

## Planning Board Minutes - May 24, 2004

Those present at the May 24, 2004 Planning Board meeting were:

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

Planner: Jeff Williams

Town Attorney: Bob Chauvin  
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak  
Mindy Wormuth

CHA Representative Mike Bianchino

Mr. Watts opened the May 24, 2004 Town of Halfmoon Planning Board meeting at 7:01 PM.

Mr. Watts asked the Planning Board if they have reviewed the May 10, 2004 Planning Board minutes. Mr. Roberts made a motion to approve the May 10, 2004 Planning Board minutes contingent on recommended changes. Mr. Nadeau seconded. Motion carried.

### Public Hearings:

#### 04.147 Ayotte Subdivision, 64 Beach Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:04 PM. Mr. Watts asked if anyone from the public wished to have the Public Hearing notice read. No one responded. Mr. Schauffert, the land surveyor, presented the proposed subdivision plan consisting of subdividing a 9.4-acre parcel into two parcels and that the area is zoned R-1. The first parcel will be 0.92-acres with the existing Ayotte residential unit and the other parcel will be a vacant 8.5-acre parcel. Mr. Schauffert stated the proposed 8.5-acre parcel would be sold to the Mrs. Petuske in order for them to build one single-family residence on the proposed parcel. Mr. Schauffert stated the 8.5-acre parcel would be considered a flag lot due to the proposed parcel not meeting the required lot frontage on a Town road. Mr. Schauffert stated that at the May 10, 2004 Planning Board meeting, a question of the existence of a lot behind the existing Ayotte home appeared to be a flag lot. Mr. Schauffert stated that the rear lot behind the Ayotte's home was created before 1967 and pre-existed to the Town's Zoning Laws. 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. Nadeau stated that he noticed the area where the proposed driveway was to access off of Beach Road drops down and that a large amount of fill may be needed. Mr. Bianchino stated the applicant has been in contact with the Town's Highway Department and the construction of the driveway has started. Mr. Bianchino stated that there are two drainage patterns that convene at the location just north of the proposed driveway. The first drainage corridor conveys water easterly through an existing culvert crossing Beach Road located north of the proposed driveway. The second drainage corridor conveys water in a northerly direction down the east side of Beach Road and meets at the existing culvert crossing Beach Road. The proposed driveway will need a crossing culvert to convey the drainage coming from the north to the existing drainage on the north side of the proposed driveway. Mr. Petuske stated that he talked with the Town's Highway Superintendent and that they have placed a crossing culvert under the proposed driveway. Mr. Finkelstein, 48 Beach Road asked if he could ask a question. Mr. Watts asked if Mr. Finkelstein was present when he opened the Public Hearing and when he asked comments from the public. Mr. Finkelstein stated yes but it happened quickly and was unable to respond. Mr. Watts asked the Board and Council if they were willing to re-open the public comment period. The consensus of the Board responded yes. Mr. Watts re-opened the Public Hearing at 7:10 PM. Mr. Finkelstein stated he has three concerns. Mr. Finkelstein stated that the surveyor moved the existing boundary markers on his property and of others in the neighborhood. Mr. Finkelstein stated that the applicant has already started constructing the driveway for the proposed lot. Mr. Finkelstein stated the drainage work and the culvert are

located on his property. Mr. Schauffert stated there was no pins moved, that they found three of the four pins to Mr. Finkelstien's property and the location of the existing culvert is not on Mr. Finelsteins' property. Mr. Petuske stated that the Town required a catch basin and that the location of the catch basin is about two feet from the road. Mr. Schauffert stated it is in the Town's ROW. Mr. Watts asked if anyone else from the public wished to speak. No one responded. Mr. Watts re-closed the Public Hearing at 7:14 PM. Mr. Ruchlicki asked Mr. Finkelstein if he ever had his property surveyed. Mr. Finkelstein stated it was surveyed at the time of purchase. Mr. Nadeau asked if he has a copy of the survey. Mr. Finkelstein stated yes, but it is not with him and he could give a copy to the Board. Mr. Chauvin stated that it is the position of the Town and the Planning Board that disputes between private property boundaries are civil disputes and that those issues must be acted on between the two parties. Mr. Chauvin asked to have two weeks to determine the location of the proposed culvert and would like to have the Highway Superintendent to review whether or not the culvert is in the Town's ROW. Mr. Chauvin stated that if the culvert is in the Town's ROW then there is no issue other than the proper permits are obtained that are required by the Highway Department to work in the ROW. Mr. Bianchino asked the surveyor where the culvert is located. Mr. Schauffert stated that he is not aware of the location of the proposed culvert but would create an "as built" for the next Planning Board meeting.

This item was tabled for the creation of an "as built" map and the review of the location of the culvert under the proposed driveway.

#### 04.156 Sommers Subdivision, Pruyn Hill Road – Minor Subdivision

The applicant was not present. The Board cancelled the Public Hearing. The applicant will be required to appear before the Board to re-schedule the required Public Hearing in order to proceed with the proposed subdivision application.

#### 04.161 Mike Abele Subdivision, Boyack Road – Major Subdivision

Mr. Watts opened the Public Hearing at 7:17 PM. Mr. Watts asked if anyone from the public wished to have the Public Notice read. The public responded yes. Mr. Watts read the Public Notice. Mr. Tom Address stated the original proposals were for a 14-lot and a 10-lot subdivision and now is present for a proposed 6-lot subdivision. The area is ~15-acres and will have a Town road named "Williams Way". The lots will range from ¾-acre to 5-acres. Public water and sewer from the Town of Clifton Park will service the proposed subdivision. Mr. Address stated that the initial submission for the proposed 6-lot subdivision had a smaller storm water retention basin than what was proposed for the 14 and 10-lot subdivisions. The applicant has revised the storm water management area to have the same size retention area as was proposed for the 14-lot subdivision. The larger retention area will hold more volume of storm water to alleviate the run-off issues. Mr. Address stated that the Town of Halfmoon Highway Department has recently replaced a single 12-inch culvert, under Boyack Road, with two 12-inch culverts. Mr. Address stated that they have placed a note on the subdivision plan that they will work with the Town of Clifton Park and improve another existing culvert, which runs under Boyack Road in the Town of Clifton Park. Mr. Watts asked Mr. Chauvin for a statement on the recent Court's decision regarding this proposed subdivision. Mr. Chauvin stated the Court decision is finalized which is the result from numerous conferences between Mr. Abele's attorney and himself. Mr. Chauvin stated that he believed ultimately that the request would have been dismissed which would allow Mr. Abele to bring in a plan asking for more lots. Due to discussions with the Board, the engineers and with Judge Ferradino, Mr. Chauvin suggested to the Board to agree for the allowance of 6 new lots so that the Board would be able to control the future developability of the parcel. Mr. Chauvin stated that he believes the agreement for the 6-lots is consistent to what the Board would want with regards to the development of the parcel.

Mr. Watts asked if anyone from the public wished to speak. Mrs. Inge Parlo, 139 Boyack Road, stated she has some questions. Mrs. Parlo thanked the Board for their efforts of containing the total number of lots on the property. Mrs. Parlo asked if any of the proposed 6-lots would be able to be further subdivided in the future? Mr. Chauvin stated the applicant has agreed not to subdivide the properties any further. Mr. Chauvin cautioned that Town Law does not limit the people to what they can do with their property. Mr. Chauvin stated a subsequent owner to the parcels would be allowed to appear before the Board to further subdivide. Mr. Chauvin stated that he cannot see this present Board allowing any further subdivision of the lands but in the future it may happen. Mrs. Parlo asked the applicant if the land would be sold to the developer? No response. Mrs. Parlo asked if the two original existing lots could be subdivided further? Mr. Chauvin stated the property owner is allowed to bring an application before the Board if he wishes. Mrs. Parlo asked which lot will be Mr. Abele's lot. Mr. Watts stated he does not believe it is the proper forum for that question. Mrs. Parlo stated who will be the builder for the lots? No response. Mrs. Parlo asked how the water will be conveyed to the storm water detention area – above or below ground? Mr. Address stated it will be overland flow to the proposed Town Road and then piped to the detention basin and released to culvert going across Boyack Road. Mrs. Parlo stated that the 70 ft buffer for the Northway seems inadequate. Mrs. Parlo asked how will the buffer be protected? Will it be up to landowner? Mr. Watts stated that is correct, that is the plan and that is what we agreed to. Mrs. Parlo asked what is to prevent the

owners of lots 5 and 7 of clearing their land. Mr. Address stated there is a conservation easement that does not allow any disturbance. Mrs. Parlo asked if there is a difference between a conservation easement and a no cut preservation easement? Mr. Address stated they are basically the same. Mrs. Parlo asked that means no one can touch the areas or build in the areas. Mr. Address stated that is correct. Mrs. Parlo asked if Boyack Road is planned to be widened or improved. Mrs. Parlo stated the road is crumbling. Mr. Polak stated that he will ask Highway to look into it but it is not in this year's budget. Mr. Bianchino stated the applicant responded to their May 19th letter. The one issue is to ensure that the drainage from the rear of lots does make it to the basin. The applicant has enlarged the basin and will review the orifice on the culvert that will exit the basin. Mr. Bianchino stated that the applicant will work with Clifton Park with regards to the culvert in that town. Mr. Chauvin stated to be consistent with the court order, any approval from the Board will be subject on our engineer's sign off and also the conservation/no cut buffer easement language reviewed by the Town's Attorney prior to stamping of the plan and a time/stamped copy of the declaration which will be filed with the County Clerk. Mr. Roberts asked if there is a water agreement in place. Mr. Address stated it is still before the Town of Clifton Park Town Board. Mr. Watts asked for a motion.

Mr. Roberts made a motion to approve the subdivision contingent on a water agreement with the Town of Clifton Park is obtained, CHA sign-off on the project and the review and acceptance of the language for the conservation easement/no cut buffer by the Town's attorneys. Mr. Nadeau seconded. Motion carried.

#### 04.164 Riberdy Subdivision, Devitt Road – Minor Subdivision

Mr. Chauvin recused himself from this item. Mr. Watts opened the Public Hearing at 7:34 PM. Mr. Watts asked if anyone from the public wished to have the notice read. No one responded. Mr. Steve Elsbree, land surveyor, presented a plan to subdivide an existing 4.2-acre lot with an existing dwelling unit on it. The proposed subdivision will create a 3.32-acre parcel that will have public water and private septic. The proposed parcel will be a flag lot and used for a single-family dwelling. There will be a sliver of land obtained from the applicant's father to create the required 20' frontage for a flag lot. Mr. Watts asked if anyone from the public wished to speak. Mrs. Barbara Dudek, Dudek's Dairy, stated that there are 14-acres owned by the Dudeks and behind the proposed subdivision, which is landlocked. Mrs. Dudek stated that Mr. Chauvin represents the Dudek Dairy and was to review the proposed subdivision with regards to the landlocked parcel. Mrs. Murphy stated the Mr. Chauvin has recused himself from this item and that she is recommending to the Board to table the action for review over the matter. Mr. Elsbree stated the action before the Board is to subdivide an existing parcel and has nothing to do with the landlocked parcel. Mr. Watts asked if anyone else wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:41 PM. Mr. Elsbree stated that there should be no concerns. Mr. Watts stated that there has been a new map handed out tonight. Mr. Elsbree stated the new map shows the proposed house, driveway and septic but the boundaries are the same and the parcel has existed since 1996. Mrs. Murphy stated that one concern is the landlocked parcel, which she will review, and comment back to the Board. The second concern is that the one map has two actions, the subdivision of the lands of Greg Riberdy and a conveyance of land from the lands of Frank Riberdy. Mrs. Murphy stated the applicant needs to provide documentation on both proposals.

This item was tabled to review the land locked parcel and correct documentation of what is being proposed.

#### Old Business:

#### 03.214 Ciepiela Subdivision, Staniak Road – Major Subdivision

Mr. Humilston, a land surveyor, presented plans for a subdivision of a 27-acre parcel with frontage on Staniak and Johnson Road. The proposed subdivision will create a 1-acre parcel with frontage on Staniak Road. The area is zoned agricultural-residential with private septic and well water. Mr. Humilston stated this proposal was in front of the Board in November. He was directed to change the application to a Major Subdivision and show a future master plan for the possible development of the remaining lands. Mr. Humilston stated he has submitted a major subdivision application and showed the possible remaining subdivisions of the land. Mr. Berkowitz asked if the rear lands are to be landlocked if the future subdivision occurs. Mr. Humilston stated that there could be three more future subdivisions with one of the future lots obtaining the rear land. The land in the rear will not be landlocked. Mr. Nadeau stated the history of the subdivisions of the land for the Lands of Ciepiela has been pieced mealed through out the years. Mr. Nadeau stated Mr. Ciepiela has a large parcel on the other side of Johnson Road. Mr. Nadeau stated if those lands are to be subdivided than the Board will need a master plan for the possibility of how the land could be subdivided at that time. Mr. Higgins stated that the applicant will be required to pay the GEIS mitigation fees at the time the fifth lot is created during the time when the GEIS has been approved. Mr. Higgins asked if there was any thought to hook up the existing parcels to the Town's water system.

Mr. Roberts made a motion to set a Public Hearing for the June 14, 2004 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

#### 04.130 Kielty Subdivision, 185 Brookwood Road – Minor Subdivision

Mrs. Kelly Dickinson, daughter of the Kielty's, was present to create a second flag lot on the existing 3.41-acre parcel. Mrs. Dickinson stated they were granted relief from the ZBA to allow a second flag lot to be created contingent on the front lot conforming to 40,000 SF for a two-family unit due to the existing dwelling having an in-law apartment. The applicant stated they have revised the subdivision plan showing the conforming front lot. Mr. Roberts made a motion to set a Public Hearing for the June 14, 2004 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

#### New Business:

#### 04.163 Old Dublin Inn, 130 Meyers Road – Addition to Site Plan (Tentative)

Mr. Higgins recused himself from this item. Mr. Bill Byrne, owner of the Old Dublin Inn, was present to discuss the idea of placing a deck on the existing restaurant. Mr. Byrne stated that the improvements are in place such as the additional parking area for 58 spaces, the site is one-way by entering off of Farm to Market Road and exiting out to Myers Road, the fence is in place, trees have been relocated, signs have placed, the drainage swale is created, and the dumpster is relocated. The only things that remain is the dumpster enclosure and the sign stating 'patrons only' to cut down of the "short cuts" through the site. The deck will be 33ft by 43 ft. Mr. Byrne stated that he is here tonight to discuss the proposal before appearing before the ZBA. Mr. Watts asked if there have been any parking issues recently. Mr. Byrne stated the parking improvements have been in place for a week and seems to be helping. There have been no cars parked on the road since. Some park in front of the barn and Mr. Byrne stated that they could place barriers near the barn if the owner would allow it. Mr. Watts asked him to look into that. Mr. Watts asked if there are any issues with the septic system. Mr. Byrne states that the septic is pumped out about twice a month. Mr. Ruchilicki asked if there were leach fields associated with the septic tank or is it a holding tank. Mr. Byrne stated there are two septic tanks with leach fields. Mr. Watts asked if he looked into the sewer line. Mr. Byrne stated he would need to pump up the top of hill and understood Stewarts may need also to hook up which would be beneficial to partner in the aspect. Mr. Berkowitz asked how many tables would be on the deck. Mr. Byrne stated 8 tables with four chairs. Mr. Berkowitz asked if there was to be any entertainment on the deck. Mr. Byrne stated that he would place speakers on the deck and have the entertainment inside. Mr. Watts asked if there are any residents nearby. Mr. Roberts stated up the hill. Mr. Watts stated that the Board would not want to have music outside. Mr. Byrne stated OK. Mr. Berkowitz asked if there would be a bar outside. Mr. Byrne stated a service bar but not one you sit down at. Mr. Byrne stated the liquor license would need to be changed because the alcohol will be outside. Mr. Berkowitz asked about the two-tiered deck. Mr. Byrne stated due to the existing doors are higher than the decks floor. Mr. Watts stated that the applicant has been denied a building permit and will be appearing before the ZBA.

#### 04.165 Upstate Ultrasonic Cleaning, 1701 Star Plaza – Sign

Mr. Chris Bluvus, owner of Upstate Ultrasonic Cleaning, is proposing to replace the existing storefront sign with his business sign with the same dimensions of 3.3ft x 8ft. Mr. Bluvus stated he understands that the owner of the plaza may upgrade the plaza and submit a more uniform sign package sometime in the future. Mr. Bluvus stated it will be temporary until the time the owner brings in a whole sign package for the plaza. Mr. Roberts asked if the sign will be lit. Mr. Bluvus stated no.

Mr. Roberts made a motion to approve the sign as presented. Mr. Nadeau seconded. Motion carried.

#### 04.166 Halfmoon Mobil Car Wash/Coin Laundry, 1592 Rt. 9 – Sign

Mr. Steve Weekes stated they are asking for 249 SF of signage for their recently approved carwash and Laundromat facility. Mr. Roberts stated the applicants are looking for a 17 ft tall freestanding sign and believes that is too tall. Mr. Roberts stated they are on Rt 9 and the sight distance is good and believes a 10 ft sign would suffice. Mr. Weekes stated the reason for the proposed height of the sign is to match up with the gas stations freestanding sign. Mr. Weekes stated there are to be two uses on the freestanding sign and to incorporate a reader board. Mr. Roberts asked the sign to match up to other signs in the area. Mr. Weekes asked Mr. Bianchino asked if the sign is shorter would it affect sight distance for patrons exiting the site. Mr. Bainchino stated he does not believe so. Mr. Roberts suggested to meet with the applicants. Mr. Watts stated this item will be tabled and placed on the next Planning Board meeting.

#### 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 an Highview Way; Lots 2, 4, 12, 14 & 16 – Lot Line

### Adjustment

Note: The following two items are related. Mr. Chauvin recused himself from this application. Mr. Gil VanGuilder presented several proposed lot line adjustments for the Farm to Market PDD (Prospect Meadows). Mr. VanGuilder stated the proposed lot line adjustments are needed to accommodate the style and structure of homes, which Belmonte Builders are building. Mr. VanGuilder stated they took a comprehensive approach to looking at all of the lots in Prospect Meadows development and brought in the proposed lot line adjustments, as a whole instead of individually bringing in each needed lot line adjustment. Mr. VanGuilder stated the proposed lot line adjustments will be as follows:

#### Summerfield Circle:

Lot 18's original area is 12,487 SF, whereas the proposed lot line adjustment will create a 12,915 SF lot.  
Lot 20's original area is 10,315 SF, whereas the proposed lot line adjustment will create an 11,938 SF lot.  
Lot 22's original area is 10,647 SF, whereas the proposed lot line adjustment will create a 12,331 SF lot.  
Lot 24's original area is 10,784 SF, whereas the proposed lot line adjustment will create a 12,590 SF lot.  
Lot 26's original area is 12,149 SF, whereas the proposed lot line adjustment will create a 12,166 SF lot.  
Lot 28's original area is 20,101 SF, whereas the proposed lot line adjustment will create a 14,518 SF lot.

#### Outlook Drive North:

Lot 1's original area is 20,146 SF, whereas the proposed lot line adjustment will create a 20,775 SF lot.  
Lot 3's original area is 10,392 SF, whereas the proposed lot line adjustment will create an 11,085 SF lot.  
Lot 9's original area is 11,314 SF, whereas the proposed lot line adjustment will create an 11,866 SF lot.  
Lot 11's original area is 10,712 SF, whereas the proposed lot line adjustment will create an 11,344 SF lot.  
Lot 13's original area is 10,842 SF, whereas the proposed lot line adjustment will create an 11,524 SF lot.  
Lot 15's original area is 9,832 SF, whereas the proposed lot line adjustment will create a 17,605 SF lot.

#### Highview Way:

Lot 2's original area is 20,053 SF, whereas the proposed lot line adjustment will create a 20,474 SF lot.  
Lot 4's original area is 10,125 SF, whereas the proposed lot line adjustment will create an 11,041 SF lot.  
Lot 12's original area is 10,670 SF, whereas the proposed lot line adjustment will create an 11,425 SF lot.  
Lot 14's original area is 10,168 SF, whereas the proposed lot line adjustment will create a 10,323 SF lot.  
Lot 16's has been removed to create the larger proposed Lot 15 of Outlook Drive North.

Mr. VanGuilder stated the original subdivision created 72 lots. Of the 72 lots, 27 lots were under 20,000SF in size and 45 lots over 20,000 SF, which calculates to 37.5% under the conforming lot size and 62.5% over conforming lot size. The proposed lot line adjustments will create a loss of one lot for a total of 71 lots. The non-conforming lot sizes to conforming lot sizes ratio will remain the same. Mr. VanGuilder stated that Saratoga County Sewer District #1 did not want the proposed 20 ft wide ROW along Farm to Market PDD and asked for a 10 ft ROW. Mr. VanGuilder stated that there is one drainage swale adjacent to Lot 15 Outlook Drive North will be relocated to another catch basin on the road than what was originally proposed. Mr. Bianchino asked if the catch basin in which the drainage swale is to connect was in a dedicated portion of the roads. Mr. VanGuilder stated yes. Mr. Nadeau asked if the area from the removed (loss) lot was re-distributed amongst the other lots. Mr. VanGuilder stated yes.

Mr. Berkowitz made a motion to set a Public Hearing for the June 14, 2004 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

Mr. Roberts made a motion to adjourn the May 24, 2004 Town of Halfmoon Planning Board meeting at 8:18 PM. Mr. Berkowitz seconded. Motion carried.

Respectfully Submitted,

Jeffrey R. Williams  
Town Planner