Hickok asked if there could be a fence installed on the border of the property so people do not come on to his property. Mrs. Murphy stated the following: Part of the issue of getting the additional property has to do with the wetlands mitigation. Putting up a fence may be in violation of the reason for purchasing the 10-acre parcel. Mr. Johnson asked if a buffer could be put in. Mrs. Murphy stated we could look into this but at this point there is no intent to utilize the 10-acres as an active park. Mr. Williams stated there is a stream that is a natural buffer that cannot be disturbed. Mrs. Murphy stated the following: Mr. William's has said there is a stream and then there is a setback area that cannot be disturbed based on the fact that there is a stream there. So, the Town couldn't put up arborvitaes or something without violating that issue. Again, there is no intent to develop that portion of land. Mrs. Hickok stated the following: With Mr. Tanski building all around us on one side, we only have what is left and that is Mr. Hayner's land. So we are trying to protect ourselves at this point and this is why we are concerned. We have no problem with the Town doing what it is doing and I think it is wonderful but we do not want anybody coming onto our land. Mr. Hickok stated if there is a baseball field put in that area we do not want lights shining into our property. Mr. Watts stated Mr. Hotaling, who is a member of the Town Board, will certainly pass along your concerns and issues to the Town Board. Mr. Watts closed the Public Hearing at 7:20 pm.

Mr. Roberts made a motion to approve the minor subdivision application for Craig A. Hayner and the Town of Halfmoon. Mr. Leonard seconded. Motion carried.

New Business:

07.070 NB Tire Warehouse, 1428 Route 9 – Concept-Addition to Site Plan

Mr. McCarthy, Attorney for the applicant, stated the following: Mr. Mugrace was suppose to be here tonight and couldn't be so I apologize to the Board. I am here for back-up information or if the Board has any other questions. If there are questions from the Board, I will pass them along to Mr. Mugrace. Mr. Watts stated the following: The applicant is proposing a 24 FT x 60 FT addition on the north side of the existing front tire changing building instead of the 2006 previously approved rear addition. The proposed addition will create a 22 FT side yard setback from the boundary line and furthermore creates 22 FT in order to gain access to the rear of the site. The Building Department has reviewed the proposed addition and has stated the minimum fire lane width of driveway per NYS Fire Code is 20 FT and the Town of Halfmoon requires aisle widths to be a minimum of 22 FT. We did refer this to the Saratoga County Planning Board, which was on their July agenda, and they had no major concerns. We will refer this proposal to CHA for their engineering review. Mr. Higgins stated the following: Previously because of the extent of fill on this site we had requested the applicant have his own engineer certify the suitability of the underlying area for the building. I believe we should be looking for that again on this addition. Mr. McCarthy stated the following: I don't think that is actually required because of the fact that we are building on property that has been built upon. The original property never had fill poured on that side. All the fill was in the back of the property. Mr. Bianchino stated the following: I think we requested the suitability for the area where the warehouse building was put in because it was closer to the area that was filled in the back. The original addition that was approved a couple years ago was in between the two buildings and I don't think we were that concerned about it. Now as you go to the north you are getting closer to the filled slope. We want to make sure that wherever the foundation is being placed, it is on either virgin soil or soil that is stabilized. Mr. McCarthy stated okay, I will relay this

information to Mr. Mugrace. Mr. Roberts asked if this proposed addition will be going further toward Route 9 than the original plan. Mr. McCarthy stated no, it is actually further back. Mr. Watts asked if there would be any infringement on the State properties.

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

07.072 NB P & J Tedesco Auto, 21 Solar Drive - Sign

Mr. Joe Tedesco, the applicant, stated the following: I would like to put a sign up that will be located on the north side of my driveway. The sign would be 4 FT x 4 FT x 2 FT erected on 2 posts. The sign would be 2 sided and would not be lighted.

Mr. Roberts made a motion to approve the sign application for P & J Tedesco Auto. Mr. Nadeau seconded. Motion carried.

07.075 NB Johnson Subdivision, 11 Crew Road – Minor Subdivision

Mr. Joseph G. Malinowski, of M.J. Engineering and Land Surveying, P.C., stated the following: I am representing Mr. Johnson who wishes to create a minor subdivision on his property on the east side of Crew Road. Mr. Johnson currently has a 2.5-acre lot and would like to section off a corner of that lot and divide this land to be conveyed to his fathers neighboring lot. After the subdivision Mr. Johnson's 2.5-acre lot will become a 1.6-acre lot. The lot to be created will be three-quarters of acre. Mr. Johnson's father's lot is currently 13.54-acres and with the conveyance will become 13.74-acres. The applicant is proposing a single-family residence for the newly created lot. Mrs. Murphy stated the following: The Board had a question with regards to the resulting zoning that will attach to the property once the lot lines have been adjusted or a subdivision has occurred. Until I can answer that question for the Board, which I will answer at the next meeting, they are not comfortable setting a public hearing. Mainly because we cannot advise you what you can do with the property once the subdivision occurs unless and until the Board has that answer to that legal question. Mr. Malinowski stated we really are not changing zoning as it is zoned C-1 Commercial and will continue to be zoned Commercial. Mrs. Murphy stated the following: You are taking equal properties; one is zoned Commercial and one is zoned A/R Agricultural/Residential. The bigger question is as to what the resulting zoning is or if you will need to go to the Zoning Board of Appeals with regards to that lot. I don't think anyone is expressing a concern in general it is just making sure that everyone is informed prior to proceeding. Mr. Watts stated we have raised a couple of questions about the zoning implications and changes as Mrs. Murphy stated. Mr. Nadeau asked if the purpose was for a home not a business. Mr. Malinkowski stated no, it is not a business, and Mr. Johnson's daughter is going to be building a single-family residence next to him. Mr. Higgins asked if Lot D is presently zoned commercial. Mr. Malinowski stated no, Lot D will be combined with the commercial property and is currently zoned A/R.

This item was tabled to allow the Town's Attorney to review the proposed subdivision consisting the combination of C-1 Commercial and A/R Agricultural/Residential lands.

Old Business:

07.046 OB New Country Buick/Pontiac/GMC, 205 Route 146 – Addition to Site Plan

Mr. Brian Ragone, of Environmental Design Partnership, LLP, stated the following: We are back to talk about the New Country relocation of their GMC facility to across the street. Back in April the Planning Board voted to approve the change of tenant application to allow the car dealership to move across the street. We came back to the Board in May and at that time the proposed canopy was denied because it encroached upon the minimum front yard setback. We

have been in front of the Zoning Board of Appeals and we received an area setback variance on July 2, 2007 for the front yard setback. Tonight I am here to obtain final site plan approval with the addition of the proposed canopy. Mrs. Murphy stated the ZBA did grant a variance with regards to the setback. Mr. Higgins stated the drawing that we have still shows the relocation of the sign. Mr. Ragone stated the following: I did see that but I have removed it on the new plan. For now New Country has tabled the sign and will probably come back in the future with some reconfiguration that would be conforming. Mr. Higgins asked if the relocation of the sign was part of the approval that you are looking for this evening. Mr. Ragone stated this would only be for the canopy approval. Mrs. Murphy stated that the plans that you'll submit for stamping will not show the sign. Mr. Ragone stated yes, that is correct. Mr. Ouimet made a motion to approve the addition to site plan for New Country Buick/Pontiac/GMC contingent upon the final site plan being submitted with the "pending" freestanding sign location removed. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to adjourn the July 23, 2007 Planning Board Meeting at 7:37 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary