

## **Town of Halfmoon Planning Board**

### **March 13, 2006 Minutes**

Those present at the March 13, 2006 Planning Board meeting were:

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

***Alternate***

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

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

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Mindy Wormuth  
Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Roberts opened the March 13, 2006 Planning Board Meeting at 7:00 pm. Mr. Roberts asked the Planning Board Members if they have reviewed the February 27, 2006 Planning Board Minutes. Mr. Berkowitz made a motion to approve the February 27, 2006 Planning Board Minutes. Mr. Roberts abstained due to his absence from the February 27, 2006 Planning Board Meeting. Mr. Ouimet seconded. Motion carried. Vice Chairman Roberts sat in for Chairman Watts in his absence and Mr. Leonard sat in for Mr. Roberts.

**Public Hearings:**

**05.211 PH Dalston Subdivision, 116A Route 236 – Minor Subdivision**

Mr. Ouimet recused himself from this item and Mr. Beck replaced him. Mr. Roberts opened the Public Hearing at 7:01 pm. Mr. Roberts asked if anyone would like to have the Public notice read. No one responded. *Mr. Gil VanGuilder of Gilbert VanGuilder and Associates, stated the following:* Mr. Edwin Dalston owns 1.19-acres of land on the westerly side of Route 236. There are 2 existing residences on this parcel. They have been before the Zoning Board of Appeals for variances for both lots and an overall area variance for lot #116A. These variances were granted by the ZBA and they are before the Planning Board to finalize the subdivision process. There was a deed restriction condition placed by the ZBA for the granting of the variances, which stated if this property were proposed for a commercial use, both lots would need to be combined to do so. Because of concerns by the ZBA that the Route 236 corridor had potential

for commercial development, this deed restriction was offered by the applicant. The reasoning behind this deed restriction is that the parcel to the north could possibly be too small for an effective commercial use. Both of the properties are served by public water, an easement has been granted across lot #116B to service lot #116A. Mr. Roberts asked if anyone from the Public wished to speak. No one responded. Mr. Roberts closed the Public Hearing at 7:04 pm. Mr. Nadeau made a motion to approve the Dalston minor subdivision contingent upon a deed restriction is in place stating if a commercial use is proposed on either parcel, the two lots will need to be combined. Mr. Leonard seconded. Motion carried.

**06.117 PH     Proctor Subdivision, 28 Firehouse Road – Minor Subdivision**

Mr. Roberts opened the Public Hearing at 7:05 pm. Mr. Roberts asked if anyone would like to have the Public notice read. No one responded. *Mr. Gil VanGuilder of Gilbert VanGuilder and Associates, stated the following:* The Proctor's own 5.17-acres on the southerly side of Firehouse Road. This property is located across the road and behind the Crescent Firehouse. The property is served by public water. No public sewer is available. The proposal is to subdivide the property into 2 lots. One lot would be 2.33-acres in the rear with a proposed construction of new single-family home. The remaining front lot would be a 2.84-acres with an existing single-family home and a garage with an apartment. This apartment use has been examined and it appears to be a pre-existing, non-conforming use. The existing septic systems have been shown on the plan and they have investigated the location of wells in the area. There would be an individual septic system and a New York State professional engineer would design the septic system. Mr. Roberts asked if anyone from the Public wished to speak. No one responded. Mr. Roberts closed the Public Hearing at 7:07 pm. Mr. Nadeau stated the stem of the flag lot looks as if there could be a drainage concern with neighboring property and he is concerned with drainage along the proposed driveway could affect the neighbor's property. Mr. VanGuilder stated the following: They could possibly make an easement onto the property to give them more room to construct the driveway. Mrs. Proctor daughter is going to be constructing a home on this parcel so initially it would be family situation. He does not believe this will cause a drainage problem but they would look at this situation to ensure there is no negative impact to the neighboring property with regards to constructing the proposed driveway.

Mr. Nadeau made a motion to approve the Proctor minor subdivision with the condition that the applicant reviews the proposed driveway layout as not to impact drainage on neighboring property. Mr. Berkowitz seconded. Motion carried.

**Old Business:**

**05.229 OB     Hayner Subdivision, 65 Hayner Road – Minor Subdivision**

Mr. Craig Hayner, the applicant, proposed a lot line adjustment on his property at 65 Hayner Road. *Mr. Hayner stated the following:* He has had his property resurveyed and a portion of his land is to be conveyed to Betts'. Mr. Nadeau asked if the Betts' were aware that a portion of the land would be conveyed to them. Mr. Hayner stated yes and they were currently in a three-party contract. Mr. Nadeau stated that the Board would require an Owner Authorization form. Mr. Hayner stated he would provide an Owner Authorization form to the Planning Department.

Mr. Nadeau made a motion to set a Public Hearing for the March 27, 2006 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

**06.117 OB     Advisor Mortgage, 1532 Route 9 – Change of Tenant**

*Mr. Tom Andress, of ABD Engineering, stated the following:* At the February 27, 2006 Planning Board Meeting there was some question in reference to a holding tank connection to the sewer. The building at 1532 Route 9 is not currently connected to the sewer but the Abele's had installed a septic system on site a number of years ago. They are willing to work with Dunkin Donuts to get hooked up to the sewer. At this time the existing septic system is working adequately. *Mr. Bianchino stated the following:* At the request of Mr. Watts he contacted Dunkin Donuts and Dunkin Donuts indicated they would hook up to the sewer as soon as possible. He also called Mr. Chris Abele and he stated he would be willing to work with Dunkin Donuts to get the sewer resolved ASAP. Mr. Polak asked if this building had a holding tank or a septic system. Mr. Andress stated they had a septic system. Mr. Ed Abele asked Mr. Bianchino what Dunkin Donuts plan of action was. *Mr. Bianchino stated the following:* At the current time Dunkin Donuts has a holding tank that is pumped out every month but they do want to hook up to the sewer and it is their intention to get this done as soon as possible. Dunkin Donuts has a design completed but they need to work out some easement to get to the manhole on an adjacent property. Mr. Ed Abele stated it may take longer than June 1, 2006 to secure easements and DEC approval. Mr. Bianchino stated that the Board could set the June 1, 2006 deadline date and if necessary, they can get that date extended as long as there is progress with the sewer installation process.

Mr. Berkowitz made a motion to approve the change of tenant application for Advisor Mortgage contingent upon site owner hooks up to sewer by June 1, 2006. Mr. Ruchlicki seconded. Motion carried.

**06.118 OB     Snap On Tools, 1532 Route 9 – Change of Tenant**

Mr. Tom Andress, of ABD Engineering, asked if the same condition would apply for the approval of Snap On Tools change of tenant application as for project # 06.117 – Advisor Mortgage. Mr. Roberts stated yes.

Mr. Berkowitz made a motion to approve the change of tenant application for Snap on Tools contingent upon site owner hooks up to sewer by June 1, 2006. Mr. Ruchlicki seconded. Motion carried.

**New Business:****05.257 NB     Farmview, Harris Road & Farmview Road - Sign**

Mr. Mark Marshall, of Marini Builders, proposed a sign application for the Farmview Subdivision located on Harris Road and Farmview Road. *Mr. Marshall stated the following:* The proposed sign would have a total height of about 8 FT. The proposed sign would have a dimension of 3 FT by 9 FT with a total area of 27 SF. Mr. Roberts stated he met with the applicant at the site and the proposed sign reflects on what they discussed. Mr. Roberts asked how the sign would be lit. Mr. Marshall stated the sign would be externally illuminated.

Mr. Nadeau made a motion to approve the sign application for the Farmview Subdivision contingent upon the lights do not shine in the roadway. Mr. Ouimet seconded. Motion carried.

**06.127 NB     Capital Region Business Park, Lot #3 Corporate Drive – Concept-Commercial Site Plan**

Mr. Tom Andress, of ABD Engineering, presented a concept-commercial site plan for Lot #3 Corporate Drive for Capital Region Business Park. *Mr. Andress stated the following:* Lot #3 is the last lot to be developed in the Abele PDD Park. The site plan shows a proposed 40,000 SF two-story building. Lot #3 currently has a 107 space parking area that was utilized for auxiliary

parking for the former NFC building (Lot #21 in the rear of the proposed Lot #3). Lot #21's tenancy is currently at full capacity and there is adequate parking for the tenants and the existing parking on Lot #21. The proposed 40,000 SF office building for Lot #3 would require 200 parking spaces. This would be accomplished by utilizing the existing 107 auxiliary parking spaces for Lot #21 and constructing an additional 93 spaces for Lot #3. The parcel is served with public water and sewer. The storm water management area is located in the lower western corner of the site. Some of the area in front of Lot #3 would not be used as in the future the applicant plans to come back before the Board to utilize this unused area for added overflow parking for the Halfmoon Sports Complex proposed additional uses. Mr. Berkowitz asked how many parking spaces were required for a 40,000 SF building. Mr. Address stated 200 parking spaces. Mr. Higgins asked what the green space area would be if the front area of Lot #3 was used by the Sports Complex for parking. Mr. Address stated the green space would be approximately 35% with 20% required. Mr. Higgins inquired about the access to Lot #3. Mr. Address stated they would set-up access easements between Lot #21 and Lot #3 and there would be another access off of Corporate Drive. Mr. Higgins asked if there was any problem with parking at Lot #21. *Mr. Address stated the following:* A summary was provided to the Board that states Lot #21 meets required parking per Town code. There is also a summary of the tenants that are currently in the Lot #21 office building, which shows that the tenant demand is less than the required existing parking. There was a specific note on the plans for the NFC building that the parking was for the exclusive use of the duration of NFC and additional spaces were added after. Mr. Berkowitz asked if there were any drainage concerns in this area. *Mr. Address stated the following:* They would provide design information for the facility to CHA. The Abele's attorney has been working with the Town Attorney for setting up the final drainage. Mrs. Murphy stated that based on the failure to go forward with the district at the time of the creation of the Abele Park, at this point, it is not in the Town's interest to take on the responsibility for the storm water management that has had some issues in the past. Therefore, we are working on a change in the language through the amendment to the PDD. This item was tabled and referred to CHA for review.

#### **06.130 NB     Yankee Realty, 2A Halfmoon Executive Park – Change of Tenant**

Mr. Tim Conley, owner of the building located at 2A Halfmoon Executive Park, proposed a change of tenant application for Yankee Realty. *Mr. Conley stated the following:* Yankee Realty wishes to utilize the former DeMaria Financial Services office space. Mr. Roberts asked if there would be 3 employees at this site. Mr. Conley stated yes. Mrs. Wormuth asked Mr. Williams if there would be adequate parking. Mr. Williams stated yes as the former tenant had 6 employees and the new tenant would have 3 employees. Mrs. Wormuth asked Mr. Conley what the intended use would be for this site. Mr. Conley stated that Yankee Realty was a residential real estate company. Mr. Roberts asked if they anticipated any training sessions at this site. Mr. Conley stated the he was sure there would be training seminars through the normal course of business, but he is not sure what time of the day they will be held or if the training sessions would create any parking problems. Mr. Polak stated the applicant should be aware if there are parking problems due to an increase in employees or training sessions, the Town's Code Enforcement would be sent to the site. Mr. Roberts asked if the applicant would have a sign. Mr. Conley stated they would be replacing the DeMaria Financial signage. Mr. Roberts stated that a sign application would need to be submitted to the Planning Department. Mr. Conley stated okay. Mr. Roberts stated to that the applicant should advertise as being located in Halfmoon.

Mr. Nadeau made a motion to approve Yankee Realty change of tenant application. Mr. Ouimet seconded. Motion carried.

**06.131 NB Betts Subdivision, Betts Lane – Major Subdivision**

This item was removed from the agenda.

**06.132 NB Wal-Mart (Outdoor Sales), 1549 Route 9 – Change of Use**

Mr. Bodwin, manager of the Wal-Mart store in Halfmoon, proposed a change of use for Wal-Mart located at 1549 Route 9. Mr. Bodwin stated they wish to open up their seasonal outdoor sales area. The area would be used to store topsoil, mulch, potting soil, shrubs, plants, etc. Mr. Berkowitz asked if they would have the same site plan as they have had in previous years. Mr. Bodwin stated yes they would use the same exact dimensions. Mr. Roberts stated that this project's yearly approval is contingent upon how the site is maintained during the year and in the past the site has been in compliance.

Mr. Ouimet made a motion to approve the change of use application for outdoor sales for Wal-Mart from April 1, 2006 to September 1, 2006. Mr. Higgins seconded. Motion carried.

**06.133 NB Beeche Light Industrial Shop & Warehouse, Routes 4 & 32 - Concept-Commercial Site Plan**

Mr. Scott Lansing, of Lansing Engineering, is representing Mr. Greg Beeche for the Beeche Light Industrial Shop & Warehouse. *Mr. Lansing stated the following:* The overall parcel is approximately 5.02-acres and is currently vacant. The parcel is located on the west side of Routes 4 & 32 and Kivort Steel is directly north of the parcel. The parcel is currently zone M-1 Industrial which would require a 50 FT front yard setback, 15 FT side yard setback, 25 FT rear yard setback, a maximum of 50% building coverage, a maximum 35 FT building height and 20% green space on the overall parcel. They are proposing a light industrial shop and warehouse. Everything that is being proposed would be consistent with the M-1 Industrial zoning requirements. The proposal would include a light fabrication refurbishment and storage of scaffolding equipment. The hours are proposed to be from 6:00 am to 6:00 pm and the applicant is anticipating approximately 16 to 20 employees. Access to the building would be from Briggs Lane and from Routes 4 & 32. The proposal is for 2 buildings; building #1 would be approximately 13,000 SF and building #2 would be approximately 9,820 SF which would be located to the east of building #1. The parking areas for each building would be directly in front of the buildings for employees to access those buildings and there would be a gravel yard storage area to the south of building #1. Water would be served by public water located on Routes 4 & 32; they are proposing a raised-bed wastewater disposal system in the northeast corner of the parcel for sanitary sewer. Storm water management would be located on the southeastern portion of the parcel at the lowest point. Mr. Roberts asked if the proposed roadway; Crystal Lane would be Town road or a private road. Mr. Lansing stated they are proposing Crystal Lane as private road. Mr. Nadeau asked if the property to the south of the proposed roadway, Crystal Lane, was a residential use. Mr. Lansing stated yes, but it is zoned M-1 Industrial. Mr. Nadeau asked if there were 2 existing residences were on Briggs Lane. Mr. Beeche stated yes and Briggs Lane is a Town road. Mr. Berkowitz asked what the purpose was for creating a new road instead of using the pre-existing road. Mr. Lansing stated the new road would be for internal access within the site and it would be more convenient to access the site with the two access points. Mr. Higgins asked if the applicant would be utilizing both buildings. Mr. Lansing stated the applicant anticipates using only building #1 depending on demand and the applicant does not have a tenant for building #2 at this time. Mr. Berkowitz asked what

type of vehicles would be going in and out of the site. Mr. Lansing stated full sized flatbed type trucks. Mr. Beeche stated that they might have UPS type of deliveries 2 to 3 times per week. Mr. Polak stated that a letter should be submitted to the Highway Department to make sure Briggs Road is stable enough for truck deliveries. Mr. Nadeau asked if the existing residences were also zoned M-1 Industrial. Mr. Lansing stated yes. Mr. Nadeau asked if they are proposing any buffering to the nearby residences as when there are residences near a business the Board likes to see some type of buffering. Mr. Lansing stated they would look into a buffer. Mr. Ruchlicki asked Mr. Lansing to describe how a raised-bed wastewater disposal system functions. *Mr. Lansing stated the following:* A raised system is basically a septic system above grade. We are assuming that there is little useable soil on the site and we are assuming that ground level elevations are higher. We have not had the opportunity to perform test pits at this time but we have a feeling that groundwater is within 12-inches of the surface. You can't have a septic system down in the groundwater so you would replicate a useable soil above grade and that is what that would include. Mr. Ruchlicki asked if a leach field was similar to a regular septic. Mr. Lansing stated yes. Mr. Ruchlicki asked if the proposed septic system would have any affect on the wetlands. Mr. Lansing stated the wetland areas that would be filled in would be impacted and would be replicating useable soils above that. Mr. Nadeau asked if the 3 existing houses on Routes 4 & 32 are used as residences. Mr. Bob Jarvis, Attorney for Mr. Beeche, stated that one house, the Bishop's place, was a car repair shop at one time and he believe this shop is no longer in business and the other 2 homes have always been residences. Mr. Berkowitz asked if there would be any sand blasting or painting of material at this site. Mr. Beeche stated they use spray paint on steel parts and they clean the parts with wire brushes and solvents. Mr. Berkowitz asked where these materials were collected afterward. *Mr. Beeche stated the following:* They have a container service and they use pressure cans that are a very small volume as most of their products are aluminum. The aluminum is coated prior to sending to a project. Mr. Berkowitz asked if there were any regulations from ENCON or DOH. Mr. Beeche stated not to his knowledge as it is a superficial coating with a single spray can and then it is wiped down from the machining process. Mr. Berkowitz asked if this caused fumes in and out of the building. Mr. Beeche stated no. This item was tabled and referred to CHA.

#### **06.134 NB    A & M Sports Complex, 12 McBride Road – Minor Subdivision**

Mr. Scott Lansing, of Lansing Engineering, stated the following: They are in the site plan phase of the A & M Sport Complex project and they have received PDD approval on September 20, 2005. They have been advancing through the site plan review process and they have been working with CHA on the development of the site plan. Nothing on the PDD has changed as far as the layout and all the amenities within the lot that they are proposing for the PDD; building, parking, storm water management and wastewater disposal has remained the same. They are working with CHA to address whatever outstanding comments they may have. The overall parcel is approximately 95-acres and they would be subdividing 10-acres out of this parcel for the A & M Sports Complex project. At this time they would like to request a Public Hearing for public comments on the minor subdivision so they may advance toward a subdivision approval for the parcel and move forward to site plan approval for the project. Mr. Higgins asked if the storm water management area would be encompassed in the 10-acre parcel. Mr. Lansing stated yes, there would be some grading that is outside of the 10-acre parcel but the actual storm water management area itself and the area where the water would be detained is within the parcel. Mr. Higgins asked if the road would be on the eastside of the storm water

management area. Mr. Lansing stated yes. Mr. Nadeau asked Mr. Lansing to bring wetland maps to the Public Hearing. Mr. Lansing stated okay.

Mr. Nadeau made a motion to set a Public Hearing for the March 27, 2006 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

**06.135 NB     Koval Subdivision, 59-61 Dunsbach Road – Minor Subdivision**

*Mr. Gil VanGuilder of Gilbert VanGuilder and Associates, stated the following:* This minor subdivision project involves lands owned by Joel and Thomas Koval, which has two single-family homes and three barn buildings located on it. The other portion of the project is the Swedick property, which is a 30,000 SF lot. The Koval's and the Swedick's have entered into an agreement whereby 11,586 SF in the rear of the Swedick parcel would be added to the Swedick parcel as a lot line adjustment, which would increase the area to 41,752 SF. The remaining property on the northerly end of the property on the eastside of Dunsbach Road, south of Crescent Road, there is an existing home with a wood framed garage that would become a 40,000 SF lot. The southerly dwelling and garage would be demolished. A 20 FT access would be provided into a 2.08-acre lot where the buildable area would be in the rear where a new home would be built. The third lot would contain 1.6-acres of land where a new home would be built. The existing barn buildings would remain on the site for personal use. All of the properties are served by public water and individual septic systems. The net increase would be one new home and one new lot would be created by the proposed subdivision. Soil examinations have been performed by a professional engineer for the suitability of septic systems and they are ready to complete this process upon completion of this subdivision proposal. Mr. Nadeau asked if the Swedick property would become part of Lot #3. Mr. VanGuilder stated that the Swedick property would be a 30,000 SF lot and the Koval's would be conveying an additional 11,000 SF to the Swedick's to increase the size of their lot. Mr. Williams asked Mr. VanGuilder for a letter from the Swedick's authorizing Mr. VanGuilder to represent their interest in this subdivision. Mr. VanGuilder stated he would submit a letter from the Swedick's prior to the public hearing. Mr. Higgins asked if there would be 3 separate lots in this proposal. Mr. VanGuilder stated yes, and an annexation of additional land to the Swedick property. Mr. Higgins asked where the house location would be for Lot #3. Mr. VanGuilder stated that the house would be behind the building line but ahead of the existing barn buildings. Mr. Higgins asked if the adjoining lands would be wells or Town water. Mr. VanGuilder stated that he believes all the lots fronting on Dunsbach Road are all on public water but he would investigate this further with the Water Department.

Mr. Berkowitz made a motion to set a Public Hearing for the March 27, 2006 Planning Board Meeting. Mr. Leonard seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the March 13, 2006 Planning Board Meeting at 7:56 pm. Mr. Leonard seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi  
Planning Board Secretary