

## Planning Board Minutes - January 12, 2004

Those present at the January 12, 2004 Planning Board meeting were:

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

Planner: Jeff Williams

Deputy Town Attorney: Lyn Murphy

CHA Representative: Mike Bianchino

Mr. Watts called the meeting to order at 7:04 pm

Mr. Roberts made a motion to approve the December 15, 2003. Mr. Nadeau seconded. Motion carried.

Public Informational Meeting:

03.147 Parkford Square Plaza, 449 Route 146, Commercial Site Plan. Mr. Watts opened the Public Informational Meeting at 7:06 pm and asked if anyone would like the notice read. No one responded. Gavin Vuillaume of Environmental Design Partnership presented a revised layout for the proposed 15,200 square foot Office/Retail plaza to be located on the corner of Route 146 and Crew Road (NYSDOT access road). Mr. Vuillaume stated there have been a couple of revisions from the concept plan first submitted. The entrance onto Rt. 146 has been omitted and the plaza will now access from Crew Road and the other change is a 4 ft. chain-link fence is represented on the site plan in the rear of the proposed plaza. The fence has been added to alleviate the concern of the adjoining residential homes over security concerns. The location of the fence will try to preserve most of the natural vegetation and also will be enhanced with landscaping. Mr. Watts asked if anyone from the public would like to comment on the proposed plaza. Mr. Richard O'Malley, Freeman Lane, commented that he is very pleased with the fence because their main concern is that there are a number of small children in their neighborhood and they did not want the children to wander off to the commercial site. Mr. O'Malley is also concerned with the proposed landscape vegetation to be added to enhance the appearance and help buffer the fence. Mr. O'Malley stated that there a number of large trees that would shade and possibly kill off the plantings. Mr. O'Malley questioned the Planning Board what would happen if the Plaza was built but the developers did not put up the fence. Mr. Watts explained that the Certificate of Occupancy would not be granted by the Town's Building Department if the site were not in conformance with the approved site plan. Mr. O'Malley asked what is the height of the fence. Mr. Vuillaume stated it is a 4 ft. chain-link fence with vinyl straps to make the fence opaque.

Mr. O'Malley stated he submitted a letter to the Planning Board where they asked to have a vinyl fence. Mr. Watts asked Mr. Vuillaume if there could be other types of fencing utilized for this situation. Mr. Vuillaume stated that the reason for the fence was to secure the commercial facility from the neighbor's children. Mr. Vuillaume stated he feels a 4 ft fence as proposed will achieve this reasoning. Mr. Roberts expressed that he was happy to see the fence and felt it was a good gesture from the applicants. Mr. Berkowitz asked what type of landscaping would be near the fence. Mr. Vuillaume stated it would be a mixture of deciduous and evergreen plantings. Mrs. Patenaude asked if the fence is extended to Rt. 146. Mr. Vuillaume stated no due to the ROW and sight distance needed but the fence does cover the rear yards of the neighboring residents. Mr. Nadeau stated that if the neighbors are agreeable to the fence then so be it. Mr. Rob Johnson, Crew Road, asked if the Planning Board looked into the impact of the traffic that would be generated from the proposed plaza. Mr. Watts stated the applicant has submitted a traffic study on the proposed project. Mr. Vuillaume stated that at peak travel times there would be ~45 vehicles entering and exiting the site. Mr. Johnson stated that it is very difficult to exit Crew Road onto Route 146 now and that added traffic would make matters worse. Mr. Johnson asked if a traffic light could be placed there, stating there was to be a traffic light at the Timberwick II (Parkford Drive) and D&R Village intersection. Mr. Bianchino stated the traffic study for that intersection was done about 7 years ago and the study recommended a light once traffic counts warranted a light. Mr. Bianchino stated that a traffic light is not warranted for the proposed plaza because the traffic on Rt. 146 is not at a volume to show the need of a traffic

light. Mr. Watts closed the Public Informational Meeting at 7:16 pm. This item was tabled for the preparation of preliminary/final plans for the proposed plaza.

#### Public Hearing:

03.222 Fairway Meadows/Johnson, Johnson Road, Major Subdivision. Mr. Roberts recused himself from this item and Mrs. Jordan took his place. Mr. Watts opened the Public Hearing at 7:17 pm and asked if anyone would like the notice read. No one responded. Mr. Gil VanGuilder was present to propose a conveyance of lands of lots 10 and 14 of Eagle Lane of the Fairway Meadows Phase I to the conservation area associated with the Johnson Farm homestead lot. Lot 10 will convey 731 SF of land and lot 14 will convey 124 SF of land to the conservation area. Lot 10 will have an area of 26,944 SF and Lot 14 will have an area of 24,614 SF after the conveyance of land. The conservation area will gain area from 4.20-acres to 4.22-acres. The reason behind the proposed changes is to create a larger buffer between an existing farm haul road and the involved lots. Mr. Watts asked if anyone from the public would like to speak. No one responded. Mr. Watts closed the Public Hearing at 7:21 pm.

Mr. Nadeau made a motion to approve the subdivision as proposed. Mr. Berkowitz seconded. Motion carried.

03.224 Fairway Meadows/VanVorst, Staniak Road, Major Subdivision. Mr. Roberts recused himself from this item and Mrs. Jordan took his place. Mr. Watts opened the Public Hearing at 7:22 pm and asked if anyone would like the notice read. No one responded. Mr. Gil VanGuilder was present to propose a conveyance of a portion of land from the estate lot of Lot 257 of the Fairway Meadows development to an existing residential parcel located on Staniak Road. The proposed conveyance of land will give the VanVorst property 0.28-acres of the preservation area associated with the estate lot 257. The conservation area of lot 257 will be changed from 15.84-acres to 15.56 and the VanVorst property will be changed from 1.12-acres to 1.40-acres. Mr. Watts asked if anyone from the public would like to speak. No one responded. Mr. Watts closed the Public Hearing at 7:24 pm.

Mr. Nadeau made a motion to approve the subdivision as proposed. Mr. Berkowitz seconded. Motion carried.

03.230 Marchione Subdivision, Lower Newtown Road, Minor Subdivision. Mr. Watts opened the Public Hearing at 7:25 pm and asked if anyone would like the notice read. No one responded. Mr. Gil VanGuilder presented a minor subdivision application proposing to create three lots from an existing 5-acre parcel on Lower Newtown Road. Mr. VanGuilder stated there is an existing structure (barn/shed) on one of the proposed sites and is not sure if the structure will be removed or not. Mr. VanGuilder stated there is no public utilities in the area and that the three proposed lots meet all the minimum lot requirements for the Agriculture/Residential zone. Mr. VanGuilder stated the lot is about 50% open field and 50% wooded. The soil is sandy and the perc tests all passed although an engineered system may be needed due to the sloped area in the rear of the parcel. Mr. Watts asked if anyone from the public would like to speak. Mr. Jay Hanecek, 88 Lower Newtown Road, asked if the proposed dwellings would be two-family. Mr. Hanecek stated that the residents on Lower Newtown Road recently went through a very difficult time with the re-addressing changes and duplexes may cause more changes. Mr. VanGuilder explained that single-family and two-family residential uses are permitted in the A-R zone depending on lot sizes and utilities available. Mr. Hanecek stated that he has a shallow well and is concerned with an increase of density with other wells being utilized may cause harm to his well. Mr. Hanecek stated there is a sharp bend in Lower Newtown Road near the proposed subdivision. Mr. Ron Clapper asked if the subdivision would be approved tonight. Mr. Watts explained the Planning Board would make its decision when there is adequate information to make a determination, which could be on this night. Mr. Clapper stated he has a concern with duplexes but is comfortable with single-family uses. Mr. Nadeau stated all the lots, except lot 3, conforms to the Town's requirements for duplexes. Mr. Clapper stated he has concern with the increase in density with no utilities available in the area. Mr. VanGuilder stated that if utilities were available the density would be able to be much greater because the lot area is smaller than the lot area's without utilities. Mr. Polak stated the Town wishes to bring up a water line in the vicinity of Lower Newtown Road to loop the existing water system. Mr. Polak stated there may not be enough users for the water to make it economically feasible to create a water district. Mr. William Andress, Lower Newtown Road, wanted to know if duplexes would affect his property value and is concerned it may lower the market value to his home. Mr. Nadeau stated the area is zoned for what the applicant is proposing and the Planning Board cannot make its determination on effects to the property value. The Planning Board makes its determination to what the zone allows. Mr. Watts commented that the area is increasing in market value and property values are market driven but the Planning Board must look at what is permitted in the designated zone. Mr. Watts closed the Public Hearing at 7:37 PM. Mr. Nadeau stated the subdivision map shows an existing house whereas it is an existing garage and asked to have the map corrected. Mr. VanGuilder agreed. Mr. Nadeau reinstated that Lot 3 only has enough lot area to conform to a single-family use.

Mr. Roberts made a motion to approve the subdivision. Mr. Ruchlicki seconded. Motion carried.

03.231 Kingsbrook Estates, 30 & 32 Moreland Drive, Lot Line Adjustment. Mr. Watts opened the Public Hearing at 7:38 pm and asked if anyone would like the notice read. No one responded. Mr. Dave Flanders presented a proposed lot line adjustment between the existing lots of 30 & 32 Moreland Drive of the Kingsbrook Estates. Mr. Flanders explained the owner of lot 32 asked to have the footprint of the house reversed as previously proposed. The re-located side load garage was placed toward lot 30. This caused the driveway to encroach the lot line between 30 & 32 and created difficulties in the need of a proper turning radius to enter the garage. The proposed lot line will exchange equal amounts of land between the two parcels. Lot 30 will convey 302 square feet to Lot 32 of land to mend the driveway encroachment and Lot 32 will convey 302 square feet of land to Lot 30 in the back portion of the lots. Mr. Flanders also stated the applicant has received a variance for the front yard setback encroachment of the garage at the January 5th ZBA meeting. Mr. Watts asked if anyone from the public would like to speak. No one responded. Mr. Watts read a letter submitted by Mr. Chauvin as a neighboring landowner stating he has no objection to the proposed lot line adjustment. Mr. Watts closed the Public Hearing at 7:40 PM.

Mrs. Patenaude made a motion to approve the proposed lot line adjustment. Mr. Nadeau seconded. Motion carried.

#### Old Business:

02.118 Rolling Hills PDD, Cary Road, PDD – Subdivision, GEIS. Mr. Percy Cotton was present representing Valente Material Group and presented the Phase I plan for the proposed Rolling Hills PDD application located off of Cary Road. Mr. Cotton explained they have received CHA's January 5, 2004 review letter, which contained "numerous but minor comments". Mr. Cotton stated the greatest comment was on the two proposed detention basins. One detention basin has encountered groundwater where the engineered plan is proposing to "curtain drain" groundwater around the detention basin and pipe the groundwater directly to the adjacent wetlands. Mr. Cotton explained that some of the comments are related to other phases in the project, such as the sewer line that is proposed to follow the Leibech Lane extension. Mr. Cotton stated information on the sewer line has been forwarded to the County. Mr. Cotton asked the Planning Board to grant preliminary approval for Phase I contingent on CHA's comments being addressed. Mr. Roberts stated there are six pages of comments and would not feel comfortable on voting on this proposal. Mr. Bianchino asked Mr. Cotton is the proposed lots in Phase I will remain the same or will they be changed due to some of the engineering comments. Mr. Cotton explained that the revisions made to address the comments from CHA would not alter the lot lines. Mr. Nadeau and Mrs. Patenaude stated they agree with Mr. Roberts that the comments would need to be adequately addressed before an approval would be granted. Mr. Berkowitz asked how the groundwater issue with one of the detention basins would work. Mr. Cotton explained that the flow of groundwater would be intercepted before it entered the detention basin and would be piped directly to the adjacent wetland, which is where the groundwater would naturally enter. Mr. Berkowitz asked how much groundwater was encountered when designing the detention basin. Mr. Cotton stated the area where the detention basin is proposed has 3 ft of a permeable layer and then 3 ft of impermeable layer. Mr. Berkowitz stated there is a concern with area residents and their existing shallow wells. Mr. Cotton explained the "curtain drain" would allow groundwater to flow as it would naturally but would be diverted around the detention basin.

Mr. Higgins suggested that the committee review team and Mr. Bianchino meet with the applicant to review the comments and revision to the comments. Mr. Valente, the applicant, questioned why the Phase I proposal was on the agenda. It was explained to him that Mr. Banks of Valente Material Group asked to have the item placed on the agenda. Mr. Valente apologized to the Planning Board and stated that all of the items will be addressed before they appear before a future Planning Board meeting. This item was tabled for the submission of revised plans per CHA's comments.

03.143 Halfmoon Sports Complex, 6 Corporate Drive, Commercial Site Plan. Mr. Tom Andress presented the commercial site plan for a 76,000 square foot indoor recreational facility. Mr. Andress explained that the applicant has submitted a traffic/parking study in the summer of '03 and has performed a parking analysis of similar uses in the area during the Thanksgiving weekend. The parking analysis stated that the on-site parking for the proposed Halfmoon Sports Complex would suffice when compared with the other area sports facilities and their provided parking/parking needs. The applicant has revised the site plan showing an additional parking area located across the street of the proposed site. The additional parking area will be able to provide an additional 26 parking spaces to the proposed 201 parking spaces provided on the "main" site. The additional parking area was added to alleviate any concerns of meeting the parking demand when needed. Mr. Roberts asked the applicant to explain the proposed use of the workout area associated with the proposed sports complex. Mr. Paul Rogin, the applicant, explained that there would be a small work out area with treadmills and stationary bicycles to allow the players to warm up or work out to strengthen their stamina before or between games. Mr. Rogin further stated there would be no health club with membership for work out purposes. The applicant stated he would be open to

allow certain groups, such as, Sr. Citizens to utilize the facility to exercise when not being used for games or tournaments. Mr. Nadeau stated that the additional parking area is now a part of the site plan and will be under control of the same owner. Mrs. Patenaude asked if the additional parking area was added because the demand for parking showed a need for the additional spaces. Mr. Address stated that the additional parking area was added to alleviate the concern of not having adequate parking. Mr. Nadeau asked if there was a time frame for the life of the additional parking would be needed or who makes the determination of the additional parking is not needed. Mrs. Murphy explained that if extra parking is needed the Town can have the applicant place the additional parking area. If the additional parking is not needed then the applicant will need to appear before the Planning Board to make their determination of the need of the additional parking. Mrs. Murphy continued that presently the additional parking area is a part of the commercial site plan for the Halfmoon Sports Complex. Mr. Higgins asked if the additional parking area would be built at the same time as the building. Mr. Address stated the additional parking area would be constructed when and if the need arises. Mr. Berkowitz asked what would happen to the additional parking area if the land adjacent to the additional parking area were to be developed. Mr. Ed Abele, landowner for the site, stated that the additional parking area is a part of the proposed sport facility's site plan and any change to that would be under the Planning Board's control. Mr. Watts asked if Mr. Fullum's, the neighboring business owner, concerns are being considered or addressed. Mr. Address stated that the applicant has discussed of possibly moving the sports building further away from Mr. Fullum's business, they are in agreement of placing a fence to alleviate security concerns and these concerns would be addressed during the Preliminary/Final site plan submission.

Mr. Roberts made a motion to pass a Negative Declaration to the SEQRA requirements stating the proposed project will not have a negative impact to the environment. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to pass a Positive Recommendation to the Town Board for the Halfmoon Sports Complex with the amendment to the Abele PDD legislation. Mr. Nadeau seconded. Motion carried.

#### New Business:

03.222 Fairway Estates, Fairway Drive (3,5,7,11&13), Lot Line Adjustment. Mr. Roberts recused himself from this item and Mrs. Jordan took his place. Mr. Gil VanGuilder presented a lot line adjustment for several lots associated with the Fairway Estates Phase II development. The lot line adjustments are proposing to re-configure the lots and the number of units to be placed on each lot. The lot line adjustment proposal is requested due to the natural topography of the lots create difficulty in properly placing the townhouse units. This proposed lot line adjustments, for this application, would cause the applicant to lose one townhouse unit as originally proposed. The one-townhouse unit will be added to another lot, not associated with this proposal, which will not need any adjustments to do so.

Mr. Nadeau made a motion to set a Public Hearing at the January 26, 2004 Planning Board Meeting at the Town of Halfmoon Senior Center at 7:00 pm or soon thereafter. Mr. Berkowitz seconded. Motion carried.

04.100 Mastropietro Subdivision, High Street, Minor Subdivision. Mr. Charles Hartnet, land surveyor, presented a subdivision proposal to create a lot from an existing 1.2-acre parcel located on High Street. The proposed lot did not appear to have frontage on a town road. The proposed lot would have frontage on a "paper street" that appears to be a possible extension of Grand Street of the Pruyn Hill residential development. Mrs. Murphy and Mr. Nadeau raised the question of whether or not the "paper street" portion of Grand Street was ever dedicated to the Town. Mrs. Murphy suggested that she would research the status of the Grand Street dedication. This item was tabled to review the status of Grand Street dedication.

04.101 Deer Run/Hawkins Subdivision, Cindy Lane/Sitterly Road, Lot Line Adjustment. Mr. Gil VanGuilder presented a lot line adjustment to mend an apparent encroachment of the lands of Hawkins driveway and dog pen over the lot line of the Deer Run residents on Cindy Lane. The lot line adjustment proposal will convey 2,270 square feet of land from the residents on Cindy Lane to the Lands of Hawkins.

Mr. Berkowitz made a motion to set a Public Hearing for the January 26, 2004 Planning Board Meeting at the Town of Halfmoon Senior Center at 7:00 pm or soon thereafter. Mr. Roberts seconded. Motion carried.

04.102 Belleard/Altrock Subdivision, Belleard Lane, Minor Subdivision. Mr. Gil VanGuilder presented a proposed subdivision to create a lot from an existing 2.25-acre parcel located on Belleard Lane. Mr. VanGuilder stated there is water in the area but the district is not extended down Belleard Lane. Mr. VanGuilder continued that there will be no negative impact to the existing homes and there is adequate separation between the utility uses. The short-term proposal is to share the driveway with the existing residential unit associated with this proposal and the long-term goal is to have a separate driveway. Mr. Ruchlicki asked if the proposed lot is currently wooded. Mr.



VanGuilder stated it is currently lawn. Mr. Nadeau asked about the grade and whether or not a large amount of fill is needed. Mr. VanGuilder stated the lot is typically flat and very little fill would be needed.

Mr. Roberts made a motion to set a Public Hearing for the January 26, 2004 Planning Board Meeting at the Town of Halfmoon Senior Center at 7:00 pm or soon thereafter. Mr. Patenaude seconded. Motion carried.

04.103 Lamar Advertising, Mackey Auto Sales, Sign – Billboard. Mr. Matt Duddy of Lamar Advertising appeared in front of the Planning Board to request to change an existing billboard face with a “tri-vision” changeable message sign. Mr. Duddy stated it will still be a two-face sign and will not change the area of the sign. The proposed change allows the faces to rotate every 7-8 seconds and would be the first of its kind in this area. The sign acts very similar to a Venetian blind. This type of sign would allow three different advertisers “as it twirls”. The applicant mentioned other agencies that support this type of sign and stated the Federal Government allows these types of signs in NYS on roads that do not receive federally funded monies. This proposal meets the required sign areas, and will have two faces showing at any one time. Mrs. Patenaude stated in the Town of Halfmoon Zoning laws stated “no rotating signs” in its sign ordinance and she believes this proposal is in direct conflict with the ordinance. Mrs. Murphy states the Town’s sign ordinance only allows two faces on any one support structure, the Town calculations for area shows the proposed sign is in exceedence and there are only two-dimensional signs allowed. Mr. Duddy stated there are only two faces at any one time. Mrs. Murphy asked how many sign faces are on the structure. Mr. Duddy stated two. Mrs. Murphy stated to the applicant that she is asking how many faces are on the structure – not how many you see. Mr. Duddy stated there will be allowed to have three advertisers on one billboard. Mrs. Murphy stated there are six faces to the Board. Mr. Roberts stated there are three advertisers and the proposal is in conflict with the Town’s sign ordinance. Mrs. Murphy stated that the proposed billboard change and the Town’s Sign Ordinance have clear conflicts.

Mrs. Patenaude made a motion to deny the application as presented based on the proposed changes are in conflict with the Town’s Sign Ordinance. Mr. Nadeau seconded. Motion carried. (Attachment #1)

04.104 Park Automotive - Kinetic Towing, 159 Ushers Road, Change of Tenant. Mr. Joe Tedesco of Kinetic Towing appeared before the Planning Board to request a tenant change for the existing automotive garage located on Ushers Road. The applicant is asking to place a automotive repair shop in the existing garage while utilizing the site, as previously approved, for storage of two towing vehicles and an area for 6 impounded cars. The applicant explained that the Ushers Road site is used as a secondary impound area to the primary area located at Rent a Wreck on Solar Drive. The applicant explained that the existing garage has been utilized for a mechanic shop in the past and would like to use the building. Mr. Berkowitz asked the applicant if he lives at the site. Mr. Tedesco stated yes and they received an extension of a pre-existing, non-conforming use from the ZBA, which allowed the continuance of the residential use and the commercial use on the same parcel. Mr. Nadeau asked if the existing garage is being utilized right now. Mr. Tedesco stated nothing and would like to lease it out to a mechanic. Mr. Higgins asked if there was adequate parking for the garage. Mr. Williams stated the site plan shows 8 existing parking spaces, which conforms to the required parking. Mr. Berkowitz asked what uses exist on the adjacent parcels. Mr. Tedesco stated the house in which he resides, NYS vacant lands and Deco Granites. Mr. Patenaude asked if the existing garage was used in the past for the same type of business as being proposed. Mr. Tedesco stated yes, the last tenant was a transmission shop.

Mr. Nadeau made a motion to approve the change of tenant. Mrs. Patenaude seconded. Motion carried.

04.105 Dog Grooming, Lee’s Plaza, Change of Tenant & Sign. Mr. Dave Lee owner of Lee’s Plaza was present to ask for a change of tenant by utilizing 600 square feet of area currently used by Lee’s Plumbing and allow a pet groomer to operate from that location. Mr. Lee stated the pet grooming operation is a self-employed operation and the demand on parking is null due to people dropping off and picking up their pet. Mr. Nadeau asked if dogs would be boarded there. Mr. Lee stated no and there is also a similar use occurring at the plaza with a dog training operation in the rear of the plaza.

Mrs. Patenaude made a motion to approve the change of tenant application. Mr. Berkowitz seconded. Motion carried.

Mr. Watts asked the applicant about a sign application. The applicant explained that they are not sure what signage they will need and will present one to the Planning Board at a future date.

04.106 Kitware, 28 Corporate Drive, Change of Tenant. Mr. Tom Andress presented the change of tenant application for the existing office building located at 28 Corporate Drive of the Capital Region Business Park. The proposed company is a soft ware engineering company and the occupancy in the building will fully occupy the

office building. Mr. Berkowitz asked if there was sufficient parking. The applicant stated yes.

Mr. Berkowitz made a motion to approve the change of tenant application. Mrs. Patenaude seconded. Motion carried unanimously.

Mr. Watts asked if anyone had anything else for the Board. Mrs. Patenaude made a motion to adjourn at 8:57 pm. Mr. Berkowitz seconded. Motion carried.

The next Planning Board meeting will be January 26, 2004

Respectfully Submitted

Tara Anuszewski, Secretary  
Town of Halfmoon Planning Board