

Town of Halfmoon Planning Board

March 27, 2006 Minutes

Those present at the March 27, 2006 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
Jerry Leonard
Ken Wengert

Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the March 27, 2006 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the March 13, 2006 Planning Board Minutes. Mr. Roberts made a motion to approve the March 13, 2006 Planning Board Minutes. Mr. Watts abstained due to his absence from the March 13, 2006 Planning Board Meeting. Mr. Nadeau seconded. Motion carried.

Public Hearings:

05.229 PH Hayner Subdivision, 65 Hayner Road – 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. Mrs. Carolyn Hayner, the applicant, proposed to subdivide their existing lands to create a 60 FT wide, 0.740-acre parcel to be conveyed to a neighbor in the rear of the property. *Mrs. Hayner stated the following:* We are in the process of putting our house on the market for sale and need to reorganize the landlines. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:02 pm. Mr. Nadeau asked Mrs. Hayner if she had submitted the owner authorization form to the Planning Department from the adjacent landowner. Mrs. Hayner stated yes.

Mr. Roberts made a motion to approve the Hayner Minor Subdivision application. Mr. Nadeau seconded. Motion carried.

06.134 PH A & M Sports Complex Subdivision, 12 McBride Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Scott Lansing, of Lansing Engineering, proposed a minor subdivision for the A & M Sports Complex PDD. *Mr. Lansing stated the following:* The overall parcel is approximately 95-acres and from this 95-acres the applicant's are proposing to subdivide out a 10.2-acre parcel for the A & M Sports Complex PDD. All aspects of the A & M Sports Complex PDD have remained the same. We have received comments from CHA and we have finished addressing CHA's comments and we will submit the revised comments for CHA's review. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:03 pm. Mr. Higgins asked Mr. Lansing if he foresees any difficulties with answering or taking care of CHA's comments on the existing site plan. Mr. Lansing stated he did not think so as we have finished revising the plans and we will be submitting those plans to Mr. Bianchino. *Mr. Higgins stated the following:* He had some concern with the entrance way and the drainage going onto the neighbor's property. He realizes that this is not part of this minor subdivision application, but he wanted to make sure that they could meet the requirements within the footprint they are working with. Mr. Lansing stated yes, we feel we can meet these requirements as we have made a modification to the front area drainage and the drainage has been modified on Pruyn Hill Road.

Mr. Higgins made a motion to approve the A & M Sports Complex Minor Subdivision application contingent upon adequate information is provided for drainage along the driveway. Mr. Ruchlicki seconded. Motion carried.

06.135 PH Koval Subdivision, 59-61 Dunsbach Road – Minor 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. Duane Rabideau, of Gilbert VanGuilder and Associates, is before the Board representing Joel and Thomas Koval for a minor subdivision of their Lands on Dunsbach Road. Mr. Rabideau stated the following: The parcel is located on the eastern side of Dunsbach Road approximately 800 FT south of Crescent-Vischer Ferry Road. The applicant's have two existing parcels and propose to reconfigure these two parcels to create three residential lots and to convey 11,586 SF of property to an adjoining neighbor to the south of proposed subdivision. Lot #1 would be 40,145 SF with one of the two residential homes (pre-existing, non-conforming residential structure) and an existing detached garage. Lot #2 would be a flag lot with an area of 2.08-acres where the other existing residence, a carport and a shed would be removed. Lot #3 would be a 1.60-acres that would have two existing outbuildings located on it. The remainder of the land, which is 11,586 SF, would be conveyed to the Swedick's existing lot that would increase their lot size to 41,752 SF. There is public water and private septic. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:07 pm. Mr. Nadeau asked if the property in the rear is on Town water. Mr. Dennis Ayotte stated that both properties in the rear are on Town water. Mr. Higgins asked if the parcels would have single-family houses. Mr. Koval stated one single-family would remain and another single-family home would be removed on lot #2 and the intent is to build a two-family on lots #2 and #3.

Mr. Nadeau made a motion to approve the Koval Minor Subdivision application. Mr. Berkowitz seconded. Motion carried.

New Business:**06.128 NB Adirondack Basement Systems, 4 Jones Road – Change of Tenant & Site Plan**

Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, proposed a site plan approval for Adirondack Basement Systems. Mr. Rabideau stated the following: Adirondack Basement Systems is an existing business located on Crescent-Vischer Ferry Road and Jones Road. The site is an existing house, which the applicant owns. There is also an electric business at this site. The applicant would like to expand for the future by creating more parking for their employees. The sales for Adirondack Basement are conducted off-site. The parking would be used for the on-site employees. Mr. Watts asked if Adirondack Basement Systems was an existing business. Mr. Rabideau stated yes. Mr. Kevin Koval, the applicant, stated that there was an existing electrical business operating at this site when he took ownership and the electrical business remained at the site. Mr. Kevin Koval stated the following: He was not aware that he needed a permit to operate a business. Since he received notice from the Town he has started the process of getting an approval to operate his business. Mr. Watts asked if Mr. Koval has continued to operate this business since the Town notified him. Mr. Koval stated he was never told to stop his operation. Mr. Watts asked if Mr. Koval had received any notices from the Town's Code Enforcement Office the he could not operate the business without site plan approval. Mr. Koval stated he did receive notices for Code Enforcement and he received an appearance ticket but there was no stop work order. Mr. Watts asked if Mr. Koval had appeared in court as of yet. Mr. Koval stated yes and he requested an adjournment. Mr. Nadeau asked if there were any other issues with this business. *Mr. Higgins stated the following:* I witnessed, in January 2006, a truck with a trailer attempting to make a turn into this site and the driver had to swing over into the on-coming traffic lane. I suggest that you tell your drivers not to use the small entranceway and for them to come in the back way. Mr. Koval stated his drivers would use the Jones Road entrance. Mr. Polak stated he would like Mr. Koval to clean up the site before spring and he would like Code Enforcement to look into the illegal containers and dumping at this site. Mr. Koval stated that the containers belong to the electrical business at the site and the dumping is clean concrete that could be used for the future expansion of the parking area. Mr. Roberts asked why there is a boat parked at the site. *Mr. Koval stated the following:* The earliest he could schedule pick up for boat would be April 10th and it would not be returned to the site. I asked Code Enforcement four times for an extension for the removal of the boat and did not receive an answer. I then received an appearance notice because the boat was illegally parked. Mr. Watts asked how long ago he was asked to remove the boat. *Mr. Koval stated the following:* I was never specifically asked to remove the boat. I was told that people in the Town did not like seeing the boat parked at the site. I am aware that the boat is located in the State right-of-way and I contacted the State and made arrangements with them to allow the boat to stay where it is. Mr. Watts asked whom Mr. Koval contacted at the State. Mr. Koval stated he did not recall the gentleman's name but he was the proper person to contact. Mr. Watts asked if Mr. Koval received anything in writing from the State. Mr. Koval stated no. Mr. Berkowitz asked why the boat was not currently parked in the parking lot. Mr. Koval stated the following: There was not enough room in the parking lot and this is why they would like to expand the parking. We are in the

process of cleaning up the site and making improvements to the building. Mr. Berkowitz asked regarding drainage at the site. Mr. Koval stated there was a culvert crossing Crescent-Vischer Ferry Road that runs without backups. Mr. Nadeau asked regarding the storage trailer on the site plan. Mr. Koval stated that this storage container is owned by the electrical business and if this needed to be removed then he would have it removed. Mr. Berkowitz asked if there were 2 businesses at this site. Mr. Koval stated yes. Mr. Watts asked how long the storage container has been on site. Mr. Koval stated when he bought the building the storage container was there. Mr. Nadeau asked if Adirondack Basement had citations against them at the current time. Mr. Watts stated yes. *Mrs. Murphy stated the following:* If an applicant has current violations pending in the Town Court, it has been a practice with this Board not to hear from an applicant that has outstanding issues. However, I have heard this Board express concerns with regards to the actual functioning of the site and the expansion of the parking area. So, it has been this Board's decision in the past to refer the application to CHA. Mr. Higgins stated that he feels this application should be referred to CHA because of the Board's issues with site. Mr. Koval stated he would like to widen the entrance at Crescent-Vischer Ferry Road so he may utilize that entrance.

This item was tabled and referred to CHA.

06.136 NB Kumon Learning Center, 1407 Route 9 (Nine North Bldg.) – Change of Tenant & Sign

Mr. Shri Lachhander, the applicant, proposed a change of tenant and sign application for Kumon Learning Center to be located in the Nine North Building at 1407 Route 9. Mr. Lachhander stated the following: The Kumon Learning Center is over 15 years old. The center offers a professional service of instructional guidance and enhancement for school age children's academic studies. The service is essentially a home study program where the children will take training sessions 20 to 30 minutes twice a week. The center offers two subjects; math and reading. Mr. Ouimet asked what the ages of the students were. Mr. Lachhander stated the age's range from 4 to college age students. Mr. Nadeau asked what type of supervision there would be at the site. Mr. Lachhander stated that the student's parents would remain at the site with their children. Mr. Ouimet asked how many students there would be at the site at one time. Mr. Lachhander stated 15 to 20 with students coming and leaving at different times over a 3 ½ hour period. Mr. Ouimet asked for a brief description of what is done while the students are at the center. *Mr. Lachhander stated the following:* The children come in with their homework; we review their homework to see if there is any misunderstanding or conflicts. We also give them work to do at the center and work to be done at home. While the students are doing their work at the center, there would be instructors available for their assistance and the instructors would have feedback for each child to make sure they are studying at their level. Mr. Ruchlicki asked if there were any other Kumon Learning Centers in the local area. Mr. Lachhander stated there was a center in Niskayuna on Union Street that has been in operation for over 2 years. Mr. Ouimet asked what the qualifications were for their instructors. *Mr. Lachhander stated the following:* He has Bachelor's degree in engineering and mechanical engineering. He has been through intensive training Kumon and he is a certified instructor. He will be training the employee assistants who are schoolteachers. Mr. Polak asked is this center is open to the public. Mr. Lachhander stated yes. Mr. Lachhander stated that the center would operate during later than typical business hours between 6:30 pm and 7:30 pm. Mr. Watts stated that if there are parking issues the parking might need to be revised. Mr. Berkowitz asked if the center would be open Mondays and Thursdays or Monday through Thursday. Mr. Lachhander stated the center would operate

only 2 days per week in the evening hours for 3 to 4 ½ hours. Mr. Berkowitz asked if conferences would be held at this site. Mr. Lachhander stated their conferences are held in New Jersey. Mrs. Murphy asked if they would be running a special service by guidance and not a school. Mr. Lachhander stated yes. Mr. Roberts asked if Kumon would have 2 signs with the dimensions of 18 inches x 60 inches that would be located (one sign each) on the corner of the building. Mr. Lachhander stated yes. Mr. Roberts asked if the 2 signs would be lit by neon. Mr. Lachhander stated no.

Mr. Roberts made a motion to approve the change of tenant and sign applications for Kumon Learning Center. Mr. Nadeau seconded. Motion carried.

06.137 NB Auto America, 1540 Route 9 – Addition to Site Plan & Sign

Ms. Teresa Russell is representing Auto America's addition to site plan and sign applications. *Ms. Russell stated the following:* Auto America currently operates a used car sales at 1540 Route 9 in Halfmoon. There are 2 existing buildings that are garages that originally the previous tenant operated as service centers and the applicant would like to do the same for Auto America. They would like to service and inspect their vehicles on-site. One building would be used for an office/reception area for customers and the smaller building would be used for mechanical repairs. The proposed sign change would be just to change to insert of the existing sign. *Mr. Watts stated the following:* For the Board's information, I noticed some construction activity at the site. I then sent one of our Code Enforcement Officers to take a look at the site and Auto America had a Town of Clifton Park building permit and the Code Enforcement Officer issued a stop work order. *Ms. Russell stated the following:* We boxed in the garage doors and we installed windows instead of doors. We had no heat in the building so we hired a company to replace the heaters. Somehow a mistake was made with the address so they went to the Town of Clifton Park and gave an address near Ushers Road. She explained to Mr. Greg Stevens, Code Enforcement Officer for the Town of Halfmoon, the situation regarding the electrical company who obtained the permit from the Town of Clifton Park and the electrical company would correct the error made. Mr. Watts asked if there was work going on at 2140 Route 9 that Auto America Super Store is involved in. Ms. Russell stated no, the son of the previous owner, Mackey Auto, is opening a place up on Route 9 and this is how the two locations were confused. Mr. Watts asked if there was work going on at the site where the permit was issued to. Ms. Russell stated no, but she does not know why the company went to Clifton Park for the permit and gave the wrong address. Mr. Berkowitz asked if the applicant would service the cars that would be sold. Ms. Russell stated yes and hopefully the purchasers would come back for other repairs to their vehicles. Mr. Berkowitz asked why the sign was changing to Sales and Service. Ms. Russell stated this would let the purchaser know that they also service vehicles. *Mr. Higgins stated the following:* When the original application came before the Board for site plan approval the applicant agreed not to utilize those 2 existing repair buildings and the applicant stated that all vehicles that would be sold at this site would be worked on off-site. You are now totally changing what was approved previously for this site. *Ms. Russell stated the following:* This is why they are before the Board with the addition to site plan and sign applications. The original application was to just sell vehicles at the site and they are now having trouble moving cars for service. There would be no bodywork done or painting on-site. The four bay garage would be used for service repairs. Mr. Watts stated the proposed service would require some site plan amendments. Ms. Russell stated the site plan has been revised and she has given it to Jeff Williams. Mr. Watts stated the original site plan had some issues with the configuration of the parking lot and the traffic patterns. Mr. Watts asked if people could come to the site for service of their vehicles if they did not purchase the car from

Auto America. Ms. Russell stated yes, their main intent is to be able to service and inspect their own vehicles for sale and they also intend to offer maintenance service and inspections for other cars. Mr. Roberts stated part of the initial approval for this site was a condition that there could be no car carriers allowed at this site. Ms. Russell stated this condition would not be a problem.

This item was tabled and referred to CHA.

06.138 NB Copy Cat Print & Copy, 1471 Route 9 – Change of Tenant & Sign

Mr. Jason Taft, the applicant, stated the following: He proposes to occupy Suite 101 located at 14701 Route 9 in the Rome Plaza to operate a print and copy shop. The business would offer full service copy and document center such as; black/white and color copies, posters, letterhead, business cards, envelopes, graphic designs, etc. Mr. Roberts asked the applicant if he would be replacing the former sign with the same dimensions. Mr. Taft stated yes. Mr. Roberts stated that there were problems in the past with portable signs near the Route 9 because Rome Plaza sits back from the roadway and these types of signs are not allowed. Mr. Taft stated he was notified that he would be able to have a Grand Opening sign for 30 days.

Mr. Roberts made a motion to approve the change of tenant and sign applications for Copy Cat Print & Copy. Mr. Ouimet seconded. Motion carried.

06.139 NB Trick Shot Billiards, 1602 Route 9 – Additional Tenant Space

Mr. Tim Berlin, the applicant, stated the following: I wish to occupy additional space located in the Shamrock Plaza for additional storage, an additional pool table, six additional tables with 20 seats and a small service bar for 5 seats. Mr. Watts asked if the bar area would be expanded. Mr. Berlin stated yes. Mr. Watts asked if Mr. Berlin had approval from the State Liquor Authority. Mr. Berlin stated the State likes to hear that he has gone to the Town for approval beforehand as he has done in the past for other Trick Shot Billiards applications. Mr. Watts asked if there were any parking issues at the site. Mr. Berlin stated no.

Mr. Nadeau made a motion to approve additional tenant space for Trick Shot Billiards. Mr. Ruchlicki seconded. Motion carried.

06.140 NB E. Tanski/Harding Subdivision, 84 Guideboard Road – Minor Subdivision

Mr. Scott Lansing, of Lansing Engineering, proposed a minor subdivision for Tanski and Harding. *Mr. Lansing stated the following:* The parcel is located on the south side of Guideboard Road approximately midway between Route 9 and Harris Road. The overall parcel is approximately 11-acres. The main portion of the parcel is approximately 1.68-acres where they are proposing a 2-lot subdivision. There is a Niagara Mohawk owned land on the parcel and the remaining 9.32-acres is on the opposite side of the NI-MO land. The 2-lot subdivision would be located on the 1.68-acre parcel. The parcel is currently zoned Residential R-1 which requires 30,000 SF minimum, 150 FT of frontage, 50 FT front yard setback, 25 FT side yard setbacks and 30 FT rear yard setback. The applicants are proposing two duplex lots, which would meet the 30,000 SF requirements. There is an existing water line on the south side of Guideboard Road and the applicants are intending to put two services off of that water main to access both the duplex units. There is public sewer on Starboard Court to the southwest of the parcel and the applicants have obtained an easement from the Lands of Rosebrook for the sewer line to go through to connect to the sewer on Starboard Court. At this time we are showing grinder pumps on the two duplex lots, which would be required to convey sanitary sewer flows to the gravity manhole. The applicants would like the option to potentially go with

gravity to those lots. Mr. Roberts asked where the pond was located in relation to this parcel. Mr. Polak stated it was across the street. Mr. Berkowitz asked if the sewer easement going through the proposed duplex. Mr. Lansing stated that is the actual sewer line and not the easement and the sewer easement would be going through Lot #3. Mr. Bianchino asked if the manhole they proposed to tie into in pavement. Mr. Lansing stated yes. Mr. Ruchlicki asked which way the wetlands drain. Mr. Lansing stated it drains towards Guideboard Road. Mr. Higgins asked if there would be sufficient drainage under the driveway on the flag lot. Mr. Lansing stated yes. Mr. Polak asked if they required a curb cut from the County. Mr. Lansing stated yes. Mr. Nadeau made a motion to set a Public Hearing for the April 10, 2006 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

06.141 NB Parkford Square, 449 Route 146 – Change to Site Plan/Parking

Mr. Jim Loiselle stated that they are before the Board to seek a change to the site plan to revise the parking. The original proposal included 75 parking spaces that were 10ft by 20ft. He stated that a high percentage of the parking was to be used for employees and that at the Boards request they have revised the plan to include 90 spaces with 60 spaces at 9ft x 20 and the remaining 30 spaces at 10ft x 20ft. Mr. Roberts asked if they had tenants to fill the rest of the building. Mr. Loiselle stated that he did have interest in the remaining area of the building and that it is their intention to have strictly office space with only employee parking needed. Mr. Watts stated that when reviewing the plans he believed that 92 parking spaces were needed to meet the requirements for this site. Mr. Loiselle stated that he believes that 75 spaces were required for the site at 5 parking spaces per 1,000SF of office space. He stated that the first tenant had 63 employees that required them to go over and above that initial figure and they are now presenting the plan with 90 parking spaces to accommodate for the difference. Mr. Loiselle stated that he did not want to have to add additional parking in the future, should the need arise, but would instead try to cover the needs at this time. Mr. Watts asked how much greenspace was designated? Mr. Loiselle stated that 32%.

Mr. Higgins made a motion to approve the change to site plan/parking application for Parkford Square. Mr. Ruchlicki seconded. Motion carried.

Mr. Nadeau made a motion to adjourn the March 27, 2006 Planning Board Meeting at 8:18 pm. Mr. Ouimet seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary