

Town of Halfmoon Planning Board

June 26, 2006 Minutes

Those present at the June 26, 2006 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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the June 26, 2006 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the June 12, 2006 Planning Board Minutes. Mr. Roberts made a motion to approve the June 12, 2006 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried.

Public Hearing:

06.169 PH Dudek Dairy Farm Subdivision, 127 Brookwood Road – Major 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. Gerry Gray, of Ingalls & Associates, is representing Barbara and Stanley Dudek for a subdivision of the Dudek Dairy Farm. *Mr. Gray stated the following:* The existing dairy farm parcel is a little less than 65-acres and is located on the north side and south side of Brookwood Road and east of Button Road. The proposal is to subdivide 2-lots from the dairy farm located on the north side of Brookwood Road. One lot would be conveyed to lands of Barbara Dudek and one lot would be conveyed to lands of Stanley Dudek. The current use is a farm parcel and all the current zoning requirements for lot size would be met. The plans are to keep the farm within the family with the two current owners. 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 made a motion to approve the major subdivision application for Dudek Dairy Farm. Mr. Ouimet seconded. Motion carried.

Old Business:**05.119 OB A & M Sports Complex, 16 McBride Road – Commercial PDD/GEIS**

Mr. Scott Lansing, of Lansing Engineering, stated the following: They are before the Board to request consideration for final approval of the A & M Sports Complex project. Since their last appearance before the Board the applicant's have slightly reconfigured the building. The building would be an "L"-shaped building and they have also reduced the size of the building to approximately 13,845 SF from the original proposal of 20,000 SF with a potential future 6,150 SF addition. They have addressed all the comments from CHA and CHA has provided them with a sign-off letter dated June 14, 2006. Mr. Watts stated the PDD Legislation was in place. Mrs. Wormuth asked if the reduction in the building size would change the Public Benefit portion of what was provided to the Town. Mrs. Murphy stated yes, this was correct. Mrs. Murphy further stated that the PDD Legislation allows for some leeway with regard to any slight site modifications as recommended by the Board. Mr. Higgins asked if the applicant's would be required to come back to the Board for the future addition. Mr. Watts stated yes. Mr. Berkowitz made a motion to approve A & M Sports Complex Commercial PDD/GEIS. Mr. Higgins seconded. Motion carried.

05.138 OB Arlington Heights, Farm to Market Road – Major Subdivision/PDD

Mr. Mike McNamara, of Environmental Design Partnership, is representing Belmonte Builders for the Arlington Heights PDD. *Mr. McNamara stated the following:* The Town Board approved the original PDD in 1999. The project was delayed for several years due to wetland issues with the entrance roadway. Recently the developer purchased a 1-acre parcel located at the north end of the site, the entrance road was then moved to that location so it would be out of the wetland area. They received an updated approval due to the expiration of the sunset clause in the PDD. The plan is similar to the original application with the exception that the storm water management and pump station has been moved to an easement on neighboring property. They have received comment letters from CHA and from Frank Tironi, Director of the Town's Water Department, and they have responded and have made changes to the plans. They are before the Board to schedule a Public Hearing.

Mr. Nadeau made a motion to schedule a Public Hearing for the July 10, 2006 Planning Board meeting. Mr. Roberts seconded. Motion carried.

06.170 NB Tribley Subdivision, 315 Farm to Market Road – Minor Subdivision

Mr. Mike McNamara, of Environmental Design Partnership, stated the following: This minor subdivision application is for 2-lot subdivision on 50-acres of land owned by Robert and Mary Tribley. Belmonte Builders is interested in purchasing the rear portion of the parcel. After this subdivision is granted approval by the Board, they understand the proposed lot would not have road frontage. They propose to remedy this situation by providing an access easement through the Arlington Heights parcel. This easement would be in the Town's right-of-way so when the road is formally dedicated to the Town, they will have access. They are before the Board to schedule a Public Hearing for this subdivision. Mr. Nadeau asked if there would be legislation pertaining to this action. *Mrs. Murphy stated the following:* The PDD Legislation already takes into account the obtainment of this parcel. In fact, the storm water management is on this parcel and we made a condition in passing the PDD Legislation that they gain control of the parcel because we do not permit storm water to be on another owners parcel. So, this has already been taken into account for the PDD Legislation. If after the Public Hearing the Board determines that they are not in favor of granting the subdivision, then in the PDD Legislation

one of the conditions would fail and it would no longer be valid. Mr. Nadeau asked if the frontage would be on a Town road. Mrs. Murphy stated it would be. Mrs. Wormuth stated that the easement language would cover it until the roads are dedicated. Mrs. Murphy stated that was correct and they won't be able to put a house on it unless and until there is a Town road and the applicant is well aware of this and they are proceeding at their own risk.

Mr. Roberts made a motion to schedule a Public Hearing for the July 10, 2006 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

05.179 OB Lands of Jerry Paris, 572 Hudson River Road – Commercial Site Plan

Mr. Higgins recused himself from this item and Mr. Beck replaced him. *Mr. Sy Kim, of Sy Kim Surveyors, stated the following:* The property consists of approximately 9.50-acres located on the west side of the Hudson River Road. One-third of the property consists of Federal wetlands. The initial concept plan was for five separate commercial type buildings. Because there was flooding on the property they have changed the submittal. They are now proposing two buildings to be located on higher ground with two future buildings once improvements are made to the Route 4 & 32 drainage system. Mr. Watts asked Mr. Bianchino if all flooding issues have been addressed. Mr. Bianchino stated that the revised plan does address the flooding concerns and CHA has issued a sign-off letter dated June 6, 2006.

Mr. Roberts made a motion to approve the commercial site plan application for Lands of Jerry Paris. Mr. Beck seconded. Motion carried.

05.209 OB Pino Commercial/Light Industrial Park PDD, Route 146 – Major Subdivision/PDD/GEIS

Mr. Scott Lansing, of Lansing Engineering, stated the following: They are before the Board seeking a positive recommendation to the Town Board and ask the Board to consider scheduling a Public Informational Meeting. They have received comments from CHA and they have commented that the project is consistent with the GEIS. CHA has suggested that a negative declaration be prepared for the project. CHA has agreed with the traffic study findings that were submitted by Creighton Manning. CHA has recommended that the lot boundaries are eliminated until specified uses are determined so there would be flexibility in the future. CHA stated that the property lines that are shown are adequate size. CHA suggested that we extend the proposed trail corridor and they are showing a proposed 25 FT wide trail corridor extending from the north part of the site and traversing to a point on the east part of the site. Mr. Berkowitz inquired regarding a traffic signal on Route 146. Mr. Lansing stated that in Creighton Manning's study of the Clemente PDD and the Pino PDD they determined at 100,000 SF of build-out a left hand turning lane would be needed on Route 146 and at approximately 200,000 SF of build-out a traffic signal may be warranted and this would be coordinated with the NYSDOT. Mr. Berkowitz asked the size of the storage area. Mr. Lansing stated approximately 120,000 SF. Mr. Watts stated there are concerns that the Planning Board will have with traffics issues and there should be clear delineation to when these things occur and the payment schedules. Mrs. Murphy stated because the Town Board has not passed the PDD Legislation, there isn't anything specific that has been discussed here tonight that is going to trigger it. Mr. Watts asked if any Public Benefit were defined for this project. Mr. Lansing stated the Public Benefit would be \$5,000 per lot. Mr. Watts asked how many lots there would be. Mr. Lansing stated originally it was 9 lots so they would have to redistribute that amount as they have decreased the project to 5 lots. Mrs. Wormuth stated it was her recollection that the Town Board would continue to work on this before the PDD Legislation was finalized. Mr. Watts

stated the applicant should look very hard on what the Public Benefit would be for this PDD project because of the traffic issues that the Town is facing in this part of Town. Mr. Nadeau asked if the proposed turning lane would face east. Mr. Lansing stated yes, the turning lane would be eastbound in the left hand direction. Mr. Nadeau stated that this needs to be looked at very carefully because coming up the hill out of Mechanicville there are two lanes that merge right at that entrance and this could be a serious problem. Mr. Bianchino stated that he received a phone call from the NYSDOT in regards to setting up a meeting to discuss the traffic studies and that the NYSDOT has not finalized their review at this time.

This item was tabled for more information pertaining to the Public Benefit and traffic.

06.112 OB Shops of Halfmoon, Route 9 & Route 146 (Star Plaza)– Commercial Site Plan

Mr. Tom Savino, of CB Richard Ellis, stated the following: In conjunction with Mr. Scott Lansing, of Lansing Engineering, Mr. Bruce Tanski, the applicant and Rick Niven, we have formed a team to handle the redevelopment of this project. He reviewed the drawings for this project, which they have submitted to the Board. They have approached Key Bank about the possibility of acquiring their land and possibly the bank branch to do a redevelopment of the front part of the triangular parcel. They asked Mr. Lansing to draw up a plan whereby they could utilize this plan for attracting tenants. They had an informal meeting with the NYSDOT on the first concept plan and they stated they did not like the through road from Route 9 to Cemetery Road. The Key Bank has agreed to sell the property but they want to maintain the building as a bank branch, so they reconfigured the site in drawing #2. In this drawing they went from 14 curb cuts around the parameter of this entire site down to 5 or 6 curb cuts. They were also looking at getting a curb cut on Route 146 but this was not feasible. This is an unusual site as it has 3 traffic signals and if traffic could be directed to the 3 different traffic signals, they would be able to eliminate the curb cut currently located near the Key Bank and make for a cohesive site plan for the users. The proposed 9,300 SF building did not fit any of the users prototypes. Plan #5 is the new proposed plan and is very similar to the original proposal (Plan #1) except the size of 2 buildings were decreased, they left the main curb cut near the Key Bank and there would be 2 entrances in the back of the site. This would allow traffic to flow so vehicles would not have to cut through the parking area. *Mr. Lansing stated the following:* With Plan #5 the project will have the same internal traffic circulation and access, the restaurant sites would be reduced in size, the retail building in the rear would be very similar in size to the original proposal and the retail building would be moved back toward Old Route 146. Mr. Watts asked Mr. Lansing to describe the total parking for this site for the new proposed Plan #5. Mr. Tanski stated there would be 53 parking spaces that would be land banked for this project. Mr. Polak stated that where some of the parking is proposed, there might be an issue with car headlights shining onto Route 9. Mr. Lansing stated the proposed parking spaces would all be 10 FT x 20 FT on Plan #5 and they are aware that some of these spaces can be reduced in size. Mrs. Murphy stated that the Planning Board has discretion to decide that 9 FT x 18 FT parking spaces may be appropriate for employee parking and if the engineer wanted to draw up a plan including the smaller parking spaces, they should consult with the Planning Board so they do not go to the expense of creating a plan if it is not in an area that the Planning Board would approve. Mr. Nadeau stated that in reviewing the plan it looks very confusing and asked what would be the main thoroughfare throughout the site where the traffic would flow. Mr. Lansing stated the flow would come in from Route 9 and flow out to the other access points. Mr. Higgins asked if there was room to make a left turn and a right turn off of the boulevard entrance and still have one lane going out. Mr. Lansing stated

yes there is room to make the turns. Mr. Watts asked what would be done with snow removal during the winter. Mr. Lansing stated there would be green areas where snow could be stock piled and if necessary they would have to remove the snow from the site. Mr. Higgins asked where the storm water retention would be located. Mr. Lansing stated they would be utilizing some underground treatment/storage facility. Mr. Polak asked if the retail building could be moved closer to Route 9 with the parking in the back of the building with more green space along Route 9. Mr. Lansing stated they would look at Mr. Polak's suggestion. Mr. Tanski stated that this project was Halfmoon's first redevelopment project and they want to do as nice of a job as they can and he is open to the Board's suggestions and is willing to make changes. Mr. Nadeau asked at what exit points would the bulk of the traffic go. Mr. Lansing stated the traffic engineers feel it would be at the main entrance.

The Board accepted the concept plan for this project. This item was tabled and referred to CHA.

06.127 OB Capital Region Business Park, Lot #3 Corporate Drive – Commercial Site Plan

Mr. Tom Andress, of ABD Engineers, stated the following: This is the final building in the Abele PDD business park. The proposed building would be a two-story 40,000 SF structure. The building would have the same type masonry as Lot #21 and Lot #28. The applicant is proposing to construct 93 new parking spaces and utilize the 107 auxiliary parking spaces in the rear of the former NFC building for a total of approximately 200 parking spaces, which would meet the Town code. There would be green space in the front of the building. There have been discussions between the owners of the Halfmoon Sportplex and the Town for the potential to utilize the land in front of Lot #3 for additional parking for the Sportsplex. They are proposing a sidewalk that would run along the properties in the business park that would lead to the Sportsplex. There is existing water and sewer for this project and on-site storm water management. There is 43% green space for this project. Mr. Higgins asked if the storm water management basin is operating properly at this site. Mr. Bianchino stated that based on CHA's last review at the site, everything is operating properly.

Mr. Berkowitz made a motion to approve the commercial site plan application for Lot #3 Corporate Drive in the Capital Region Business Park. Mr. Higgins seconded. Motion carried.

06.145 OB Tucker Subdivision, 259 Lower Newtown Road – Minor Subdivision

Mr. Larry Tucker, the applicant, stated the following: He wishes to subdivide his 3.86-acre parcel located at 259 Lower Newtown Road with frontage on Allen Drive. He has received a variance from the Zoning Board of Appeals to create a second flag lot. *Mr. Nadeau stated the following:* I am concerned with a slope that could create runoff to adjacent properties. Also, he is concerned about the septic area in regards to the neighbor's well location. Mr. Tucker stated the septic area was not proposed as of yet but when it was it would meet the Town's code requirements. Mr. Nadeau stated that the proposed septic area would need to be shown on the plans before the Board could make a decision on an approval for this subdivision. Mr. Higgins asked if the adjoining property owners had Town water or wells. Mr. Tucker stated that Town water was available to the adjoining property owners and he did not know if these properties had Town water or wells. Mr. Bianchino stated the Board's concern is that if one of the adjoining property owners has a well that they use, regardless if they can tie into the water system or not, whoever purchases this parcel has to be able to place a septic system such that it meets the separation requirements from someone who is using a well. Mrs. Murphy stated that because of the slope on the applicant's property, an engineer would need to specify an

area where the septic system is going to be located if it would meet the Town code separation requirements from a neighbor well. Mr. Nadeau further stated the Board would need to know if the adjoining neighbors were on Town water or wells and where the placement of the wells are on the properties.

This item was tabled for septic information regarding the neighbor's well location.

06.168 OB Jack Byrne Ford & Mercury, Inc. – 1003 Hudson River Road – Sign

Mr. Jack Byrne, the applicant, is seeking an approval for a new face on a sign in front of their building on Hudson River Road. Mr. Byrne stated at the June 12, 2006 Planning Board meeting, the Board tabled this item in order for the Town Attorney to review the proposed use of the pre-existing 30 FT tall sign. *Mrs. Murphy stated the following:* The Board asked her to determine whether or not they had the authority to approve a sign, which is higher than what our statute requires. The Planning Board does have the authority under specific conditions because this sign has been in existence and because of the nature of the sign (the materials that the sign is constructed of) and because this would be an improvement to an already existing situation, the Planning Board has the authority to approve the sign as proposed by the application upon the condition that if the sign is to be replaced by other materials, the applicant would have to come into compliance with the Town's current standards which is 20 FT high or less.

Mr. Roberts made a motion to approve the sign application for Jack Byrne Ford & Mercury, Inc. contingent upon no construction material is located on-site or existing signage is changed. The sign approval is to replace the face of the existing sign only. Mr. Nadeau seconded. Motion carried.

06.171 OB Tire Warehouse, Inc., 1428 Route 9 – Addition to Site Plan

Mr. Bob McCarthy, Attorney for Tire Warehouse, Inc., stated the following: He will be representing Tire Warehouse in Mr. Mugrace's, architect for this project, absence. He understands this project was referred to CHA for review. There was an issue regarding the storm water management basin. Mr. Tim Murphy, former Director of Code Enforcement for the Town, came to the site and suggested changing the direction of the catch basin so it could collect more water and they did so on Mr. Murphy's request. There was an issue regarding 9 trees that were agreed upon in the site plan. The applicant counted the trees and stated there currently are 9 trees on the site and he would replace the one dead tree and add more if there are not 9 trees. Another issue was there were trailers with boats parked at the site. The customer has come to pick up the trailer with the boats. The dumpster enclosure issue has been rectified as it does meet specifications and the garbage man was setting the dumpster down short of the enclosure and they have made sure that this is done correctly in the future. The second curb cut is on the next-door neighbors property and not on his client's property. Mr. Watts stated he spoke with the current Director of Code Enforcement, Mr. Greg Stevens, regarding the storm water management and he indicated he has no problem with this. Mr. Bianchino stated regarding the issue with the second curb cut—there is two curb cuts on either side of the island that appear to go into the site and then there is another curb cut on the adjoining parcel. *Mr. McCarthy stated the following:* He thought the curb cut that was in question was the curb cut on the other parcel. The first cuts have been on the site forever. Mr. McCall stated the neighbor paved up to the property line and it appears to blend together on Route 9. Mr. McCarthy stated the second curb cut is the entrance to Mr. Landry's property. Mr. Watts asked if people were using the second curb cut as an access point to this site. Mr. McCall stated possibly people do use the neighbor's curb cut but he feels it definitely has helped

the traffic flow. Mr. Nadeau asked Mr. Bianchino what the question was regarding this second curb cut. Mr. Bianchino stated that it appeared it was an entrance to the Tire Warehouse site but it was on neighbor's parcel and it was the adjoining neighbor that built this curb cut. *Mrs. Wormuth stated the following:* I asked if there was a way that this Board could have the applicant control the access onto his parcel so the neighbor's curb cut could not be utilized to access the Tire Warehouse site. I understand that the applicant cannot control his neighbor's property but he could do something on his property that wouldn't allow people to utilize the neighbor's curb cut. Mr. Watts stated this was a good concern and another concerns is that you can't just put curb cuts onto State roads. Mr. McCall stated the second curb cut has been there for over 50+ years and it is the entrance to Mr. Landry's property. Mr. Bianchino stated the southerly curb cut that appears to enter this site doesn't appear to be on the site plan or on Tire Warehouse's property. Mr. McCarthy stated the following: There are no easements or any legal right to use Mr. Landry's property. They have no control over people using the second curb cut when they exit Tire Warehouse's property. *Mr. Watts stated the following:* He would talk with the NYSDOT to get their opinion regarding the southerly curb cut. Also, we have received a notice from the State's Code Division that Tire Warehouse has another variance request before them and asked what this variance request was for. Mr. McCall stated the variance request was to increase the volume of tires allowed in the building. Mr. Watts requested the applicant to provide the Board with information about the request for this additional tire storage at this facility, which the Board was not aware of, and why they want to increase the tire storage volume from 30,000 SF to 50,000 SF. Mr. McCarthy stated if Mr. McCall did make the application for the variance and he does receive the variance, Mr. McCall would still have to appear before the Planning Board to get an approval for the increase. Mr. Watts stated that Tire Warehouse's proposal for an addition to site plan was based upon no change in the nature of the business other than a reconfiguration of the building. Mrs. Murphy stated it would be a waste of the Board's resource at this point, based on what she is hearing, to go forward with what the Board has heard tonight without knowing information from the NYSDOT with regards to the traffic and especially knowing that the they are now talking about increasing the traffic even more by increasing the amount of cubic tires that is allowed to be on the site. Mr. McCarthy stated the request to store additional amounts of tires is not the issue before the Board. Mrs. Murphy stated the issue before the Board tonight is the traffic issue. Mr. Watts asked, based on what the Board is hearing tonight, why do they need to store 20,000 more cubic feet of tires at this site? Mr. McCall stated he is not saying he is going to store 20,000 more cubic feet of tires, he is just asking for the 20,000 cubic feet of storage. Mr. McCarthy stated Tire Warehouse is a business and you can get 2 truckloads for the price of 1 truckload. Mr. Watts asked if all these tires would be used at that site. *Mr. McCall stated the following:* Many of the Tire Warehouse stores have their own warehouse facilities. Also, there are several different new sizes of tires that come out on the market every year; therefore, there is need for additional storage capacity for the new tire sizes and snow tires that are needed in this area. He does not want to get into a situation where the Building Inspector comes to site and there is more tire storage than what was approved for this site. This item was tabled for DOT's input on shared driveway access and a curb cut with Lands of Landry and to check with the Department of State on the variance request to store additional amount of tires in the second building.

New Business:**06.172 NB Freedom One Funding, Inc., 21 Halfmoon Executive Park Drive – Change Tenant & Sign**

Mr. Mark Parlows, the applicant, stated the following: They have purchased the building at 21 Halfmoon Executive Park Drive and they wish to relocate half of their staff to this site. Mr. Williams stated the applicant has stated this building would be at full occupancy upon the Board's approval with 5 parking spaces left over. The occupants of the building would be Carroll's Corporation, Dr. Graham's office and Freedom One Funding, Inc. Mr. Watts asked if there would be any walk-in business. Mr. Parlow's stated very little as most of their business is done over the telephone, fax machine and overnight service. Mr. Roberts stated the applicant has proposed a 4.5 FT high x 9 FT wide, flood-lot sign and he sees no problem with this sign. Mr. Watts asked the applicant to please advertise as being located in Halfmoon. Mr. Roberts made a motion to approve the change of tenant and sign applications for Freedom One Funding, Inc. Mr. Ouimet seconded. Motion carried.

06.175 NB Lindsey's Barber Shop, 1603 Route 9 (Towne Centre) – Change of Tenant & Sign

Mr. Lindsey Bezio, the applicant, stated the following: He would like to open up a old-fashioned/old-school type barbershop in the Town of Halfmoon. He has been a barber for a long period of time and has been working for the past 10 years in Clifton Park and would like to relocate to Halfmoon. Mr. Watts asked if there would be adequate parking. Mr. Williams stated yes. Mr. Roberts stated he had no problem with the sign proposal to replace the panel in the free-standing sign, double sided and to replace the existing wall-mounted sign on the building with an 8 SF single-sided sign. Mr. Nadeau made a motion to approve the change of tenant and sign applications for Lindsey's Barber Shop. Mr. Berkowitz seconded. Motion carried.

06.176 NB The Quilt Studio, 1859 Route 9 – Change of Tenant & Sign

Mrs. Karen Gibbs, the applicant, stated the following: She is the owner and designer of The Quilt Studio and she does use Halfmoon in her advertising. Her business has been in Saratoga for the last 4 years and she has approximately 500 clients. Mr. Roberts asked the applicant if she is proposing to put a sign in the Stewart's freestanding sign and lettering on the entrance door. Mrs. Gibbs stated yes. Mr. Roberts made a motion to approve the change of tenant and sign applications for The Quilt Studio. Mr. Ouimet seconded. Motion carried.

Mr. Higgins made a motion to adjourn the June 26, 2006 Planning Board Meeting at 8:35 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary