

Planning Board Minutes - October 13, 2004

Those present at the October 13, 2004 Planning Board meeting were:

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

Planner: Jeff Williams

Town Attorney: Bob Chauvin

Town Board Liaisons: Walt Polak
Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the October 13, 2004 Planning Board meeting at 7:00 pm. Mr. Watts asked the Board if they have reviewed the September 27, 2004 Planning Board minutes. Mr. Roberts made a motion to approve the September 27, 2004 Planning Board minutes. Mr. Higgins seconded. Mr. Nadeau abstained. Motion Carried.

Public Hearings:

04.176 PH Ianniello Subdivision, 25 Pruyn Hill Road – Minor Subdivision

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. Dan Tompkins of Environmental Design Partnership presented a 2-lot proposed Minor Subdivision on Pruyn Hill Road which has received a variance from the Zoning Board of Appeals at their September meeting. Mr. Tompkins stated that the variance was granted for lot width and size. Mr. Tompkins stated that presently there is an existing 18,577 SF lot. The Ianniello's propose to subdivide the land so there would be a 9,974 SF lot with their existing home and an 8,603 SF vacant lot. Mr. Tompkins stated that part of the approval with the ZBA was the vacant lot would have a minimum set back of 15 feet along the side yard which is shared with an existing neighbor to the east. The Ianniello's would limit the vacant parcel to a single-family residence. Mr. Tompkins stated that the ZBA commented that the proposed Subdivision reflects the character of the surrounding neighborhood in that particular area of Town. Mr. Tompkins stated that this area of the Town was subdivided in 1925 with every lot being 50 feet in width and through the years some of the development involved purchasing 2 to 3 lots at the same time. Mr. Tompkins said that looking at the tax map a majority of the lots are still 50 feet in width with some greater than the 50 foot width. Mr. Watts asked if anyone from the public would like to speak. No one responded. Mr. Watts closed the Public Hearing at 7:05 pm. Mr. Watts asked the Planning Board Members if they had any questions.

Mr. Roberts made a motion to approve the Minor Subdivision. Mr. Berkowitz seconded. Motion carried. Mrs. Wormuth asked if there were any Deed restrictions for future sale. Mr. Chauvin asked Mr. Tompkins to submit a copy of the Deed restrictions to his office for review. Mr. Tompkins agreed to send Deed restrictions to Mr. Chauvin's office for review.

04.190 PH Belkevich Subdivision, 130 Canal Road (rear) – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:06 pm. Mr. Watts asked if anyone from the public wished to have the Public Notice read. No one responded. Mr. Louis Chicatelli of the law firm of Fazzone and Fazzone presented the proposed 2 lot Subdivision of the Estate of John Belkevich. Mr. Chicatelli stated that they received approval from the Zoning Board of Appeals in September. Mr. Chicatelli stated that the parcel is approximately .86 acres and did not meet the area requirements as it was only served by public water and not by public sewer. Mr. Chicatelli stated that this property owned by Mr. Belkevich was bequeathed to two different family members and they are presently living on the said property in two separate single family residences. Mr. Chicatelli is requesting that the property be split almost exactly in half with 18,777 square feet on parcel B and 18,657 square feet on parcel A.

Mr. Chicatelli stated that the two homes already exist on the one lot and no further improvements would be required. Mr. Chicatelli stated that the subdivision would be a boundary line between the two homes. Mr. Watts asked if anyone from the public would like to speak. No one responded. Mr. Watts closed the Public Hearing at 7:07 pm. Mr. Watts asked if the Planning Board Members had any questions. Mr. Berkowitz made a motion to approve the Minor Subdivision. Mr. Roberts seconded. Motion carried.

Old Business:

04.109 OB A-1 Septic, 392 Hudson River Road – Change of Tenant

This applicant was not present and no action was taken on this item.

04.159 OB Kennedy Lane Self-Storage, Kennedy Lane – Commercial Site Plan – GEIS

Mr. Jason Dell, Lansing Engineering, presented an 8 building storage facility with a gravel access drive off of Kennedy Lane. Mr. Dell stated that they have been working with the Town's Engineer and addressed the comment letter regarding lighting issues. Mr. Dell stated that he felt that they have addressed those issues and they are looking to get final approval. Mr. Watts asked if anyone had any questions. Mr. Nadeau asked if there was going to be an easement for the Town to be able to access this property. Mr. Tanski stated that it was his understanding that there would be an easement in cooperation with the Town Highway Department. Mr. Tanski asked Mr. Chauvin if there were any specific plans that he required. Mr. Chauvin stated that the approval would be contingent upon an easement which must be shown on the plans and dedicated to the Town prior to issuances of Building Permits and Certificates of Occupancy. Mr. Chauvin also stated that the Town's Engineers looked at the proposed "Hammer Head" turn around and it is acceptable and that the easement is going to be paved. Mr. Berkowitz inquired as to how many total units are proposed. Mr. Tanski stated that there would be 8 buildings. (2 buildings with 20 units, 2 buildings with 10 units, 2 buildings with 16 units, 1 building with 8 units, 1 building with 5 units. This totals 105 units along with 16 existing units for a grand total of 121 units.) Mr. Tanski stated that there would be no commercial businesses in the units and that the units will be used for cold storage with no outside storage. Mr. Higgins is concerned with the elevation of the road being gravel and not pavement. Mr. Tanski stated he had no problem with the road last year. Mike Bianchino stated that there were areas that were washed out. Mr. Tanski stated that area would be paved. Mr. Berkowitz asked how the buildings would be lighted. Mr. Bianchino asked if the wall packs would be down lights. Mr. Tanski stated that the wall packs would be down lights. Mr. Nadeau stated that he would like to add to the plan that there would be no outside storage. Mr. Tanski agreed. Mr. Nadeau asked how many residences were in the area. Mr. Tanski stated that there is an apartment building with 4 units, one house next to one of the garages that Mr. Tanski owns with his brother-in-law, 2 houses on the right going out to Route 9, and the house that Mr. Tanski bought the land from on the left hand side. Mr. Tanski stated that the 2 houses on the right are the only homes in the area. Mr. Watts asked Mr. Tanski how much traffic would be generated. Mr. Tanski responded that when the project is completed he anticipates 15 to 20 cars a day. Mr. Nadeau stated that there is another storage facility on Routes 4 and 32 where he has seldom seen people lined up waiting to get into the facility. Mr. Berkowitz made a motion to approve the site plan contingent on no outside storage, easement to the Town for the turnaround area, the area will be paved, lights will be downward, and GEIS mitigation fees. Mr. Nadeau seconded. Motion carried.

04.182 OB Bast Hatfield, 1399 Vischer Ferry Road – Minor Subdivision -&-

04.183 OB United Rental, Vischer Ferry Road – Addition to Site Plan

John Higgins recused himself. Mr. Ed Esposito of Bast Hatfield stated that Van Guilder and Associates submitted subdivision plans previously that represented a portion of Lands of Bast Hatfield conveyed to the Lands of United Rental. The last review of the Town Engineer's had some concerns of the discharge and run off into the Stony Creek. A revised plan was submitted to the Town Engineer's that would address these set backs and the appropriate new rated storm water management controls for this site. The storm water plan will protect the creek from any potential polluted run-off. Mr. Esposito stated that a 1.6 acre subdivision would become merged with the total 4.0 plus acres of United Rental property. The area will be used to store rental equipment. Mr. Watts asked Mr. Bianchino if he was satisfied with the revisions. Mr. Bianchino stated that all of his outstanding comments were addressed. Mr. Watts asked if there were any questions. Mr. Nadeau made a motion to approve the Bast Hatfield Minor Subdivision. Mrs. Patenaude seconded. Motion Carried. Mr. Nadeau made a motion to approve the United Rental - Addition to Site Plan. Mrs. Patenaude seconded. Motion carried.

04.197 OB Messier Subdivision, 165 Guideboard Road – Minor Subdivision This applicant was not present and no action was taken at this time.

04.207 OB DeVoe Subdivision, 82 Plant Road – Minor Subdivision

Mr. Chauvin recused himself. Mr. Dave Flanders of Dave Flanders and Associates proposed a 2 lot Subdivision on Plant Road. One lot is an existing parcel which is currently vacant and adjoins the farmlands of DeVoe. On the other lot is an existing duplex. Mr. Flanders stated the proposed Subdivision is to adjoin a portion of C-1 zoned lands to the existing R-1 zoned parcel in order to create a duplex lot. Mr. Flanders stated the proposal received a variance from the ZBA in October. The other lot would be created for the existing duplex that Mr. DeVoe owns on Plant Road. Mr. Watts stated that there have been some issues with adjoining neighbors relative to lot lines. Mr. Watts asked Mr. Flanders if he was aware of the situation. Mr. Flanders stated that he was aware of the issues. Mr. Watts stated that this was a civil matter between the various land owners and not a Town issue. Mr. Watts stated that he would advise the landowners of such. Mr. Flanders responded that he has met with the individual who had the issues with the lot line, and explained the matter to the individual's satisfaction. Mr. Berkowitz made a motion to set a Public Hearing for the October 25, 2004 Planning Board meeting. Mr. Higgins seconded. Motion Carried.

New Business:

04.211 NB Dr. Sumithra DDS, 21 Executive Park Drive – Change of Tenant

Mr. Kyle Chambers of Conley Realty Services LLC proposed a change of tenant for 21 Halfmoon Executive Park Drive. Mr. Chambers stated that the applicant wished to utilize 2,220 square feet of vacant office space. The previous tenant was a dental office and the proposed change of tenant would also be for a dental office. Mr. Watts asked the Town Planner, Jeff Williams, if he had reviewed the site plan for parking. Mr. Williams stated that Carrol Corporation is the only tenant in the building at this time. Mr. Roberts asked if there would be a new sign. Mr. Chambers stated that he was waiting for the tenant to move in to see if the new dentist wanted a sign on the glass door and that a new sign would be placed on the 21 Executive Park pylon sign. Mr. Chambers stated he would return to the Planning Department to acquire the sign application. Mr. Roberts made a motion to approve. Mr. Berkowitz seconded. Motion carried.

04.216 NB Bladez Salon, 1387 Vischer Ferry Road – Change of Tenant & Sign

This item was removed from agenda – more information is needed from applicant for site plan

04.217 NB Floud Subdivision, 223 Cary Road – Minor Subdivision

Mr. Dave Flanders of Dave Flanders Associates proposed a minor subdivision of Lands of Betty Floud. Mr. Flanders stated that Mrs. Floud owns approximately 42.5 acres in the southerly side of Ushers Road which is zoned LI-C. There are two existing residents on the farmland. Mrs. Floud occupies one of the residences and her son and his wife occupy the second residence. Mrs. Floud wishes to create a 60,000 SF parcel to separate one of the existing homes from the farm. Mr. Flanders stated that the proposed subdivision conforms to LI/C zone minimum lot requirements. Mr. Watts asked if anyone had any questions. Mr. Nadeau asked if this property was the farmhouse. Mr. Flanders stated that it was not the farmhouse but Jim Floud's residence. Mr. Flanders stated that the farmhouse was located further to the east where Mrs. Floud lives. Mr. Flanders stated that there were four parcels that were separated by the Railroad and Ushers Road. Mr. Berkowitz made a motion to set a Public Hearing for the October 25, 2004 Planning Board meeting. Mr. Nadeau seconded. Motion Carried.

04.218 NB Coons/Albert Subdivision, 10 Roger Lane/31 Plant Road – Minor Subdivision

Mr. Curtis Coons proposes to purchase 0.57 acres from an adjoining neighbor who is located behind his home on Rogers Lane. Mr. Higgins asked if the property was land locked and if the land was to be combined with Mr. Coons' current property. Mr. Coons replied that it was. Mr. Higgins made a motion to set a Public Hearing for the October 25, 2004 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

04.219 NB R J Computers, 1427 Route 9 – Change of Tenant & Sign

Mr. Joseph Carboni presented a proposal to locate his business at the site formerly occupied by Carlson Group Insurance. Mr. Carboni stated this business is a computer service and repair center. Mr. Watts asked how many employees would be working at this location. Mr. Carboni responded there were only 2 employees. Mr. Watts asked what amount of traffic they anticipated. Mr. Carboni responded that this location would be more of a service location where they would be going out into the field to service computers and didn't think there would be more than 10 to 15 cars a day. Mr. Watts told the applicant that this location was in the Town of Halfmoon

and not the Town of Clifton Park. Mr. Watts also stated that he encourages R J Computer's advertising to indicate that they are in the Town of Halfmoon. Mr. Carboni agreed to such. Mr. Roberts asked about changes in the signage and stated that there should be no neon lighting. Mr. Carboni stated they are replacing the existing 4 ft. x 6 ft. double-sided sign and that there would be no neon.

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

04.220 NB St. Luke's Episcopal Church, McBride Road – Concept Site Plan & GEIS

Mr. Peter Loyola of CLA Site submitted a proposed concept plan for a 4,900 square foot community center with approximately 150 seats which would be Phase I of the project. Mr. Loyola stated that depending on the success of the community center - in 5 to 6 years they would like to build a church. Mr. Loyola proposed on site septic and indicated that there was plenty of space as the land is approximately 8-acres.

Mr. Nadeau asked if the community center would house 150 people. Mr. Loyola stated that as they grow, they would like to construct the church for another 150 people with a total of 300 people with overlapping times of use. Mr. Loyola stated that the storm water management plan would be based on what he has presented on the site plan. Mrs. Patenaude asked how many parking spaces would be available. Mr. Loyola stated there was plenty of parking spaces available with a number of overflow parking spaces.

Mr. Loyola stated that the issue was how many parking spaces they would need during the first Phase of the project. Mr. Higgins stated that GEIS requires 20 percent quality green space with a percent of green space being along the road. Mr. Higgins stated he has talked to people previously regarding a proposed location for a detention pond located directly on the road. Mr. Higgins stated he felt that having a detention pond right on the main road is not qualified as quality green space. Mr. Higgins asked if there was any other location on the site where the detention pond could be located, such as, in the rear where quality green space could be located along the road frontage. Mr. Loyola stated there are a few alternative areas to locate the detention pond but that it may interfere with the leach fields. Mr. Loyola stated that with the new regulations, there would be fore bays that they would be required to place in the detention area, so they would be able to provide planting to make it as natural looking as possible. Mr. Loyola stated that they felt that because the topo goes from high in one area down to the creek in another area, then they could capture most of the storm water along the channel and then pull it over to the low area before it was discharged. Mr. Higgins stated that there are other locations around Town that also were designed according to the new regulations and he is not pleased with the way the retention ponds look located along the main roads. Mr. Higgins stated that he would like to see either smaller areas, or areas that are spread out, so that the retention ponds are not located on the main road. Mr. Nadeau stated that he was concerned with the traffic along Pruyn Hill and McBride Road, as it was a difficult left hand turn onto McBride Road, which is also located on a curve with a yield situation which Mr. Nadeau feels is a very poor intersection. Mr. Nadeau suggested that Clough Harbour review this situation. Mr. Nadeau asked if a bulk of the traffic would be coming from Pruyn Hill. Mr. Loyola responded that the majority of traffic would come from Pruyn Hill. Mrs. Patenaude stated she had concerns with the structure of McBride Road. Mrs. Patenaude questioned the various activities that would be at the proposed community center. Mr. Loyola stated the hours of operation would be standard with any church facility. Mr. Loyola stated that they were hoping to have a day care facility at some point which would cause some morning traffic on the weekends. There would be limited use during the week during church hours and with any community events that may happen in the evening. Mr. Loyola stated that during the peak daytime rush hour traffic, there would not be much activity at the proposed site. Mrs. Patenaude stated that if they were proposing a day care center, they would have to get permission for that by the Planning Board. Mr. Loyola agreed with Mrs. Patenaude's statement. Mr. Loyola stated that they had a nursery that was specifically used for the church. Mr. Loyola stated that the current proposal was for two classroom buildings and a nursery while the church was in session. Mr. Watts stated that there were issues relative to day care centers; there are some day care centers located in Town that have lead to a difficult situation due to the volume of children being dropped off all at once, and being picked up all at once, which create traffic hazards. Mrs. Patenaude stated there could be a traffic issue with soccer fields that adjoin the proposed site which is another weekend use. Mr. Loyola asked if the soccer facility would be playing on Sunday mornings and stated he was unsure what level of traffic would be generated. Mr. Loyola needed to clarify the intended use and intensity of the proposed plans. George Owatt, representative of St. Lukes Church, stated that the term day care was incorrect and that the term should be Sunday school. Mr. Owatt stated the classrooms and nursery would be used for Sunday school. Mr. Owatt further stated that a majority of their church members are from the Stillwater and the Mechanicville area and also from across the river. Mr. Owatt stated that the majority of the traffic does not come in from Pruyn Hill Road from that side of Route 146. Mr. Owatt stated the traffic would be coming in up the hill from Mechanicville, so they would not be making the left-hand turn as they would be turning to the right hand side. Mr. Watts asked if anyone else had any comments. No one responded. Mr. Watts stated that the St. Luke proposal would be referred to CHA for review.

04.221 NB Double Vision, 1917 Route 9 – Change of Tenant

Rob Techler, Attorney for Route Nine Properties Inc., proposed a change of tenant application for property located at 1917 Route 9. Mr. Techler stated the use will be exactly the same as the prior tenant and there will be a sign application that Mr. Techler will submit to the Planning Board at the end of the month. Mr. Watts asked if Mr. Techler filed a liquor license application. Mr. Techler stated that he would be submitting that the next day. Mrs. Patenaude stated that there is an issue with a sign at the site which is not in compliance and typically the Planning Board does not make action on an application when there is an issue of non-compliance. Mrs. Patenaude stated that there is a sign that should have been taken down a very long time ago. Mr. Roberts stated the sign in question was a neon "OPEN" sign on a pole at the site. Mr. Watts asked if the applicant was going to purchase the property. Mr. Techler stated not at this time. Currently the applicant would be leasing with the option to purchase. Mr. Techler stated the new tenant plans on doing improvements to the site, especially on the outside, with clean up to the site and will definitely be taking down the current signage. Mr. Roberts stated that no future signage with neon will be approved by the Planning Board. Mr. Watts asked when the applicant anticipated taking over tenancy. Mr. Techler stated in about 4 to 5 weeks, after they received the liquor license. Mr. Higgins asked what type of food would be served at the site. Mr. Techler stated the same food that is currently being served would be offered such as pizza and nachos. Mr. Chauvin asked the applicant what other business he operates. Mr. Techler stated that he owned a sports bar and a club in Saratoga Springs called the Clubhouse. The Planning Board decided to defer action on approval contingent upon the current signage being removed from the premises. This item was tabled.

04.222 NB Lands of Savoca, 143 Plant Road – Addition to Site Plan

Mr. Michael Savoca, landowner of 143 Plant Road, proposed a 10 foot by 16 foot shed on the property. Mr. Savoca stated that he would meet the 50 foot set back requirement from the road and the shed would be placed 10 feet from the existing garage. Mr. Watts asked if there was a residence on the property. Mr. Savoca stated that there was no residence – only a vacant garage with storage. Mr. Watts asked what the proposed shed would be used for. Mr. Savoca responded that the shed would be used for his personal storage. Mrs. Patenaude made a motion to approve the addition to site plan. Mr. Ruchlicki seconded. Motion carried.

04.223 NB Vosburgh Road Commercial PDD, Vosburgh Road – Minor Subdivision PDD & GEIS

Jason Dell, Lansing Engineering, proposed the Vosburgh Road Commercial Center to be included as part of a Planned Development District. This property would consist of dedication of approximately 58.77 acres to the Town of Halfmoon. The Minor Subdivision would consist of one lot approximately 1.23 acres along the eastern side of Vosburgh Road which is being proposed for commercial development, with the remainder of the parcel going to the Town of Halfmoon. The dedicated portion of the parcel is adjacent to a parcel that is identified for a passive recreation park in the Town's North Halfmoon Generic Environmental Impact Statement study (GEIS). The applicant proposes to place a gravel drive, as well as, a parking area in the area that will be dedicated to the Town for recreational use. Mr. Nadeau asked if the parcel on the west side of Vosburgh Road would be for commercial use. Mr. Dell stated that the west side would be for a commercial site. Mr. Nadeau asked what commercial site is proposed for that area. Mr. Dell stated that it would be a Stewart's Shop. Mr. Nadeau asked what was proposed for the east side of Vosburgh Road. Mr. Dell stated that it would be a professional office building. Mr. Higgins inquired on the existing easement for the cell tower. Mr. Dell stated there is an existing easement on the west side of the parcel in order for accessing the Cell Tower. Mr. Watts stated the applicant's decision to dedicate the lands to the Town is important with the Town's open space initiatives. Mr. Polak stated the dedication of the lands is an asset to the Town to preserve open space, creates a passive recreation park as recommended in the GEIS, and reflects the recommendations from the new comprehensive plan. Mr. Polak stated the applicant should be commended for clearing up the site, which has been an eye sore in the Town for years. This item was referred to CHA for SEQR review.

Mrs. Patenaude made a motion to adjourn the October 13, 2004 Planning Board meeting at 8:04 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully Submitted,

Milly Pascuzzi
Planning Board Secretary