

Town of Halfmoon Planning Board

August 8, 2005 Minutes

Those present at the August 8, 2005 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Marcel Nadeau
Tom Ruchlicki
John Higgins

Alternate

Planning Board Members: Daphne Jordan
Bob Beck

Planner: Jeff Williams

Town Attorney: Bob Chauvin
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the August 8, 2005 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they have reviewed the July 25, 2005 Planning Board Minutes. Mr. Roberts made a motion to approve the July 25, 2005 Planning Board Minutes. Mr. Higgins seconded. Mr. Ruchlicki abstained. Motion carried.

Mrs. Jordan, Alternate Planning Board Member, will sit in for the Planning Board Member vacancy.

Mr. Beck, Alternate Planning Board Member, replaced Mr. Berkowitz in his absence.

Public Informational Meeting:

05.119 PIM A & M Sports Complex, 16 McBride Road – Commercial PDD/GEIS

Mr. Watts opened the Public Informational Meeting 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, stated the following:* Since the last Public Information Meeting, they have met on-site with committee members, Mr. Higgins and Mr. Ruchlicki. They looked at the layout and topography of the area and where the structures for the site are proposed to be located. The structures on-site include an access road from Pruyn Hill Road coming into the project, a 20,000 SF gymnasium, wastewater disposal system and a storm water management area. The applicants have proposed the building to be located in southwest portion of the site in lieu of a previous layout of the parcel where the building was proposed to be located very close to

adjoining property lines. At the last Public Informational Meeting, there was opposition from the adjoining property owners. After physically walking the site, the committee members were in agreement with the new proposed location for the building. The advantages for the new proposed location would be a 100+ FT. buffer from adjoining property lines to the structure, the proposed building would block the parking area from the adjoining property owners, the topography would also help to block the parking area with the building positioned at the higher portion of the site and the parking would be set lower. The access drive would also be positioned along the lower portion of the site that would not be visible to adjoining landowners. The 100+ FT. buffer will provide a bermed area in which they will work with the Planning Board to establish additional vegetative screening. The wastewater disposal system also could help to shield the parking area and access drive. The storm water management area will be positioned at the lower portion of the site. The applicants have discussed the revised layout with the neighbors and it is his understanding that the neighbors feel that this is a much better plan and are in support of this plan. The applicants have increased the community benefit since the last narrative that was submitted to the Town. A letter was submitted to the Planning Board where the applicants have outlined use of both the indoor and outdoor facilities to the Town for \$15,000 per year at the market rate or approximately \$75,000 over a 5-year period. An additional community benefit would be a 25 FT. (approx.) trail corridor around the parameter of the property for the Town's future use. They are before the Board for questions and comments from the Board and the Public and are hoping to advance the project toward a referral to the Town Board. Mr. Watts asked if anyone from the Public wished to speak. *Dr. George Amann, of 314 Park Avenue, stated the following:* He has a concern with the septic area, as his well is nearby and there is a vane of water in the area. The vane divides into two vanes where one vane goes down to spring or watering hole and the other vane goes behind the Owad property. His concerns is that the proposed septic is over this vane of water. Another concern he has is car lights shining into his home at night. He asked if trees could be planted near the corner of his property to help shield the car lights. Other than his 2 concerns, he can live with the proposed project. The septic area is his greatest concern and he would like some kind of written assurance that if anything happens to his well water that someone will do something to correct the situation. *Mr. Lansing stated the following:* The wastewater disposal area will be designed and constructed in accordance with NYS DOH standards that specify certain minimum setbacks to certain types of wells. They would get an exact location of Dr. Amann's well to make sure they meet those criteria. Mr. Amedore, the applicant, stated that they would be willing to plant trees to shield the car lights shining into Dr. Amann's home. Dr. Amann asked if the wastewater disposal system would be a leach field or something that is pumped out weekly. Mr. Lansing stated that it would be a leach field. Dr. Amann asked what would be done if something does happen to contaminate the wells in the area. Mr. Lansing stated the system would have to meet the criteria of the NYS DOH, which is established to prevent things of this nature. Mr. Lansing stated they would look at the proposed septic area and the position of wells in the area as they may have the flexibility to possibly move it. Mr. Amedore stated that they are more than willing to meet any required NYS DOH specifications that are deemed necessary. Dr. Amann asked what if something goes wrong, who would be responsible. Mr. Lansing stated the NYS DOH and Lansing Engineering who is the design engineer, or whomever certifies and stamps the plans. Mr. Lansing stated the septic system area plans are conceptual plans and they can be changed. Dr. Amann asked if it would be a raised leach field and if so, how high would it be. Mr. Lansing stated that it would be a raised leach field and it would be approximately 4 FT. high. Mr. Watts closed the Public Informational Meeting at 7:12 pm. Mr. Higgins asked if the proposed septic area is near questionable wetlands. Mr. Lansing stated the area Mr. Higgins is referring to is near the proposed storm water management area. Mr. Ruchlicki asked to see where Dr. Amann's house is located. Mr. Lansing pointed to the area. Mr. Ruchlicki asked if they could move the septic area. Mr. Nadeau stated that knowing the

neighbors concern with his well, they should look at relocating the septic but not to shift it close to someone else's well. Mr. Lansing stated that where the septic system is presently shown does meet the NYS DOH's requirements but they will look at relocation the septic system. Mr. Watts asked if Public water is available and if the other homes in the area were serviced by wells or Public water. Mr. Lansing stated he was not sure. Mr. Steve McBride, the applicant, stated that Public water does run along Pruyn Hill Road but he is not sure which homes are hooked up to it. Mrs. Jordan asked for more specifics on the Public benefits and the changes that have been made. Mr. Lansing stated that initially the applicants had offered just the indoor facility for one hour per day during weekdays from November 1 to April 15 and that has since been revised to use for both the indoor and outdoor facilities including the fields that are part of the Special Use Permit at a value of \$15,000 per year at the market rate or approximately \$75,000 over a 5-year period. This benefit went from approximately \$4,000 per year benefit to a \$15,000 per year benefit. Mrs. Jordan asked how this benefit would be moderated. Mr. Lansing stated that the Town would contact A&M Sports to reserve time for whatever programs the Town had in mind, coordinate the times with A&M and people of the Town would use the facility free of charge. Mr. Roberts asked if this benefit would be just for 5-years. Mr. Lansing stated yes, there is a 5-year cap. Mr. Nadeau stated he does not feel this is a full Public benefit. Mr. Nadeau stated it would benefit somebody who is interested in playing baseball but would not be a benefit to other Town residents. Mr. Amedore stated the Public benefit would be for the indoor and outdoor facilities use and other uses such as picnics in the outdoor pavilion and not just for baseball. Mr. Amedore stated the indoor facility would be open year round. *Mr. Lansing stated the following:* Another Public benefit would be a corridor for a multi-use pathway around the parameter of the facility. At the present time there is not a defined plan for a trail through the parcel so the applicants are offering an area around the entire parameter to allow flexibility for the Town in the future for the trail. He understood Mr. Nadeau's comment as far as benefiting everyone in the Town but he doesn't think there is any particular community benefit that could benefit every single person in the Town. The trail and the use of the recreational facilities are benefits that would be offered to a great number of the Town's residents. Mr. Nadeau stated that the trail has already been identified through the GEIS and he doesn't see the trail as being beneficial to the Town. Mr. Lansing stated that as far as the flexibility of the trail going around the entire parameter of the property, the applicants are doing their best to work with the Town as much as they possibly can. *Mr. Watts stated the following:* Relative to the Public benefit, there are more delineations and specificity that will have to be put together if a positive recommendation is made to the Town Board. The Town Board would be reviewing this to approve or disapprove the PDD. Based upon the information that we currently have and the document that was submitted July 25, 2005 there may be some delineation and things to be worked out relative to the Public benefit. *Mrs. Wormuth stated the following:* The Town Board requested the applicant to provide the trail around the entire property because the trails master plan is not complete. Should the applicant chose to develop the rest of the property they would be required to provide Public benefit at that time. Mr. Ruchlicki asked Dr. Amann what type of casing his well had and how deep was the well. Dr. Amann stated his well had steel casing and was 53 FT. deep with a beautiful water supply. Mr. Watts asked Mr. Williams when this applicant was referred to the Saratoga County Planning Board. Mr. Williams stated it was referred prior to the last meeting but he had not heard back from the Saratoga County Planning Board as of yet. Mr. Watts asked if the County Planning Board take action on this as submitted. Mrs. Wormuth stated that the last time the Town Board asked the Planning Board for their opinion on the PDD the County stated the application was still before the Town Board and the Planning Board could make a recommendation to the Town Board before they received comment from the County. Mr. Nadeau stated that in all the years he has been on the Planning Board he has always heard the County's decision before he voted on the item. Mr. Chauvin stated the Planning Board is only making a recommendation and

there would not be a preclusion in their actions tonight. Mr. Higgins stated that when the project comes back from the Town Board for the Planning Board's review, hopefully the Town benefit questions will be ironed out and he would like to see the septic area moved over to the other side of the building. Mr. Polak stated that comments were received at the Planning Board level regarding PDD's from the County and feels that the legal department should review this with the County as this plays an important part at the Planning level before it comes back to the Town Board.

Mr. Ruchlicki made a motion to pass a positive recommendation to the Town Board. Mr. Higgins seconded. Aye: Mr. Higgins, Mr. Ruchlicki, Mr. Watts, Mr. Beck and Mrs. Jordan. Nay: Mr. Nadeau and Mr. Roberts. Motion carried by a 5:2 vote.

Public Hearings:

05.177 PH Hair Salon, 1 Vale Drive – In-Home Occupation

Mr. Watts opened the Public Hearing at 7:29 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Ms. Danielle DeVoe, the applicant, proposed an In-Home Occupation for a Hair Salon located at 1 Vale Drive. Ms. DeVoe stated the hair salon will consist of one work station, customer bookings by appointment only, one customer per hour with 7 to 10 customers per day 4 days a week. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:31 pm. Mr. Roberts asked if the applicant planned on having a sign in the future. Ms. DeVoe stated no. Mr. Nadeau made a motion to approve the Hair Salon In-Home Occupation as presented. Mrs. Jordan seconded. Motion carried

05.184 PH Fairway Meadows Phase I, Lot #4 Stableford Place – Lot Line Adjustment

Mr. Roberts recused himself from this item. Mr. Watts opened the Public Hearing at 7:32 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGulders and Associates, proposed a Lot Line Adjustment between Lot #16 Timothy Way and Lot#4 Stableford Place. Mr. Rabideau stated the proposal is to take a triangular shape out of Lot #4 Stableford and take a triangular piece from Lot #16 Timothy Way to make a better configuration for the Lot #4. Mr. Watts asked if anyone from the Public wished to speak. Mr. Steve Kucskar, owner of 16 Timothy Place, stated he wanted to make sure his map matched the map presented. Mr. Rabideau showed Mr. Kucskar the map and Mr. Kucskar agreed they did match. Mr. Watts closed the Public Hearing at 7:34 pm. Mr. Nadeau made a motion to approve the Lot Line Adjustment for Fairway Meadows Phase I, Lot #4 Stableford Place. Mr. Higgins seconded. Motion carried.

05.186 PH Smith Road PDD, Farm to Market Road – Major Subdivision

Mr. Chauvin recused himself from this item. Mr. Watts opened the Public Hearing at 7:35 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. Scott Lansing of Lansing Engineering, proposed modifications to the Smith Road PDD Phase 5. *Mr. Lansing stated the following:* The Smith Road PDD is a 112-lot Planned Development District. In the approval of the PDD the Board required that the minimum lot size be 15,000 SF. The applicant proposes to reconfigure several of the lots that are located in the southeastern portion of the project. There are 6 lots (Lots 41 through 51) that will be re-configured to create approximately 43.36-acres of land that would be dedicated to the Town of Halfmoon. As part of the project the applicant proposes to subdivide 2 of the lots to create 4 lots total that will be positioned along a public roadway. This section of roadway would be designed to Town

standards and will be extended along an area that was identified in the original application for potential future roadway.

Also as part of the modification, the access road to the existing storm water management area will be relocated behind lots 43 and 45 to connect in with a trail corridor that has been identified. This would allow a consistent grade to get back to the storm water management area. The 43.36-acres that the applicants intend to donate to the Town would be immediately adjacent to the trail area. The trail would have direct access to the open space area. The 43.36-acres is also immediately adjacent to an area identified in the GEIS as a passive recreational area and is also adjacent to 90-acres that the applicant, under a separate application (Ayva Acres Subdivision), proposes to donate to the Town. This area is also adjacent to 58-acres of open space that was recently dedicated to the Town of Halfmoon as part of the Vosburgh Road PDD. The total acreage would create potential for continuous Town owned land of approximately 191-acres. Since the last submission to the Board, they have received comments from CHA which they feel are technical in nature and they will work with CHA and the Town to address those comments. They are before the Board for Public Hearing on the application and to obtain comments and hoping that the Board would consider advancing this project. Mr. Watts asked if anyone from the Public wished to speak. Ms. Kathy Kowsky asked what was the minimum lot size requirement. Mr. Lansing stated the PDD identifies the minimum lot size of 15,000 SF with the proposed modifications and all of the proposed lots are above 20,000 SF. Ms. Kowsky asked how large are the houses that would be built. Mr. Lansing stated they would be similar to the size of the structures that already exist. Ms. Kowsky stated that the houses are getting larger and the lots are getting smaller and the kids are playing in the road. Ms. Kowsky stated that she is part of the Youth Commission and she is trying to prevent the children from playing in the road to eliminate the possibility of someone getting killed. Mr. Watts closed the Public Hearing at 7:38 pm. Mr. Higgins questioned Mr. Lansing on the 50 FT. temporary turn-around and asked if it could be moved down to the actual property line. Mr. Lansing stated they could shift it down slightly but they tried to leave enough room so that the radius of the temporary turn-around would fit within the applicant's property. Mr. Peter Belmonte, the applicant, asked if the Town would consider a different configuration for a turn-around such as a hammerhead instead of a circle. Mr. Williams stated that the applicant could bring his suggestion to the Mr. Lee Buck, the Town's Highway Superintendent. Mr. Watts stated this project is a PDD and the lot sizes are 15,000 SF that the Board has approved in the past. Mr. Watts stated that as part of their process of approving projects with the smaller lot sizes and cluster subdivisions over 200-acres of land have been donated to the Town for possible open space recreational use.

Mrs. Jordan made a motion to approve the Smith Road PDD Major Subdivision contingent upon the Highway Departments decision regarding the truck turn-around/hammerhead on proposed "stub" road. Mr. Higgins seconded. Motion carried.

Old Business:

04.117 OB

**Kevin Hedley Professional Office Building – 1593 & 1595 Route 9,
Commercial Site Plan**

Mr. Chris Millington, of MillWest Engineering, proposed a revised commercial site plan for Kevin Hedley Professional Office Building located at 1593 & 1595 Route 9. *Mr. Millington stated the following:* Since they last appeared before the Board, they have met with the Planning Board committee on-site and covered several issues. Currently on-site there are two existing buildings both approximately 1,000 SF. Currently Mr. Hedley resides in the 1595 building and has outgrown the office space. Mr. Hedley has been at this site for 4+ years and is looking to stay in the area and would like to construct a new building. The first proposed building, which will be located toward the front of the parcel, would be Phase 1 of the project and will consist of a

4,000 SF professional office building and Mr. Hedley will relocate his business into this building. They proposed 20 parking spaces plus handicap parking. 5 of the parking spaces would be 9 FT. x 20 FT. and 15 of the spaces would be 10 FT. x 20 FT. Phase 2 of the project would be an approximate 10,000 SF retail building that will be situated to the rear of the property. Parking would be in the rear and the front of the building. This building would have 4 to 5 tenants for retail type businesses. They have increased green space by approximately 4,000 SF in the front of the parcel. They rearranged parking spaces and changed a building entrance. Mr. Higgins stated the following: He and Mr. Ruchlicki met with the applicant and engineer and they discussed the Planning Board's philosophy of maintaining green space along the major corridors in Town. This site has certain restrictions and the applicant proposed to build his new office while keeping his business running in the old office. This made it somewhat difficult to work around but the applicant did some constructive re-engineering to bring more green space to the front of the parcel that is what the Board requested. The applicant also changed the drainage areas to the rear of the site because there were concerns about one drainage area on the southern side of the site. Mr. Ruchlicki asked if the new configuration on the drainage area would accommodate the storm water. Mr. Millington stated there would be improvement and there are several other alternatives as they get into sizing of the system. Mr. Watts questioned what types of retail tenants do they anticipate. Mr. Hedley stated he is trying to stay away from restaurant types of business and the tenants would be predominantly retail stores with low traffic. Mr. Hedley stated the stores would be 2,000 to 3,000 SF and will not carry high volumes of traffic. Mr. Watts stated he wanted to point out a concern they have had in the past to the applicant that some of the plaza's along Route 9 that don't have road visibility tend to a high turn-over of tenants. Mr. Hedley stated this is why they have kept the rectangular shape with the buildings facing Route 9 and with this he feels it will give the retail building maximum visibility from both north and south directions on Route 9. Mr. Higgins asked if the 10,000 SF building would be one-story with no basement. Mr. Millington stated that was correct.

This item was tabled and referred to CHA for review.

05.164 OB Dudek Dairy Farm, 127 Brookwood Road – Major Subdivision

Mr. Chauvin recused himself from this item. Mr. Gerry Gray, of Ingalls and Associates, stated he is representing Mrs. Barbara Dudek and the Dudek Dairy Farm for a major subdivision located at 127 Brookwood Road. *Mr. Gray stated the following:* As discussed during the Public Hearing, they propose to subdivide 33.2-acre parcel from the farm. One of the adjoining landowners has interest in purchasing the 33.2-acre parcel. The Planning Board asked them to contact Carver (the adjoining landowner) to submit a letter on their proposed use of the property, which they have received and submitted to the Planning Board. They are before the Board tonight to seek approval for this application. Mr. Watts asked Mrs. Murphy if she had reviewed the aforementioned letter. *Mrs. Murphy stated the following:* She reviewed the letter from the attorney for Carver and the DEC regulations with regards to input for mining permits. At this point Carver has stated that their intent is to reduce access to their property, as there is an easement. Carver stated that they are trying to eliminate the easement so there won't be as many liability issues. She cannot tell them or represent to the Board that Carver can never mine on this parcel of land even if the letter stated specifically that they would never mine there, and cannot legally bind Carver to this. With the constraints of DEC issued mining permit and that there would be an opportunity to be heard through SEQR process, she believes that all the concerns that they had and questions that the Board raised, have been answered by Carver Sand and Travel.

Mr. Roberts made a motion to approve the Dudek Dairy Farm Major Subdivision. Mr. Nadeau seconded. Motion carried.

New Business:**05.134 NB Southview Apartments PDD, Route 9 & Sitterly Road – Minor Subdivision**

Mr. Dan Tompkins, of Environmental Design Partnership, is representing Donald Greene for an amendment to a PDD. *Mr. Tompkins stated the following:* This extension went into effect in 1991 and is an extension to the Twin Lakes Apartments PDD. The applicant's proposed PDD amendment consists of subdividing a parcel from the existing 5.6-acre parcel. The vacant land would be able to accommodate commercial development. There are currently 2 existing apartment buildings with 32 total units on the site. This project has been before the Town Board and has been recommended to the Planning Board. He is requesting that a Public Hearing be scheduled and also referred to CHA for initiating technical review. Mrs. Wormuth stated that two things that were raised at the Town Board Meeting were the issues of the parcel being located in the Wellhead Protection Zone and whether or not additional Public Benefit may be required. Mr. Higgins asked if the density of the PDD originally included this piece of property. Mrs. Wormuth stated the proposed parcel was part of the original green space and we had CHA review and it was determined that without this parcel the existing apartment complex meets its green space requirement. Mr. Tompkins stated that a majority of the property is outside the Wellhead Protection Zone so this shouldn't become an issue. Mr. Polak stated that the PDD legislation spells out what is allowed in the Wellhead Protection Zone and what is not. Mr. Nadeau asked Mr. Chauvin if this parcel is zoned Commercial. Mr. Chauvin stated the following: When they initially reviewed the parcel along Route 9 is zone Commercial and the PDD is the apartment complex. They would be subdividing this with the accommodation of Mr. Greene's sale of the apartment buildings to another owner. CHA has reviewed it and from engineering prospective, it works okay. The only concern is with the Wellhead Protection Zone where they do want to have restrictions on that area. The recommendation would be for a simple subdivision.

Mr. Roberts made a motion to pass a positive recommendation to the Town Board. Mrs. Jordan seconded. Motion carried.

05.187 NB Birchwood Drive, 1 Birchwood Drive – Commercial Site Plan

Mr. Scott Lansing, of Lansing Engineering, proposed a commercial site plan for 1 Birchwood Drive located across from the Halfmoon Diner at the corner of Grooms Road and Birchwood Road. *Mr. Lansing stated the following:* The overall parcel is approximately 0.39-acre with an existing residential structure on the property. The parcel is zone C-1 Commercial which requires a minimum of 20,000 SF with a 50 FT. front yard setback, 15 FT. side yard setback and 50 FT. rear yard setback. The applicant proposes to demolish the existing structure on the site and construct a 2-story building of approximately 4,200 SF. The access to the parcel would be off of Birchwood Drive going to a parking area that would meet the parking requirements of 21 parking spaces for a 4,200 SF building. Public sewer and water is available to the site. Storm water for the site would be mitigated on-site. The 0.39-acre parcel is sufficient relative to the area requirements for the zoning of the parcel and they are before the Board to request a referral or denial of the project so they can apply to the ZBA to acquire the necessary variances. Mr. Nadeau stated that there have been deed restrictions on this site on previous applications. *Mr. Chauvin stated the following:* He previously researched the issue and there are deed restrictions that prohibit this site from being used as a commercial site. Someone in the past got a release of the declaration of the covenants and restrictions but did not get all of the lot owners to release the restrictions, therefore, any lot owner who does not agree with the use of this property for commercial purposes has the right to compel this landowner to terminate that

use on the parcel. If you were to go forward with a commercial application on this parcel you would be doing so in the face of those declarations of the covenants and restrictions and he does not recommend that this be done. It is very clearly set forth and it has been researched that they are missing 9-lot owner's signatures. He has provided the Planning Board with prior applications a listing of the ones that were released and the ones that were not released. Mr. Lansing asked if they would need to have a release from those 9-lot owners before they could pursue the application with the Planning Board. Mr. Chauvin stated that this would be his recommendation to the Planning Board otherwise they would be putting themselves in a position where both the applicant and the Planning Board would be subject to a lawsuit. Mr. Peter Vasilakos, the property owner, stated that when he purchased the property in 1992-1993 his lawyer informed him that 19 signatures were required to lift the restrictions and the 19 signatures were received. Mr. Chauvin stated he was not the attorney for either party but there are no limitations in the declarations that he was provided that stated 19 signatures were needed. Under the law any one person agreed by or not happy with that change has the right to bring an action and would be successful unless there is an amendment to those restrictions that he has not been provided with that is not an accurate statement of the law.

This item was tabled for applicant to review the deed restrictions associated with Woods Court Development and including Birchwood Drive.

**05.188 NB Astrological Concepts & Learning Center, 1471 Route 9
(Rome Plaza) – Change of Tenant**

Ms. Arlene DeAngelus, the applicant, proposed a change of tenant application for Astrological Concepts & Learning Center located at 1471 Route 9 (Rome Plaza). *Mr. DeAngelus stated that following:* She understood there was a concern with traffic. She would conduct classes from 6:30 pm to 9:00 pm when a majority of the retail businesses in Rome Plaza are closed. Mr. Watts asked the applicant if she was currently at that location. Ms. DeAngelus stated she has moved in but has not opened for business. Mr. Watts stated that the management company of Rome Plaza had obligations and rules to following pursuant to tenant occupancy and should be notified by the Town because the Board does not want people signing leases that may or may not get approved by Planning Board. Mr. Roberts asked if there would be a maximum of 5 to 8 people at the Learning Center. Ms. DeAngelus stated that it would mostly be one-on-one client; however, occasionally there are some people who want instruction on a personal small basis with 3, 4 or 5 people at a time in the evenings. Mr. Watts stated that he did not perceive this to be an educational institution.

Mr. Roberts made a motion to approve Astrological Concepts & Learning Center as presented. Mr. Nadeau seconded. Motion carried.

05.189 NB Kivort Steel, Inc., 380 Hudson River Road – Addition to Site Plan

Mr. Dan Tompkins, of Environmental Design Partnership, proposed an addition to site plan for Kivort Steel, Inc. located at 380 Hudson River Road. *Mr. Tompkins stated the following:* Kivort Steel deals in steel distribution for retail and wholesale. There is an existing business that has a warehouse/office combination, a large covered storage structure, and a couple large capacity cranes. The only fabrication they may do is cutting down certain pieces of steel to a certain size. Heavy trucks do come into the site periodically. There is office space in the front of the existing structure and a 25 FT. wide section of the existing warehouse that is a low bay structure. The applicant is proposing to remove the existing office space in the front of the building, take down 25 FT. of the existing building and replace it with a high bay structure. The office space would be on 2 levels and the high bay structure would house a burning table and would also facilitate trucks that would physically drive into the building for loading/unloading.

They would removed 25 FT. from the building and replace it with 51 FT. They would like to make better use of Myrtle Street with opening up a curb cut and closing the existing curb cut on Routes 4 & 32. There are two existing driveways. The plan is for trucks to access the site on the north side of the site from Myrtle Street and circle around the building in a counter-clockwise manner then the trucks would drive through the building and exit out the southern driveway to Briggs Lane. The existing northern driveway would be converted to green space. Currently they have 22 employees and they do not anticipate increasing this number. There are 27 existing parking spaces in the front and they propose to square it off and if the demand ever was required there is an existing gravel outdoor storage area that could be utilized to up to 21 parking spaces. Mr. Roberts asked if this proposal would affect the surrounding residents. *Mr. Tompkins stated the following:* The proposed addition to site plan would be an improvement to an industrial/commercial type business and the applicant is trying to make the business run more efficiently and is not looking to generate addition traffic. There might be increased business but the proposal is more about retaining what they already have. *Mr. Robert Kivort, the applicant, stated the following:* They have 3 trucks (2 tractor-trailers and 1 flatbed) that are loaded at night, leave in the morning and come back in the afternoon. They have been in operation for six years and they have not had one complaint from any of the neighbors. They have a good relationship with the neighbors as they watch each other's property. Mr. Watts stated there are some issues relative to the Town Road. Mr. Chauvin stated the following: The Town's Highway Department had some issues with the lack of adequate ingress/egress turn-around and if the project is referred to CHA, they could look at alternatives for that access point. The Highway Department may recommend an abandonment of the road, which would be owned by Kivort. He didn't know if this would work but he would like CHA to look at that. Mr. Tompkins stated that the applicant would be interested in any ideas that the Board may have. Mr. Polak asked Mr. Bianchino to look at the on-site drainage as not to impact the other residents.

This item was tabled and referred to CHA for review.

05.190 NB True Tattoo, LLC, 1603 Route 9 (Towne Center Plaza) – Change of Tenant & Sign

Mr. Mike Maney, the applicant, proposed a tattoo studio located in the Towne Center Plaza at 1603 Route 9. Mr. Maney stated he is before the Board with a change of tenant and sign applications. Mr. Watts asked if the hours of operation would be 12pm to 8pm seven days a week. Mr. Maney stated he hasn't decided whether the hours would be 12pm to 8pm or 1pm to 9pm. Mr. Nadeau asked who use to occupy the space at Towne Center Plaza. Mr. Maney stated Liberty Mutual. Mr. Higgins asked if the applicant required a license from the DOH. Mr. Maney stated he is not required to obtain a license or any kind of permit from the NYS DOH or from Saratoga County. Mr. Roberts asked if there was a certain age you had to be before getting a tattoo. Mr. Maney stated that legally you have to be 18 years of age. Mr. Watts asked if the applicant checked for the proof of age. Mr. Maney stated he checks all picture identifications of age and copies onto a consent form. Mr. Roberts asked if the same sign dimensions would be used as the former Liberty Mutual signage. Mr. Maney stated yes. Mr. Roberts asked what color the sign would be. Mr. Maney stated red lettering against a white background. Mr. Nadeau asked where Mr. Maney's current business was located in Saratoga. Mr. Maney stated 489 Broadway.

Mr. Roberts made a motion to approve True Tattoo, LLC change of tenant and sign application. Mr. Ruchlicki seconded. Motion carried.

05.191 NB Otto Mitsubishi-Daewoo, 1658 Route 9 – Commercial Site Plan

Mr. Dan Tompkins, of Environmental Design Partnership, proposed a commercial site plan for Otto Mitsubishi-Daewoo car dealership located at 1648 Route 9. *Mr. Tompkins stated the following:* The applicant wishes to re-locate the car dealership from 1660 Route 9 to the former True Value site (adjacent site) at 1658 Route 9. The site is a 1.27-acre parcel. The applicant proposes a total of 69 parking spaces plus 4 display spaces along the front of the existing building and 1 existing display pad. The existing building is 10,000 SF that will be utilized for a showroom and waiting room area in the front and a 6-stall service department toward the back of the building. There is an existing pole-barn on-site, which will be removed. The applicant proposes to increase the parking area in the rear to gain an additional 6 parking spaces and to expand the asphalt area in the rear of the site by 4 FT. They propose 9 FT. x 20 FT. spaces for display parking. Customer parking in the front of the building will be 10 FT. x 20 FT. parking spaces. There is an existing storm water management area in the rear of site. The existing detention basin will be regarded to compensate the storm water run-off. There is an existing septic system on-site. They will utilize the existing leach field and propose a new holding tank. The holding tank will be separate from the leach field. The site is served by Public water. The applicant proposed to remodel the front of the existing True Value building which will not affect the 95 FT. setback. The Otto-Mitsubishi dealership has a storage area of excess cars in Clifton Park and will not have car carriers delivering cars to this site. The overall improvements will be less crowding on the site and additional car servicing area. Mr. Roberts stated there is concern regarding how many cars would be allowed at the new site as the Board made a request that allowed a certain number of cars at the present site and the applicant stored more cars than allowed. Mr. Tompkins stated the new site proposes 69 cars on pavement, 4 additional on concrete in a display area along the front and 1 on a display pad or 74 cars total. Mr. Roberts also requested the existing dealership to use Halfmoon in their advertising and they have not done this and he strongly recommends they advertise the business as being in Halfmoon. *Mr. Tony Mangino, the applicant, stated the following:* He has no concern with addressing the business as Halfmoon and he apologizes, as he was not involved in the approval back in 2001. The new proposal would totally accommodate their need for additional vehicles. They originally were not going to stay in the Town of Halfmoon but since the success level on Route 9 in Halfmoon has exceeding their expectations and they like the location they want to stay in Halfmoon permanently. Mr. Polak asked if they would be utilizing both sites at 1658 and 1660 Route 9. Mr. Mangino stated they have not 100% decided whether they would stay at 1660 Route 9, but their plan right now is to vacate 1660 Route 9 and occupy 1658 Route 9. Mr. Mangino stated they have told their current landlord they would be vacating 1660 Route 9. Mr. Watts stated that this application is based upon them vacating 1660 Route 9. Mr. Mangino stated that they would be vacating 1660 Route 9. Mr. Watts stated the application process would stop if they change and occupy both the properties. Mr. Mangino stated the current proposal on the table is they will vacate their location at 1660 Route 9 and relocated to 1658 Route 9. Mr. Watts stated he was not saying that they couldn't be located at both sites but the process of this application is for 1658 Route 9 only and there are issues regarding 1660 Route 9 pre-existing non-conforming uses at that site that would have to be addressed as well as other issues. Mr. Mangino stated he is committing to vacate 1660 Route 9 upon approval to occupy 1658 Route 9. Mrs. Jordan asked how many parking spaces are proposed for customer parking. Mr. Tompkins stated 8 customer parking spaces plus 2 handicapped parking spaces. Mrs. Jordan asked if vehicles to be worked on would be parked in the customer parking prior to service. Mr. Tompkins stated these parking spaces would be used for customers who come to purchase a car. Mr. Tompkins stated that occasionally someone will come to have their car serviced and may park in the customer parking, have their order processed and their vehicle will be sent over to the service area and cars that are waiting for customer pick-up after service, will be parked in another location. *Mr. Watts stated the following:* In the past the owner's of Otto Mitsubishi-Daewoo have been cited for exceeding the parking limit on more than one

occasion and parking in the right-of-way and it is his hope that the owner will comply at the new site. If the owner does not comply at the proposed new site they will be issued tickets and will be visiting Town Court so hopefully the owner will honor their commitments based on these discussions. Mr. Watts requested to look at the new architectural rendering because they want to make sure that this building looks nice. Mr. Higgins stated that he does not feel there are enough parking spaces allotted for the customer parking. Mr. Tompkins stated that customer parking is in and out with a quick turnover and the customer parking spaces would be 10 FT. x 20 FT. and the 9 FT. x 20 FT. parking spaces would be for display, car servicing and employee parking. Mr. Higgins stated that the Town regulations are for 10 FT. x 20 FT. parking spaces. Mr. Watts stated there is latitude on the Planning Board's part of allowing the 9 FT. x 20 FT. for display parking and not for in and out parking. *Mr. Chauvin stated the following:* He request the Board to designate the total number of spaces to be occupied on the site for any reason whatsoever so if there are problems with what they are doing with their serviced vehicles, it will be the applicant's problem and they will have to be moved, otherwise he cannot enforce the ordinances and the regulations. He also requested for the record the abandonment of 1660 Route 9 in writing as they are reviewing this application without thinking about the conflicts and other problems that would exist in utilizing both parcels for this particular use. He requested that the Board hold off any approvals until these issues are resolved. Mr. Tompkins stated that he would like to reserve the ability to come to the Board with an amended application if the applicant decides to utilize both sites. Mr. Chauvin stated this option would be available to the applicant but if they proceed with the present application these requests must be submitted to him in writing. Mr. Tompkins stated he was 100% clear regarding Mr. Chauvin's requests. This item was tabled and referred to CHA for review.

05.192 NB Pingelski Subdivision, 221 Upper Newtown Road – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilders and Associates, is representing Mr. Frank Pingelski for a minor subdivision located on 221 Upper Newtown Road. *Mr. Rabideau stated the following:* The applicant wishes to subdivide out 2 single-family residences. The subdivision is located at the southeast corner of the property. Each parcel will meet the zoning requirements. The 2 parcels would have individual wells and septic systems. Mr. Nadeau asked Mr. Williams how many parcels had been subdivided off of the Pingelski property. Mr. Williams stated that there was 1-lot that was subdivided but was abolished and put back into the farm. Mr. Williams stated he would research to see how many subdivisions the parcel has had. Mr. Ruchlicki made a motion to set a Public Hearing for the August 22, 2005 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

05.193 NB Princeton Heights PDD, Princeton Street - Major Subdivision/PDD

Mr. Scott Lansing, of Lansing Engineering, proposed the Princeton Heights PDD. Mr. Lansing stated the following: The Town Board has referred them to the Planning Board. The overall parcel is approximately 66.3-acres and is comprised of 3 parcels. The 2 parcels located on the northern portion of the site are currently zoned R-1 Residential which outlines single-family and 2-family residential type uses. The 3rd parcel located on the southern portion of the site are currently zoned LI-C Light Industrial/Commercial. The typical use of LI-C could include an auto dealer or motel. Approximately 59.4-acres of this site is brush and woodlands and 6.9-acres of this site are Federal wetlands. The soils on site are loamy fine sand. There is a rolling topography within this site west toward the east and toward the wetland areas. The parcel outlined in the Draft Comprehensive Master Plan is outlined as a medium density residential parcel. The medium density residential encourages choice, flexibility, affordability and a higher

density of housing in a smaller area. The applicant has looked at the Draft Comprehensive Master Plan and has applied the medium density residential to this parcel. The applicant is proposing 48 single-family residential homes that would be geared toward young professionals and young families. These 48 single-family homes would be positioned close to the existing residential structures. The applicant is proposing the minimum 15,000 SF lot sizes with 80 FT. of frontage, 30 FT. front yard setback, 10 FT. side yard setback and 35 FT. rear yard setback for these 48 single-family homes. The applicant is proposing 54 townhouse units that would be geared and targeted toward young professional, retirees and seniors. The townhouses are proposed for the central portion of the site. The townhouses are proposed for 6,500 SF minimum lot size, 30 to 40 FT. frontage based on the modules of the townhouse units, 30 FT. front yard setback, and either a 10 FT. side yard setback or a zero side yard setback depending on the zero lot lines between the individual units. The applicants are also proposing 80 condominium units that would be targeted toward young professionals, retirees and seniors. The units would be individual owned. A Homeowners Association would maintain the outside grounds of the condominiums. The proposal for the overall parcel is for 182 units which is 3.06 units per net acre and 2.74 units per gross acre. In accordance with the PDD regulations, they are significantly below the maximum allowable, which is either 8 or 10 units per acre. The 3 different uses spanning 3 different parcels would be positioned in a way that transitions appropriately with the area. The transition would go from an existing single-family residential area to single-family homes, townhouses and condominiums toward the I-87 corridor and the Light Industrial zoning on the southern portion of the site. They proposed approximately 18.4-acres of open space. They are proposing roadway connections to both Suffolk Lane and Princeton Street. They have estimated approximately 137 A.M. peak trips and 183 P.M. peak trips for the development as proposed. They are anticipating an even distribution of traffic from Suffolk Lane and Princeton Street and based on these numbers they do not anticipate a significant impact to the level of service to the roadways or intersections that they would be connecting to. They proposed to connect to existing water and sewer on both Princeton Street and Suffolk Lane. Storm water would be managed on-site through various storm water management areas positioned throughout the site. They took a look at the overall parcel that consist of 66.3-acres and tried to estimate some rough numbers on what a conventional zoning or conventional yield would be for this parcel. They took the overall parcel and subtracted out the wetland areas, subtracted out the percentage for roadways and came up with approximately 116-units for the site. They are proposing 182 units for an approximate 66-unit variance. The applicant fully understands that community benefits are required with a PDD and a variance in zoning. The application parallels the Draft Comprehensive Master Plan (first excerpt from the Draft Comprehensive Master Plan) the needs of young singles, young families, retirees, senior citizens and those with disabilities vary significantly in terms of home size, lot size, arrangement and amenities within the home, (second excerpt) housing diversity is a key to attracting individuals and families to Halfmoon as life-long residents. They feel that the Princeton Heights PDD provides that diversity in housing with the single-family homes, the townhouses and the condominiums targeting young professionals, single-family owners, retirees and seniors. The applicants have also offered an unrestricted gift of funds to the Town of Halfmoon in the amount of \$2,000 per unit, which equates to approximately \$364,000. In their narrative outlining the appropriations of those funds they state: These funds are not to be designated for any specific purpose of project but to be utilized by the Town Board of the Town of Halfmoon in a manner they deem to be appropriate to achieve the goals as set forth in the Comprehensive Master Plan, Northern Halfmoon "Generic Environmental Impact Statement, the Comprehensive Recreation Plan, and New Municipal Center, and/or the public benefit of the Town as determined by the Town Board in its sole and absolute discretion. Some suggestions that the applicant has made for appropriation of those funds may include gateway entrance signs located, multi-use pathways within the Town or public parks/spaces. They feel the

application parallels the Draft Comprehensive Plan and the vision that the Town of Halfmoon has for this parcel in this area. They feel that the community benefits that the applicant has proposed offset the variances sought in the zoning and feel the PDD will create a successful environment that would create that life-long community that the Town is looking for. They are hoping for consideration for the Board for a referral to CHA and/or a Public Informational Meeting. Mrs. Jordan stated that the project seems very dense to her and asked what the variance was. Mr. Lansing stated they came up with 66-units in variance. Mrs. Jordan stated that she appreciated what they were proposing with the condos, town homes and single-family homes, but maybe there could be a little less of each kind.

Mr. Lansing stated as far as net and gross density they have approximately 3.06 units per net acre and 2.74 per gross acre so in realms of a higher density PDD and an apartment PDD where the PDD would allow up to 8 or 10 units, they do feel this proposal is significantly less than that number. Mr. Higgins stated that there are serious concerns on this site with wetlands and visually they barely have enough room to put a house on it with wetlands on both sides, they may be hard pressed to put that many houses on this parcel. Mr. Lansing stated the following: The gross and net calculations and the net calculations did account for wetlands and the wetlands have been delineated by a wetland's scientist and surveyed into the parcel so they do have a good handle on those parcels. As far as the sites for the homes they do show an approximate house footprint that does meet the setbacks that they are proposing and even some of the units in the wetland areas actually have more area around those units than perhaps a typical unit that would not have any wetlands on it. Overall they feel the density they have on the plan and the situation of the various units is appropriate. Mr. Roberts stated that as the PDD's come before the Board he has concern with the different interpretation of public benefit. *Mr. Nadeau stated the following:* He agrees with Mr. Roberts' statement and with the interpretation of the public benefits that Mr. Lansing is expressing, there would be a lot more traffic and a lot more congestion for the Town. He questions the public benefit and would like to see a different public benefit and he also has a problem with the density. He questioned Mr. Lansing on the main roads that would access this site. Mr. Lansing stated the following: On the western side of the parcel is I-87 and on the eastern side of the parcel are Princeton Street and Suffolk Lane that would connect to the Woodin Road area which ultimately connects to the Grooms Road area. To the south is the Crescent Road area and the Grays Corners area. *Mr. Belmonte, the applicant, stated the following:* Suffolk Lane connects to an internal community road, which then connects to Dunsbach Road leading south to Crescent Road. The site is located between I-87 exits 8 and 8A. Northern traffic would take Woodin Road to Grooms Road to exit 8A and southern traffic would take Dunsbach Road to Crescent Road to exit 8. Mr. Watts stated to the public present at the Planning Board Meeting that there would be adequate time at a Public Hearing and/or Public Informational Meeting for people to make public comment. Mr. Watts stated at the present time the process is a conceptual review to the Planning Board for comment. *Mr. Ruchlicki stated the following:* He questioned if the conceptual plan was done in this way in order to get the density that they have so as not to have any other interconnecting roads. He has a concern with the cul-de-sacs and he would appreciate the applicant looking at some other way of doing this other than the cul-de-sacs. In his opinion if there were other interconnecting roads that would cause them to lose lots. *Mr. Lansing stated the following:* They would work on this with the Planning Board to address these concern. They proposed the cul-de-sacs to isolate different uses. Mr. Ruchlicki stated he understood the concept but feels there may have been an alternative by using the cul-de-sacs. Mr. Watts stated that the Board is not going to take any action tonight to let the applicant have an opportunity to think about the comments that the Planning Board has made before any referral is made.

This item was tabled - The Board requested the applicant to review the cul-de-sacs, density, traffic, limitations to the existing vegetation buffer along the Adirondack Northway (I-87), wetland impact, green space, drainage and the community benefits.

Mr. Ruchlicki made a motion to adjourn the August 8, 2005 Planning Board Meeting at 9:15 pm. Mr. Roberts seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary