

Planning Board Minutes - June 14, 2004

June 14, 2004 Minutes

Those present at the June 14, 2004 Planning Board meeting were:

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

Planner: Jeff Williams

Town Attorney: Val Serbalik

Town Board Liaisons: Walt Polak
Mindy Wormuth

CHA Representative Bob Lockwood

Mr. Watts opened the June 14, 2004 Town of Halfmoon Planning Board meeting at 7:04 PM.

Mr. Watts asked the Board if they have reviewed the May 24, 2004 Planning Board Minutes. Mr. Roberts made a motion to approve the May 24, 2004 Planning Board Minutes. Mr. Berkowitz seconded. Mrs. Patenaude abstained. Motion Carried.

Public Hearings:

03.214 Ciepiela Subdivision, Staniak Road – Major Subdivision

Mr. Watts opened the Public Hearing at 7:05 PM. Mr. Watts asked if anyone from the public wished to have the Public Hearing notice read. No one responded. Mr. Terry Humilston, Benchmark Surveyors, presented a proposed 1-acre lot subdivision from the remaining 26-acres of land of Ciepiela's Estates located at the corner of Staniak Road and Johnson Road. Mr. Humilston stated that the proposed lot conforms to the Town's standards for a building lot with private well and septic. Mr. Humilston stated that he has presented the Board a possible future scenario of the remaining lands and how they may be subdivided. Mr. Humilston stated that there is adequate room to create three more lots with one of the lots retaining the large vacant rear lands of the Ciepielas. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:06 PM. Mr. Watts asked the Board for comments. Mr. Higgins stated that he wanted to make clear to the applicant the proposed subdivision is within the realm of the North Halfmoon Generic Environmental Impact Statement (GEIS) study area. Mr. Higgins stated that the applicant will be required to pay mitigation fees once the threshold of five or more lots are created within the time frame of when the GEIS study was adopted by the Town.

Mr. Roberts made a motion to approve the subdivision as presented. Mr. Higgins seconded.
Motion Carried.

04.130 Kielty Subdivision, 185 Brookwood Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:07 PM. Mr. Watts asked the public if anyone wished to have the Public Hearing notice read. No one responded. Mrs. Kelly Dickinson, applicant's daughter, presented a proposed subdivision creating a second flag lot from the existing 2.04-acre parcel located on Brookwood Road. Mr. Watts asked Mrs. Dickinson if she has appeared in front of the ZBA. Mrs. Dickinson stated yes they received relief from the ZBA to create a second flag lot. Mrs. Dickinson stated that the approval from the ZBA was contingent on showing a minimum of a 40,000 SF lot for the existing front parcel with an existing dwelling due to an "in-law" apartment as part of the existing dwelling. Mrs. Dickinson stated she has submitted a subdivision plan showing a 40,000 SF lot for the front parcel. Mr. Watts asked if anyone from the public wished to speak. Mrs. Hennriata O'Grady, Church Hill Road, asked what were the dimensions of the proposed flag lot. Mr. Berkowitz stated the flag lot has an area of 48,725 SF. Mr. Watts asked if anyone else wished to speak from the public. No one responded.

Mr. Watts closed the Public Hearing at 7:09 PM. Mr. Watts asked the Board for comments. Mr. Roberts made a motion to approve the subdivision as presented. Mr. Berkowitz seconded. Motion Carried.

04.167 Prospect Meadows, Summerfield Circle; Lots 18, 20, 22, 24, 26 & 28 – Lot Line Adjustment

04.168 Prospect Meadows, Outlook Drive North; Lots 1, 3, 9, 11, 13 & 15 and Highview Way; Lots 2, 4, 12, 14 & 16 – Lot Line Adjustment

Note: These two items are related and presented to the public and the Board simultaneously. Mr. Watts opened the Public Hearing at 7:10 PM. Mr. Watts asked if anyone from the public wished to have the Public Hearing notice read. No one responded. Mr. Gil VanGuilder presented several lot line adjustments for lots in the Prospect Meadows (Farm to Market PDD) development. Mr. VanGuilder stated there are 10 lot line adjustment proposals for Phase 1 & 3 of the Prospect Meadows development. The lot line adjustments will create a net loss of one lot. Mr. VanGuilder stated there is a change to the infrastructure due to the removal of the lot where the drain connection will be relocated on the new property line and be connected to a different catch basin than what was proposed on the original submission of the Farm to Market PDD. Mr. VanGuilder stated that the need for the lot line adjustments are needed to allow Belmonte Builders (the developer) to be able to create more buildable lots in order accommodate the desired house designs on them. Mr. VanGuilder also stated that the original Farm to Market PDD was to offer Saratoga County a 25ft ROW on Farm to Market but the County declined the offer and asked for a 10 ft strip. The remaining 15ft strip of land has been incorporated with the lot line adjustments. Mr. VanGuilder stated the proposed lot line adjustments on Summerfield Circle are a part of a Phase that has yet to be filed. Mr. VanGuilder stated that all of the proposed lot line adjustments would conform to the Planning Board's requirement of having a ratio of 60% conforming lots and 40% non-conforming lots. Mr. Pete Belmonte stated that the lot line adjustments would suffice in creating buildable lots for the remainder of the project. Mr. Watts asked if anyone from the public wished to speak. Mr. Lemner, 104 Smith Road, stated that ever since the development of the Summit Hills project (Smith Road PDD), of which Mr. Belmonte is the developer, he has experienced flooding problems in his basement and property. Mr. Lemner stated the Town is aware of the situation and he has placed calls to Mr. Belmonte to correct the problems. Mr. Lemner stated his basement has been flooded and that when it rains, the water flows across Smith Road Ext. Mrs. Patenaude asked Mr. Lemner if the problems started when the land was being developed. Mr. Lemner stated yes. Mr. VanGuilder stated that the problems that Mr. Lemner is experiencing is not from the development of where the proposed lot line adjustments are occurring. Mr. Lockwood stated that during the earlier part of the development, Mr. Lemner's drainpipe from his sump was crushed and allowed water to enter his basement. Mr. Belmonte stated that the drainpipe was placed by a previous owner of the Lemner home through an agreement of the previously owner of the lands being developed. There was no record of location of the drainpipe and it was crushed without anyone knowing it was done. Mr. Belmonte stated that the land behind Mr. Lemner was regarded and a berm was placed to stop the flooding on his property. Mr. Belmonte wanted to re-locate the drainpipe to the drainage ditch on Farm to Market Road but the County did not allow it. Mr. Belmonte stated he now wants to run the drainpipe to near the outflow of the detention basin. Mr. Belmonte stated that the runoff on Mr. Lemner's property is not a problem anymore after the berm has been placed. Mrs. Diane Lemner stated that the drainage problems have been occurring for the last 10 months with no resolution. Mr. Watts asked if anyone else wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:26 PM. Mr. Roberts asked Mr. Belmonte when would he correct Mr. Lemner's flooding problems. Mr. Belmonte state within the next two weeks. Mr. Berkowitz made a motion to approve the lot line adjustments contingent on Mr. Belmonte and Mr. Lemner resolving the flooding issue. Mr. Roberts seconded. Motion Carried.

Old Business:

00.119 98 Smith Road Subdivision, Smith Road – Major Subdivision

Mr. Scott Lansing, Lansing Engineers, appeared before the Board to seek an extension of the approval for the 98 Smith Road residential development located on Smith Road. Mr. Lansing stated the project received Planning Board approval in June of 2003 and that the project is currently being reviewed by NYSDCE, NYSDOH and the County Sewer. Mr. Lansing stated he feels the reviews from the other agencies would be finished in about three months.

Mr. Berkowitz made a motion to extend the approval for 1 year. Mrs. Patenaude seconded. Motion Carried.

02.218 Sheldon Hills PDD, Route 146 – Major Subdivision – PDD – GEIS

Mr. Gordon Nicholson, Environmental Design Partnership, presented the proposed Sheldon Hills development to

the Board, which will be developed by A&M Holdings a constituent of the Abele Builders and the Micheals Group. Mr. Nicholson stated that the plan was revised due to a wetland delineation being performed. The revised plan has the same density of 323 residential units as was originally proposed and the lay out has changed showing an increase to the open space. Mr. Watts asked the Board for comment. Mr. Higgins stated the traffic light cost at the intersection of Rt 146/Vosburgh Road and the development's access will be borne by the developer. Mr. Higgins stated the project, as a whole, would pay the mitigation fees at time of Certificate of Occupancy. Mr. Nicholson stated that the traffic light and mitigation fees have been agreed from the start of the project and the developer has agreed to those terms. Mrs. Patenaude stated that her and Mr. Roberts are the committee review team and that she likes the changes. Mrs. Patenaude stated she likes the "cluster" type development and commended the applicants on doing a nice job. Mr. Watts agreed and stated he feels it is a good project, it's innovative and will serve as a standard for future development.

Mrs. Patenaude made a motion to pass a Negative Declaration to SEQR. Mr. Roberts seconded.
Motion Carried.

Mrs. Patenaude made a motion to pass a Positive Recommendation to the Town Board for the proposed Sheldon Hills development. Mr. Roberts seconded.
Motion Carried.

03.158 Pirates Hideout, Guideboard Road, Addition to Site Plan

Mr. Tom Andress, ABD Engineering, presented a site plan depicting an addition to the existing miniature golf/soft ice cream building, expanded parking area and two proposed pavilions for the existing miniature golf course on Guideboard Road. Mr. Andress stated this proposal was originally submitted in 2003 from a different consultant firm. Mr. Andress stated that Mr. Parker, owner, has retained the neighboring property and is proposing to locate additional parking on the land. Mr. Andress stated that it is the owner's intention of expanding the food service offered at the site. Mr. Andress stated a previous submittal was asking to place bumper boats but that has been removed from the proposal. Mr. Andress stated they have looked at the drainage situation and they are proposing to close pipe the storm water on their property. They are also adding a detention basin to manage the storm water. Mr. Roberts stated the applicant needs to look at loud noise issues from the site being that there are residential neighbors near the site. Mr. Andress stated they would do so and that the site plan shows added trees lining the residential area, which may help. Mr. Andress stated that they are here tonight to update the Board and wished to possibly meet with the committee review team. Mr. Watts stated that the committee review team is Mr. Roberts and Mr. Nadeau. Mr. Watts stated that the Board will refer this to CHA and the committee review team. Mr. Watts asked Mr. Andress to submit additional information on present and proposed uses/activities of the site.

04.134 Forum Industries PDD, Dunsbach Road, Commercial Site Plan – PDD

Mr. Tom Andress, ABD Engineering, presented a site plan for a proposed 9,600 SF maintenance/storage garage on the former Crescent Auto Salvage Yard located on Dunsbach Road. Mr. Andress stated they have re-located the building to the center of the parcel, which will help buffer the use from the existing residential uses in the area. The site will be fenced with a 6 ft stockade fence and the front existing building will be refurbished to use as an office with landscape improvements in the front of the site. Mr. Berkowitz asked if the fence will be solid fence that you cannot see through and that there will be no bob wire on the fence. Mr. Andress stated that was correct. Mrs. Patenaude asked if there were existing trees on the north side of the site. Mr. Andress stated there are but the plan shows a berm with additional tree plantings in the area and that the neighbor has an existing fence. Mr. Berkowitz asked what about the neighbor across the street from the site. Mr. Andress stated that the neighbor across the site does not access Dunsbach Road but the side of her property is across the site. Mr. Andress stated that they have added a note on the plan stating the applicant is willing to add additional evergreen tree plantings on the neighbor's property to help with additional buffering. Mr. Watts asked the Board for additional comment.

Mr. Berkowitz made a motion to pass a Positive Recommendation to the Town Board for the proposed Forum Industries PDD. Mr. Roberts seconded.
Motion Carried.

04.137 Sysco Foods, 1 Liebich Lane – Addition to Site Plan

Mr. Jeff Merckle, Stahlmann Engineering, presented a site plan to add ~27,000 SF addition to the existing Freezer Distribution Center of the existing Syco Food site. Mr. Merckle stated they have met with the committee review team and have discussed current site issues. Mr. Merckle stated they have submitted a partial remedial plan and are currently working out the details to resolve the site issues. Mr. Higgins stated he and Mr. Nadeau are the committee review team and have discussed storm water, erosion and noise issues with the Sysco representatives. Mr. Higgins stated that the proposed addition has already been looked at during the initial site plan review for Sysco. The applicants wish to start building this year and have worked well with the committee to

come to a resolution of the site issues. Mr. Higgins stated that the committee review team would like to schedule a Public Informational Meeting before proceeding with any action toward the application. Mrs. Patenaude stated that the applicant could set up a Performance Bond to cover the site issues and have the issues completed before a CO is given for the addition. Mr. Lockwood stated CHA has been working with the Sysco team to come to a resolution to the site issues and the Sysco team has been very cooperative during the process. Mr. Higgins asked to have the range expanded for the Public Notices to people up on Tabor Road near the limits of the mining activity. Mr. Berkowitz asked what the status of the "will call" area. Mr. Mercle stated it is for Sysco's customers only that may run out of a certain product and need to pick up the product. Mr. Mercle stated Sysco has stated it is necessary but they do not promote it

Mrs. Patenaude made a motion to set a Public Informational Meeting with the expanded range of notification to residents on Tabor Road for the June 28, 2004 Planning Board meeting. Mr. Higgins seconded.
Motion Carried.

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

Mr. Berkowitz recused himself from this item. Mr. Gil VanGuilder presented a major subdivision proposal to the Board to create 38-single family residential units adjacent to the Cardin Acres development off of Plant Road. Mr. VanGuilder stated the subdivision is proceeding through the PDD process to create non-conforming lot sizes in order to build with no disturbance around existing wetlands. Mr. VanGuilder stated that some of the benefits to the Town would be creating a second access to the existing and proposed development. Mr. VanGuilder stated that currently there is one access to the development, which does not conform to the Towns Subdivision Regulations. Mr. VanGuilder stated that with the proposed development, the terminal ends of Chateau Drive and Cardin Drive will be connected. Also the water lines will be tied together to create a loop, which helps with the water pressure and quality of the water. Mr. VanGuilder stated he has submitted a conventional subdivision lay out to compare density between conventional subdivision (conforming) and the PDD layout – smaller lot sizes (non-conforming). Mr. VanGuilder stated that he conventional layout would allow a greater number of 38 lots but the wetlands would be fragmented. The proposed PDD is asking for smaller lots with smaller building envelopes and that the wetlands would be kept in Land Preservation Areas. Mr. VanGuilder stated the proposed lot 5, for example, is 9.1-acres in area but the building envelope is very small with the majority of land being kept in a Land Preservation area due to the existing wetlands. Mr. VanGuilder stated that another benefit would give access to three existing landlocked parcels to the east of the project. The land locked parcels would be given a single-access, through easements, to access the lands from the proposed roads of the new development. Mr. VanGuilder stated that the Town's Open Space Committee and stated the layout was received favorably. Mr. VanGuilder stated that they are working on addressing CHA's comment/review letter. One of the comments was to submit a conventional layout, which has been submitted. Mr. VanGuilder stated that the conventional layout for the 29-acre parcel would allow 62 conventional lots to be built. The proposal is asking for 38-lots. Mr. Bob Lockwood, CHA, stated that he vehemently disagrees with the statement of 68-conventional lots would be able to be created. Mr. Lockwood stated there would be no way 68-conventional lots would be able to be developed due to the extent of the existing wetlands. Mr. Lockwood stated that the developer is entitled to building lot on buildable land and not on wetlands. Mr. Lockwood stated that he wished Mr. VanGuilder discussed the issue prior to bringing it up front of the Planning Board. Mr. Lockwood stated that the number of conventional lots presented misinforms the Planning Board on the density issue. Mrs. Patenaude, with Mr. Roberts agreeing, stated that Mr. VanGuilder should not of represented 62 conventional lots to the Planning Board. The Planning Board discussed the possibility of setting a Public Informational Meeting but decided to have further review until doing so. Mr. Lockwood stated they needed more traffic information on the Plant Rd/Rt 9 and Plant Rd/Rt146 intersections. Mr. Watts stated the applicant needs to address CHA's outstanding comments. Mr. Higgins stated that he does not feel that the benefits presented are actual benefits for the Town stating that the roads and infrastructure and the preservation of the wetlands would be needed no matter the case. Mr. Higgins stated he feels the applicant should review the required Town benefit, to the PDD process, in more detail. Mr. Watts, Mr. Roberts and Mrs. Patenaude agreed. Mr. Polak stated that the Town Board is not against the proposed project but cautioned the applicant that the Town Board will be interested to see how the proposed residential dwellings are located with regards to the vicinity of the existing wetlands.

This item was tabled for further review.

04.147 Ayotte Subdivision, 64 Beach Road – Minor Subdivision

Mr. Andrew Schaufert, Santos Associates, stated that at the last Planning Board meeting a Public Hearing was held and the item was tabled to ensure that the culverts were in the Town ROW and not on private land. Mr. Schaufert stated he submitted plans showing the culvert to be in the ROW adjacent to Mr. Petuske's proposed property. Mr. Lockwood stated there are two drainage courses that would need to be tied to together by a cross culvert under the proposed driveway or by placing a catch basin. Mr. Petuske stated he talked with the Town's Highway Department and they suggested that he place a catch basin near the proposed driveway.

Mr. Roberts made a motion to approve the subdivision contingent on the applicant placing a catch basin to the satisfaction of the Town's Highway Department. Mrs. Patenaude seconded.
Motion carried.

04.156 Sommers Subdivision, Pruyne Hill Road – Minor Subdivision

Mr. Joe McBride Jr., applicant, stated that the last time he was at the meeting, the Board set a Public Hearing which he missed. Mr. McBride stated he is proposing to create two lots from an existing 6.5-acre lot on Pruyne Hill Road. Mr. McBride stated one of the proposed lots would be considered a flag lot due to the proposed 60 ft of frontage.

Mr. Higgins made a motion to set a Public Hearing at the June 28, 2004 Planning Board meeting. Mr. Berkowitz seconded.

Motion Carried.

04.164 Riberdy Subdivision, Devitt Road – Minor Subdivision

Mr. Steve Elsbree, surveyor, presented a proposed flag lot from the lands of Greg Riberdy on Devitt Road. Mr. Elsbree stated at the Public Hearing two issues were raised. One was the issue of an existing landlocked parcel behind Mr. Riberdy's land. Mr. Williams stated that talking with the Deputy Town Attorney, it was determined that the landlocked parcel was not created by Mr. Riberdy's land. Mr. Elsbree stated the second issue was there were two actions on the subdivision plan and only one application was submitted. Mr. Elsbree stated the second application has been submitted.

Mr. Roberts made a motion to approve the subdivision as presented. Mrs. Patenaude seconded.

Motion Carried.

04.166 Halfmoon Mobil Car Wash/Coin Laundry, 1592 Route 9 – Sign

Mr. Steve Weekes, co-owner, stated the proposed sign application was tabled at the last meeting to allow Mr. Roberts to review the application. Mr. Weekes stated he met with Mr. Roberts and have come to an agreement of placing a 12 ft freestanding sign for the Car Wash/Laundromat business, which is presently being constructed. Mr. Weekes stated the freestanding sign will be double-sided with dimensions of 9'x10' with an area of 180 SF. There will be three building sign with dimensions of 2'x10' for a total area of 60SF. There is also a proposed reader board with dimensions of 4 ft x 6 ft with an area of 24 SF. The total of all signage is 264 SF. Mr. Weekes mentioned about the possibility of placing a flagpole on site. Mr. Watts stated that they are reviewing the proposed flagpole issue and contact the applicant once it is determined how to proceed.

Mr. Roberts made a motion to approve the sign application as presented. Mr. Berkowitz seconded.

Motion Carried.

New Business:

04.169 Soothe the Soul, Rome Plaza-1471 Route 9 – Change of Tenant & Sign

Ms. JoAnne Hunter, applicant, presented a change of tenant to operate a relaxation retail/service business from a storefront in Rome Plaza. Mr. Roberts asked if there was retail involved. Ms. Hunter stated they would sell books and music related to relaxation and meditation. They will also sell body jewelry and aromatherapy products. The service will be three tanning booths and massage therapists. Mr. Berkowitz asked if there would be any tattoo or body piercing. Ms. Hunter stated no. Mr. Watts asked what the maximum amount of customers occupying the store at any one time. Ms. Hunter stated there would be probably be two employees, three tanners, one message and about 3-4 customers, which would make about 10-12 people. Ms. Hunter stated the tanning booths have a quick rotation of about 10-15 minutes per tanner. Ms. Hunter stated her busiest day would most likely be Saturdays. Mr. Roberts asked about the proposed sign. Ms. Hunter stated the sign is 2ft x 5ft and will replace the existing sign.

Mr. Roberts made a motion to approve the tenant change and sign. Mr. Berkowitz seconded.

Motion Carried.

04.170 Sanson Snacks, 45 Route 146 – Change of Tenant

Mr. Victor Santoro, applicant, presented a change of tenant application for a commercial building located on the corner of Route 146 and Farm to Market Road. Mr. Santoro stated the business is to wholesale snack foods to local vendors from the site. Mr. Santoro stated the property has a long history of commercial uses but is zoned Agricultural/Residential. Mr. Santoro stated the last tenant, Grinnels Fire Apparatus, moved out in March of 2003. Mr. Higgins asked about the piles of dirt stored on site from the removal of the underground gas tanks. Mr. Santoro stated that the pile is half gone. Mr. Santoro stated that NYSDEC was supervising the clean up. Mr. Roberts asked what were the proposed business operations. Mr. Santoro stated they wholesale snack foods to

about 7 vendors to supply their vending machines. Mr. Watts asked if there would be more than 7 vendors. Mr. Santoro stated that his business could not supply more than 10 vendors. Mr. Roberts asked about truck deliveries stating the site looks difficult to access. Mr. Santoro stated there would be two tractor-trailer trucks deliveries per week. Mr. Santoro stated that there is access off of Rt 146 and Farm to Market Road with adequate maneuvering room on site. Mr. Santoro added that the last tenant also had tractor-trailer deliveries. Mrs. Patenaude suggested of having the applicant submit a letter from DEC regarding the soil clean up for the Planning Department records.

Mr. Roberts made a motion to approve the tenant change contingent on the applicant submitting a letter from DEC acknowledging the soil clean up and that it is in compliance with the State. Mr. Ruchlicki seconded. Motion Carried.

04.172 Clemente PDD, Route 146 – PDD – Major Subdivision

This item was removed from the agenda.

04.173 Daystar Technologies, 13 Corporate Drive – Change of Tenant

Mr. Tom Andress, ABD Engineering, presented a change of tenant application for 13 Corporate Drive (Capitol Region Business Park – Abele PDD). Mr. Andress stated that the applicant manufactures foils for the semi-conductor industry. Mr. Andress stated that the applicant coats the foils for solar voltaic cells and that this business is one of the first for the chip fab industries in the area. Mr. Andress stated the applicant wishes to locate in the existing 18,000 SF office/warehouse business which was formerly occupied by Diagnostic Imaging. Mr. Roberts asked how many employees are proposed. Mr. Andress stated there would be 10 initially with a projection of 40 employees within two years. Mr. Andress stated that the applicant has approached the Saratoga County Sewer District #1 on the premise of the waste water is industrial waste, along with domestic waste, which needs acceptance from SCSD#1. Mr. Andress stated that the applicant might also need an Air Permit from NYSDEC due to the process of coating the foils. There may be ventilation hoods and an air scrubber required for the process. The Board questioned of whether or not this type of use would be allowed in the Capitol Region Business Park. The Board asked the applicant to submit specific information on the processes associated with the proposed business.

This item was tabled for further information to be submitted and reviewed.

Mrs. Patenaude made a motion to adjourn the June 14, 2004 Planning Board meeting at 8:39 PM. Mr. Ruchlicki seconded. Motion Carried.

Respectfully Submitted,

Jeffrey R. Williams
Town Planner