

Town of Halfmoon Planning Board

November 28, 2005 Minutes

Those present at the November 28, 2005 Planning Board meeting were:

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

Alternate

Planning Board Member: Daphne Jordan
Bob Beck

Planner: Jeff Williams

Town Attorney: Bob Chauvin
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the November 28, 2005 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the November 14, 2005 Planning Board Minutes. Mr. Roberts made a motion to approve the November 14, 2005 Planning Board Minutes. Mr. Berkowitz seconded. Mr. Nadeau abstained. Motion carried.

Public Hearings:

04.142 PH Cardin Acres PDD, Plant Road – Major Subdivision/PDD

Mr. Berkowitz and Mr. Nadeau recused themselves from this item. Mrs. Jordan and Mr. Beck will sit in for Mr. Berkowitz and Mr. Nadeau for this item. 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. Gil VanGuilder, of Gilbert VanGuilder and Associates, and Mr. Lansing, of Lansing Engineering, are present to answer any questions from the public and the Board. *Mr. VanGuilder stated the following:* This project has been in the works for over a year now. The project consists of 36 single-family lots. The project has gained PDD approval from the Town Board and is in front of the Planning Board for final review. The project has offered several public benefits in order to establish the PDD. The public benefits include \$1,000/lot to the Town to be utilized for traffic improvements at the Town's discretion, the existing water line in the area experiences low water pressure and that this project will connect to existing water lines by looping them together and this will increase the water pressure, there will be sufficient storm water management capacity and there will be a second assess point for the existing Cardin residential area. Mr. VanGuilder stated that the applicants have recently met with Town

officials to discuss these matters and to further review the project. One of the concerns raised was the proposal to dewater the area in order to place in the roads. The applicants have performed a geotechnical report and the report has indicated the need to dewater during the process of placing the roads. This is a common engineering technique and is acceptable especially with the Town's new standard of placing 18" of sub base material. The roads will be placed as to the Town's specifications and will place any additional measures to assure the stability of the road. Another concern was that there are a large amount of wetlands in the area and the concerned was raised that there will be a lot of fill needed and question whether or not the basements will be perpetually wet. There are areas in the proposed development that have high elevation and that these areas will need to be reduced. The material will be used to lower some portions of the area and used to fill in other lower areas. The engineering shows that the finished floor of all of the basements will be a minimum of 4 ft above the groundwater table. This would eliminate the sump pumps having to run and keep the basements from being wet. Due to the wetlands and the proposed smaller lot sizes as described in the PDD legislation, that there is concern that prospective buyers may not have a large enough yard. Mr. VanGuilder handed out a plot plan of the smallest proposed lot to show the Board that the lot can be developed. Mr. VanGuilder stated that the only changes that have been made were to the finished floor elevations and the grading around the buildings. Mr. VanGuilder stated that they have met with the Neubeck's and have come to an agreement that the plantings in the area of their property line would be done to their satisfaction. Mr. Watts asked if the \$1,000 public benefit contribution was for roads within the Cardin project. Mr. VanGuilder stated no, it would be for the Town Board's discretion. Mr. Watts asked if anyone from the public wished to speak. Mr. Ron Manna, 13 Chateau Drive, asked how far the proposed connector road of Cardin Drive and Chateau Drive would be from his property line. Mr. VanGuilder stated that the proposed connector road would be about 25 ft from his property line and this is because the applicant will convey a 10 ft strip of land to Mr. Manna to increase the distance. Mr. VanGuilder stated the traffic study generated for this project indicated the majority of the traffic is expected to go south to Route 9/Plant Road. Mr. Manna asked if there would be any additional buffer added between the connector road and his property. Mr. VanGuilder stated that was not discussed but would look at the feasibility of the need to buffer. Mr. Manna asked what the price of the proposed homes would be. Mr. VanGuilder stated that the applicant is not the end buyer of the project and that the actual developer would need to make the determination pending on the market demand. Mr. Jerry Chouinard, 5 Cardin Drive, stated he is concerned with the heavy traffic and the speed of the traffic in the existing Cardin development. Mr. VanGuilder stated that the proposed project would place a 4-way stop sign at the intersection on Cardin Drive and Roger Lane and a stop sign on Chateau Drive. Mr. Chouinard asked if they could lower the speed limit of 30 MPH. Mr. Watts stated that speeding problems is a common concern on many roads in the Town. Mrs. Murphy stated that this is an enforcement issue rather than a speed control issue. Mr. Watts stated that if there is speeding problem that the applicant could contact the Town Board and ask if they could ask the Sheriffs to increase the patrols in the area. Mr. Chouinard stated that there is an existing flooding problem on Cardin Drive and at times the school kids need to walk on the snow banks to avoid the large puddle. *Mr. VanGuilder stated the following:* He has discussed this with the Town's Highway Superintendent and looked at the situation. It seemed there was an elevation difficulty to convey the water to the storm water management area but he would re-investigate the problem. Mr. Watts stated he would note the flooding problem and maybe some of the money for the public benefit could be used to help alleviate the problem under the Town Board's discretion. Mr. Fred Roosevelt, 11 Chateau Drive, asked what the size of the proposed

homes would be and how much would they be for sale. Mr. VanGuilder stated the average sizes of the proposed homes are 2,200 SF. Mr. Peter Riley, the applicant's attorney, stated that the applicant will not be the builder and that the applicant will sell the project to a developer. It will be the developer who will determine the price of the homes. Mrs. Jean Neubeck, 13 Plant Road, stated that the applicant has spoken with them and they agreed to place a vegetative buffer along the proposed storm water management area that is to be placed adjacent to their property. She stated that the proposed second access off of Plant Road is also near her home and is concerned with traffic and the speed of the traffic and wanted to know if a stop sign would be placed at the end of the road to slow down traffic. Mr. Harvey Johnson, 10 Cardin Drive, asked if they propose 37 homes to be built for this project. Mr. VanGuilder stated there would be a maximum of 36 new homes. Mr. Ernest Cusick, 30 Marcel, other than the changes that were mentioned would there any more changes since the last plan. Mr. VanGuilder stated there are no other changes except for the finished floor elevations. Mr. Cusick asked if there were any plans to tie this project into the proposed park at the Town center. Mr. VanGuilder stated this part would be considerably north of this project. Mr. Manna asked the Board to consider a berm to buffer the existing residents at the end of Chateau and Cardin connector road. Mr. VanGuilder stated that there would be a 10 ft strip of land that will be conveyed to Mr. Manna to expand his lot so trees can be added to that area. Mr. Manna stated he would like to have an extra berm to insulate his home from the connector road besides the 10 ft that would be conveyed to him. Mr. VanGuilder stated that they would look into this. Mr. Wayne Schermerhorn, 16 Plant Road, stated he had concern with the new access road, which is directly across from his home, as headlights would shine into his home and was there some way to change the angle of the road. *Mr. VanGuilder stated the following:* They were limited on the flexibility due to subdivision regulations that dictate the angle, and maybe some plantings could be placed to help buffer the headlights from shining into his home. Mr. Schermerhorn asked if he would be responsible for the cost of these plantings. Mr. VanGuilder stated if the Board deems these plantings necessary they could look at putting some plantings in this area and they would take a look at how Mr. Schermerhorn's home lines up to this new access road. Mr. Watts closed the Public Hearing at 7:30 pm. Mr. Ruchlicki asked where lot 6 is located. Mr. VanGuilder showed him on the plans and stated that lot 6 was the smallest lot in the subdivision. Mr. Roberts stated that the public raised many concerns and would the applicant work with these people about their issues. Mr. VanGuilder stated they certainly would. *Mr. Binanchino stated the following:* Since the last meeting, CHA has not finalized their review and no final sign off letter has been done as they were waiting to hear from the public at tonight's meeting. Based on their meeting the other day, they pretty much addressed all the technical issues. CHA would like the applicant to address some of public's comments. *Mr. Higgins stated the following:* He asked if they could pick up the existing flood area and see if the elevations would work. In the committee meeting they discuss if there will be deed restrictions regarding the existence of Federally mandated wetlands and the restrictions that the homeowners are under as far as expanding their lots out into the wetlands. Mr. VanGuilder stated that they have noted on every open space area that it is a land preservation area and they would enumerate restrictions such as no cutting of live trees, no excavation, no filling, etc. in those land preservation area and this would be noted on the subdivision map. Mr. Chauvin stated what they require is to be consistent with what the ACOE require, which would be the filing of the Declaration of Covenant Restrictions so they show up in the chain of title, map notes on the plans and the restrictive reference in the deed that would be used. *Mr. Watts stated the following:* He appreciates the concerns raised by the residents and the Board will try to address these concerns as reasonably as they can.

This item was table for CHA sign off.

05.243 PH Corp Subdivision, Angle Road – Minor Subdivision

Mr. Higgins recused himself from this item. Mr. Watts opened the Public Hearing at 7:37 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following:* The Corp property consists of a little over 5-acres of land on the northerly side of Angle Lane and about 500 FT. from the Cary Road/Farm to Market Road intersection. The Federal wetlands have been delineated on this site and the parcel is located in the A-R zone. There is public water available on Angle Lane. The applicant is proposing 2 homes to be built on this property. The lots have been sized to meet all of the lot requirements with public water and on-site septic systems. He noted at the last meeting construction would not occur until the spring. The Saratoga County Water District will not allow these lots to tie-in to the sewer on Farm to Market Road at the point in time because it is under the ownership of a private Transportation Corporation but this Transportation Corporation is going through the motions of turning the sewer line over to the County. When the sewer line is turned over to the County, these lots would then connect via a sewer line. The worse case scenario would be for on-site septic systems, but hopefully these lots will be tied into the County Sewer District at the time of construction. Mr. Watts asked if anyone from the Public wished to speak. *Mr. Rodney Priddle, of 1 Angle Lane, stated the following:* He has concern with collected water drainage on this property. The Klersy Subdivision to the west of the property would also pick up water drainage from the Valente Subdivision. He has concern with the amount of the wetlands in this area. He has traversed this land as a young kid and it is very hard to go through various areas, even in the summertime, without getting ankle deep in mud. He also has concern with the septic portion in view of the fact that there is a stream which leads into a fishable waterway and would hope that the Board would either require that this property be tied into sewer system, which he knows the Transportation Corporation would allow them to hook-up to or, at a very minimum, the Board would require some sort of built-up leach field because of the wetness. He believes the affluent would eventually work its way into the stream. *Mr. VanGuilder stated that the following:* The applicant has had a professional engineer do test borings on this site in case they do use on-site septic systems. They did not go to the next step of the design of the septic systems because of the possibility of tying into the central sewer systems. Mr. Watts closed the Public Hearing at 7:41 pm.

Mr. Nadeau made a motion to approve the Corp minor subdivision contingent upon that each house will tie into the Saratoga County Sewer District should it become available and each house would need it's own grinder pump and individual connection to the sewer line on Farm to Market Road. Mr. Roberts seconded. Motion carried.

05.244 PH Sheldon Hills PDD, Sheldon Drive-Lot #'s 29/31, 33/35, 37/39, & 41/43 – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:42 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed lot line adjustments in the Sheldon Hills PDD. *Mr. VanGuilder stated the following:* The developer wishes to realign 4 duplex lots in order to face the units on the corners toward Hampton Circle by moving the property line in between by approximately 8 FT. and this would allow for a larger rear yard. All of the lots would meet the PDD requirements. The lot line adjustments would make the lots more livable and useable. Mr.

Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:46 pm.

Mr. Berkowitz made a motion to approve the lot line adjustment for Sheldon Hills PDD for lot #'s 29/31, 33/35, 37/39, & 41/43. Mr. Roberts seconded. Motion carried.

05.245 PH Leyland Development, Inc., Cary & Staniak Roads – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:47 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following:* This property lies at the corner of Cary Road and Staniak Road. The property contains 3 condemned buildings and the owner of the property wishes to subdivide the parcel into 2 residential lots. A professional engineer has looked at the suitability of the area for septic systems and unfortunately there is no public sewer available in this area. New wells will be installed on the lots that will meet the separation requirements from the proposed septic systems. This will be a good up-grade to this intersection area. Mr. Watts asked if anyone from the Public wished to speak. *Mr. Ken Robbins, of 112 Staniak Road, stated the following:* His property borders this parcel and there is a drainage problem between the two properties. He would like to see a controlled swale ditch installed to maintain the water drainage in this area. Mr. VanGuilder stated it would be to this builder's advantage to maintain that drainage between the two properties and the drainage patterns will not be altered. Mr. Robbins stated it would be to both of their advantage to control the drainage in one area and anything that is done with this property would be an improvement. Mr. Paul Kanetzky, of 200 Cary Road, stated that he supports this subdivision as it will be an improvement to this area and he would like to commend the applicant for returning this parcel to some semblance of density similar to its rural setting as opposed to the previous structures. Mr. Watts closed the Public Hearing at 7:50 pm. Mr. Nadeau stated he has looked at this property and he agrees that this will be a great improvement to this area. Mr. Higgins asked Mr. Robbins if he had a well located on his property. Mr. Robbins stated yes. Mr. Higgins stated that the location of Mr. Robbins' well verses the septic on one of the lots is not shown and would like to know how close they are located to one another. Mr. VanGuilder stated he would have his survey crew come to the site to make sure there is proper separation from Mr. Robbins' well to the proposed septic system.

Mr. Nadeau made a motion to approve the Leyland Development, Inc. minor subdivision contingent upon neighbors well is located and shown to have proper separation to NYSDOH standards. Mr. Higgins seconded. Motion carried.

05.246 PH Mushorn Subdivision, 21 Fellows Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:51 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Steve Rousseau is representing the Mushorn minor subdivision located at 21 Fellows Road for the applicant (Mushorn). *Mr. Rousseau stated the following:* His existing home has an existing non-conforming front yard setback because the home is 48.8 FT. from the road, which is short of the minimum 50 FT. front yard setback. He would like to put an addition on his home but he would not have the minimum 10 FT. side yard setback. The neighbor, Mr. Mushorn, wishes to convey a 3,223 SF strip of land to Mr. Rousseau in order to allow Mr. Rousseau to place an addition on his existing home and meet the required side yard setback. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:54 pm.

Mr. Roberts made a motion to approve the Mushorn minor subdivision. Mrs. Jordan seconded. Motion carried

Old Business:

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

Mr. Brien Ragone, of Environmental Design Partnership, LLP, proposed an addition to site plan for Kivort Steel, Inc. located at 380 Hudson River Road. *Mr. Ragone stated the following:* Mr. Robert Kivort was able to make tonight's meeting due to an illness, however, Mr. Kivort's father, Mr. Stan Kivort is in attendance and he will address any questions that the Board may have about the business of Kivort Steel, Inc. Since the last meeting they have removed the entrance to Myrtle Street because there were concerns this may delay the process of the building addition approval. The applicant does not want to discard this altogether, however, for the present time the applicant would like to put this off until a future phase or possible amendment to the site plan. The only other change that they have made is they have added details for the lighting along the building, which CHA had requested them to do. He spoke with Mr. Lockwood of CHA and Mr. Lockwood stated he was happy with the plans and that CHA was ready to sign off. Mr. Nadeau asked how many parking spaces there would be. Mr. Ragone stated there would be a total of 48 parking spaces. Mr. Nadeau asked if they would like to land bank any of the parking spaces, as he does not think they would need 48 parking spaces. Mr. Ragone agreed that they would not need all of 48 parking spaces because they do not have customers coming in and out of the site and if required they would land bank some of the parking spaces. Mr. Nadeau asked if they were still pursuing the road access. Mr. Ragone stated yes, at a future date, as they do not want to slow down this application process. Mr. Ragone stated they would have to determine if the road access would be in the next phase or an amendment to the site plan. *Mr. Chauvin stated the following:* The idea would be that they understand, that if for some reason the abandonment does not occur with the other roadway, then they would have to work with the constraints presented in terms of their internal traffic and its flow. He does not know if Kivort is going to get the abandonment and the record should reflect that this could be an issue in the future. Mr. Ragone stated that Mr. Kivort would like to begin construction in the spring and does not want to delay that process of placing the addition.

Mr. Berkowitz made a motion to approve the Kivort Steel, Inc. addition to site plan. Mr. Nadeau seconded. Motion carried.

05.239 OB Neddo Pole Barn, 480 Hudson River Road – Addition to Site Plan

Mr. Watts asked the committee, Mr. Higgins and Mr. Ruchlicki if they had an opportunity to visit Mr. Neddo's site. *Mr. Ruchlicki stated the following:* He did not see a problem with Mr. Neddo's proposed pole barn. He discussed with Mr. Neddo the equipment that would be stored in this pole barn and the site was not really visible from the road. Mr. Higgins stated the following: He was unable to make the meeting on Saturday, however he did visit the site yesterday and observed the same things that Mr. Ruchlicki did on Saturday. The pole barn would strictly be used for the applicant's storage of his own equipment.

Mr. Higgins made a motion to approve the Neddo Pole Barn addition to site plan contingent upon the pole barn will be used for the applicant's personal storage and not for any commercial use. Mr. Nadeau seconded. Motion carried.

New Business:**05.249 NB Summit Hills, Farm to Market Road/Outlook Drive South – Sign**

Mr. Scott Lansing, of Lansing Engineering, proposed a sign application for the Summit Hills subdivision. *Mr. Lansing stated the following:* The sign would be located on the southeast corner of Farm to Market Road and Outlook Drive South. The sign would be similar to a sign that was recently approved for the Prospect Meadows project on the northern side of Farm to Market Road. The sign height would be a maximum of 6 FT. with the lower portion being approximately 4.5 FT. high. The actual "*Summit Hills*" portion of the sign would be 36 inches by 54 inches. The total length of the fence sign area would be approximately 40 FT. Mr. Roberts stated he reviewed this sign application and his only concern is that the sign would be floodlit and to make sure the lights do not shine into driver's vision on the road. Mr. Lansing stated okay.

Mr. Roberts made a motion to approve the Summit Hill sign application contingent upon the lights do not shine into the road. Mr. Berkowitz seconded. Motion carried.

05.250 NB Dudek Subdivision, 81 Devitt Road – Major Subdivision

Mr. Chris Dudek, the applicant, proposed a subdivision located at 81 Devitt Road. *Mr. Dudek stated the following:* This subdivision is per his mother's Will to convey lands of her estate. Part of the parcel will be conveyed to him and to his brother-in-law Paul. This parcel of land was a field located behind her home. The Will stated to split this field equally between the sister and brother. The first parcel will be a 3.56-acre parcel to be conveyed to the existing 1-acre parcel of Lands of Paul & Renee Danei (daughter). The first parcel will be a total of 4.56-acres after the conveyance to be known as one parcel. The second parcel will be a 3.55-acre parcel to be conveyed to the existing 3.93-acre parcel of Lands of Christopher Dudek (son). The second parcel will be a total of 7.48-acres after the conveyance to be known as one parcel. Mrs. Murphy stated the 3 lots would now be 2 lots. Mr. Dudek stated that was correct.

Mr. Berkowitz made a motion to set a Public Hearing for the December 12, 2005 Planning Board meeting. Mr. Roberts seconded. Motion carried.

05.251 NB U.S. Navy, 9 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, proposed a change of tenant application for 9 Corporate Drive in the Abele Park. *Mr. Andress stated the following:* 9 Corporate Drive is a 10,000 SF building and the U.S. Navy wishes to utilize 4,600 SF that is vacant in this building. No recruitment will take place from the site. The office would be used as their northeast hub. They will have recruitment officers that would go off-site for job fairs and to schools. Mr. Berkowitz asked if they would have a sign. Mr. Andress stated not at this time.

Mr. Berkowitz made a motion to approve change of tenant application for U.S. Navy. Mr. Ruchlicki seconded. Motion carried.

05.254 NB Joyce Tucker, Licensed Massage Therapist, 259 Lower Newtown Road - In-Home Occupation & Sign

Ms. Joyce Tucker, the applicant, proposed an In-Home Occupation and sign applications for her licensed massage therapist business located at 259 Lower Newtown Road. *Ms. Tucker stated the following:* She is a New York State licensed massage therapist and wishes to operate her business from her home. Massage appointments are scheduled from ½ to 1 hour in length and only one car would be at her home for each appointment. She is able to accommodate 5 cars in her driveway. Her property is located on a flag lot so their home is not visible from the street. She also is proposing a sign applicant that she had discussed with Mr. Watts. The

frontage on her flag lot property is only 53 FT. wide and she understands that a sign would need to be 50 FT. from a residence. Her sign application would be up for consideration on whether or not the sign would be approved by this Board. Mr. Watts stated that her sign application was being reviewed and they should have an answer by the next meeting. Ms. Tucker stated under the circumstances, they have no other place to put a sign unless she would be allowed to hang it from her mailbox. She has spoke to her neighbor at 257 Lower Newtown Road who stated they would have no problem with a sign being located between their 2 properties.

Mr. Roberts made a motion to set a Public Hearing for the December 12, 2005 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 28, 2005 Planning Board Meeting at 8:07 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi,
Planning Board Secretary