

## Planning Board Minutes - April 14, 2003

Those present at the April 14, 2003 Planning Board meeting were:

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

Secretary: Tara Anuszewski

Town Attorney: Bob Chauvin

Deputy Town Attorney: Lyn Murphy

CHA Representative: Mike Bianchino

Liaison: Walter Polak

Planner: Jeffrey Williams

Mr. Watts called the meeting to order at 7:05 pm

Mr. Roberts made a motion to approve the March 24, 2003 minutes. Mr. Higgins seconded. Motion carried.

### Public Hearings:

03.111 Hickock Subdivision, 2000 Hayner Heights Drive, Minor Subdivision. Mr. Watts opened the public hearing at 7:06 pm and asked if anyone wanted the notice read. No one responded. Mr. Harold Berger was present and stated this is a subdivision of a 40,000 square lot on Katherine Drive (aka Hayner Heights) into two 20,000 square foot lots to construct a duplex. Mr. Berger stated all of the homes in that area are multi-family; there are duplexes and quadplexes. The Zoning Board has granted the appropriate variances. Mr. Berger stated the residual lot would be 20,000 square feet. Mr. Hickock will construct a stick built duplex and it would be on public sewer and water. Mr. Watts asked if anyone wished to speak. No one responded. Mr. Watts closed the public hearing at 7:07 pm and asked if anyone from the Board had any comments. Mr. Higgins asked what the variances were that were approved by the Zoning Board. Mr. Berger read the approval by the Zoning Board Chairman to the Town Clerk Mary Pearson. (Attachment #1). Mr. Watts asked if anyone else from the Board had any questions. No one responded.

Mr. Roberts made a motion to approve the subdivision as presented. Mr. Berkowitz seconded. Motion carried.

### Old Business:

02.118 Rolling Hills PDD, Cary Road, PDD – Major Subdivision – GEIS. Mr. Percy Cotton was present and stated he is representing Valente Materials Group LP on the Rolling Hills PDD. Mr. Cotton stated they have been working on this for quite a while and they have received many comments throughout the review period. Mr. Cotton would like to go over how they have addressed the various comments and then be open to any other questions. Mr. Cotton stated one of the requests were to add trails to follow the sewer easement along the wetland corridors leading to stormwater management along Tabor Road and continuing to the lands of Klersey. They have also put in an area for a future road to the lands of Klersey, when and if it will be developed. They were also requested to put in a wildlife-crossing corridor whereas they have put in a pipe under the road for small wildlife to cross. There are three points of access to the development off of Tabor Road, Cary Road and Route 9 (Leibech Lane). The entire site will be a mixed use PDD of residential housing and light industrial development. Also, lots will be 20,000 square feet and they are also enlarging the lot with the existing water tank so that another one could be

added. They are looking into the feasibility of possibly abandoning a sewer pump station associated with a trunk line identified in the GEIS. Mr. Higgins asked about the flows of the sewer. Mr. Cotton stated a portion of the development flows toward Cary and the other portion flows toward Sysco. Mr. Berkowitz asked when Leibeck Lane would be extended to Tabor Road. Mr. Higgins stated during the public hearing that the extension of Leibeck Lane would occur prior to phase two. Mr. Valente was present and stated he would adhere to what was stated at the public hearing. Mrs. Murphy stated what is in accordance to the PDD legislation will be administrated. Mr. Higgins questioned the conditions of the surrounding neighbors well water with regards to the development of the subdivision. Mr. Higgins stated that public water was going to be brought up to the vicinity of Tabor and Cary Road Intersection. Mr. Nadeau agreed. Mr. Bianchino stated it was something they have discussed and it is in one of the comment letters. Mr. Bianchino stated the extension of the water line would be addressed in their next review. Mr. Nadeau questioned if this was the best access point onto Tabor Road. Mr. Bianchino stated it is the best at this point but the applicant has allowed area, when obtainable, to change the intersection to align better with the existing curve on Tabor Road to the immediate south of the existing point. Mr. Cotton stated that plans have been shown with all of the wetlands, the impacted and jurisdictional wetlands. Mr. Cotton stated there is no 100-year flooding on the property. Mr. Cotton stated there is a 50-foot buffer around the existing and proposed residential units from the proposed industrial area. Mr. Nadeau asked where they stood with Mike Stiles land and his pond. Mr. Valente responded DEC has contacted Mr. Stiles and at an opportune time weather permitting will perform the work needed on the pond. Mr. Stiles responded that is true but questioned how much further impact on the pond would happen as the area is developed. Mr. Nadeau asked if construction vehicles would be kept off of Cary and Tabor Roads during construction. Mr. Valente responded that all of the stone and crusher run would come from the interior roads of the mines but the cement trucks and other vehicles would have to use the external Town roads. Mr. Higgins added that would be true for phase one but after Leibeck Lane is constructed that could be used for heavy vehicles. Mr. Chauvin explained the road dedication procedure and stated that CO's would be held up until the roads are dedicated. Mr. Watts stated that the committee of Mr. Higgins could meet at the applicant's request. In the mean time it would be referred to CHA.

02.231 Grooms Road Day Care Center, Grooms Road, Commercial Site Plan. Mr. Tom Andress was present and stated this project was before the Board a number of months ago and it was proposed as a single 11,000 square feet structure right up against the set backs with a canopy that was over the setback. There were a number of issues. Clough Harbour and the Board both had concerns in reference to the proximity of the parking to the property line, greenspace and also the access isles. There were also two entrances proposed. Mr. Andress stated there is an existing house that on the last plan was to be utilized as an office but they have removed that from the existing plan. Mr. Andress stated one of the main concerns that were brought out in the letter and by the Board was the scale of the building and it not fitting into the Professional-Office-Residential zone. Mr. Andress stated they revised the 11,000 square foot building it into two smaller buildings. One would be 6,000 square feet and a 5,000 square foot building. Mr. Andress stated they would be providing CHA with the revisions. Mr. Andress also stated they have shifted the building so the canopy can be behind the setback so they would not need a variance. They have also redesigned the parking lot and the entrances based upon the comments from the Board, CHA and the traffic report. Mr. Andress stated they concluded that they had a entrance too close to the Woodin Road entrance and felt there was a stacking distance within 400 feet which created an issue. They have eliminated the left turns in and with a recommendation to make them right in right out only. They have moved it back from the intersection and then made the principal drive further to the east. Mr. Andress stated they have also moved the parking back. Since they have been before the board they have done a topo survey so they not only have an exiting topo but they have shown the proposed grading. Mr. Andress stated they are connecting to municipal water and also County sewer by Woodin Road but they are still under a moratorium. Mr. Berkowitz asked if there was any consideration to turning lanes so there is no stacking on Grooms Road or a middle divider. Mr. Andress stated there was a traffic study done and it has been submitted. Mr. Andress stated it would function accurately without turning lanes. Mr. Berkowitz is concerned with the traffic going in both directions on site and feels it is unsafe for the children. Mr. Nadeau is also concerned with the two-way traffic for the children crossing in front of the vehicles. Mrs. Patenaude is also concerned with the traffic patterns. Mr. Andress stated they have adequate parking spaces. Mr. Berkowitz stated it is not the spaces he is concerned with it is the two-way traffic. Mr. Nadeau would like to see the traffic go one way. Mr. Higgins asked why there couldn't be a right only onto Woodin Road so they could access out to a traffic light. Mr. Andress responded there is a large steep gully and it would be impossible. Mr. Higgins suggested building a bridge. Mr. Higgins asked if there was a restriction about all of the parking being behind the building. Mr. Higgins stated this proposal does not follow any of the guidelines for this area. Mr. Andress stated he would have to look into the requirements of a POR. Mr. Andress stated because of the depth of the ravine they do not have the ability to put the parking in the rear. Mr. Watts stated there were a number of concerns regarding the traffic on Grooms Road. Mr. Watts stated he would like to refer this to CHA for their review of the revisions and also to Mr. Berkowitz and Mrs. Patenaude for a committee review.

03.117 Dunkin Donuts, 1530 Route 9, Commercial Site Plan. Mr. Paul Avery was present with Mr. Greg Nolan for the proposed Dunkin Donuts at 1530 Route 9. Mr. Avery stated they were before the Board about a month ago and since then have received a comment letter from CHA and also a brief letter from DOT. Mr. Avery stated they are aware they need to go to the Zoning Board for a variance for lot width. Mr. Avery stated they would like to update the Board with some of the changes. They have not done all of the revisions because they are eager to get before the ZBA. Mr. Avery stated they have consolidated the entrances from two to one as a recommendation by CHA and DOT.

The previous layout had the building further forward with a row of parking that came across the site. They have eliminated that row and have extended the parking lot perpendicular to the store as a result they have moved the store further back on to the site. They now have a larger landscaped area near the front of the site. They have narrowed the pavement width from 24 feet to 20 feet. They have relocated the dumpster from the drive thru parking area to the rear of the site. Mr. Avery stated that is basically the revisions. Mr. Berkowitz asked if a tractor-trailer could fit through the site. Mr. Avery responded yes. Mr. Higgins asked if a tractor-trailer is heading south onto Route 9 and makes a right in and makes a hard right to go around the building that would work? Mr. Avery responded yes. They might want to revisit the grass island but they are talking about delivering off peak hours. Mr. Nolan stated the deliveries are once or twice a week and it is from 10 – 20 minutes and it is at off peak hours. Mr. Watts asked what size trucks. Mr. Nolan responded an 18-wheeler. Mr. Nolan stated they do several other Dunkin Donuts in the area. Mr. Berkowitz asked about the regular donut trucks. Mr. Nolan responded they deliver twice a day and it is also off peak hours but it is a box truck. Mr. Berkowitz asked what is to stop someone from going straight in and around. Mr. Avery responded there would be a one-way sign posted. Mr. Avery stated this is a work in progress and are willing to make improvements to this. Mr. Nolan stated it is his understanding they need to get sent to the ZBA. Mr. Watts stated they would need to be denied by the Board to go to the ZBA. Mr. Higgins asked deny it based on what? Not just area frontage but also there were several other questions. Mr. Higgins asked what they were doing about the sewage. Mr. Avery stated they originally wanted to put a septic system in but has since been told to get the sewer line extended. They have the septic system design on hold until they can get direction from the Town. Mr. Bianchino stated he has been working with the applicants and has been given a sign off from the Saratoga County Sewer District previously regarding the adjoining building tying into the sewer early and they never did make that connection. They have been discussing having this project tying into it because they would be a bigger user. Mr. Bianchino stated he told the applicants to hold off because they would not like to see a septic system. Mr. Higgins stated it was a contingency of the banks approval when Sewer was available they had to hook into it. Mr. Higgins personally would like to see them tie into the sewer system instead of a septic system. Mr. Polak would also like to see them tie into the County Sewer. Mr. Nadeau would like to see the final plan before they send them to the ZBA. Mr. Bianchino stated the variance they are asking for is an area variance. Mr. Nadeau is concerned if things do not work out. Mr. Bianchino stated they have addressed all of the general concerns. Mrs. Patenaude asked if they could get the turning radiuses. Mr. Avery is confident they could address all of CHA's comments but due to the timing constraints and to keep the process rolling they do not have all of them at this time. Mr. Chauvin stated the ZBA should not be faced with this project without knowing how the septic is going to be handled. Mr. Chauvin is recommending that issue be addressed before it is sent to the ZBA. Mr. Watts stated this item would be tabled until all of the information is received.

#### New Business:

03.133 Gregoire Mobile Home Park, 10 Allen Drive, Addition to Site Plan. The applicant was not present.

03.134 Hinkell Subdivision, Stone Road, Minor Subdivision. Ms. Tammy Hinkell was present and stated they are proposing a two lot subdivision on the corner of Stone Road and Towpath Road. They will both be 30,000 square feet in size. Ms. Hinkell stated they would possibly be building single-family homes or just selling the lots. Mr. Watts asked if anyone had any questions. Mr. Chauvin asked Ms. Hinkell where they stood in the process of the dedication of Stone Road.

Ms. Hinkell had a question on the width of the dedicated road. Mr. Chauvin responded the dedicated road, as is, will be at 3 rods width and that future improvements to the dedicated road will need to be determined by the Highway Superintendent at a future date. Mr. Watts asked if they could set the public hearing. Mr. Chauvin stated they could set the public hearing but whatever the outcome make it contingent upon the road dedication. Mr. Higgins asked how much the remaining lands would be after the two lots. Ms. Hinkell responded approximately 6.85 acres. Mr. Higgins asked if they were anticipating single-family homes. Ms. Hinkell responded yes.

Mr. Roberts made a motion to set a public hearing for Monday April 28, 2003 at 7:00 pm or as soon there after.

Mr. Nadeau seconded. Motion carried.

03.135 Capitaland Carpet Company, 1627 Route 9, Change of Tenant & Sign. The applicant stated they would be subleasing 380 square feet from the current 2,560 square feet of Affordable Homes. They are proposing to add a 3 x 8 sign to their existing sign. Mr. Nadeau stated this site is not in compliance with the original site plan approval. Mr. Nadeau asked Mr. Chauvin how the Board should handle this. Mr. Chauvin stated there should be a site visit by the Building Inspector. Mr. Williams stated he couldn't locate the old files for this site only a sign application. Mr. Watts asked Mr. Nadeau how long the site has not been in compliance. Mr. Chauvin responded the 80's. Mr. Chauvin stated the file could be under a different name because several different parties have owned it. Mr. Watts asked if they should not take any action until a site visit has been done. Mr. Chauvin responded yes. Mr. Watts stated to the applicant they have to make sure the site is in compliance before they approve this application. Mr. Watts stated this item would be tabled until a site visit has been done.

03.136 AT&T, 47 Clamsteam Road, Cell Tower Co-location. Mr. Bianchino recused himself. Mr. Doug Dimitroff was present representing AT&T wireless. They are proposing a co-location for an existing Sprint Cell Tower at 47 Clamsteam Road. They are proposing to co-locate at 125 feet on the existing 145-foot monopole tower. At the ground they are proposing to locate the equipment within a 10 x 17 foot area in an outdoor equipment cabinet on a 6 x 10 foot pad inside a compound, which would be in a fenced in area of about 34 x 44 feet. Mr. Dimitroff stated he does have a Negative Declaration. Mrs. Murphy has reviewed this application and does not see any problems but has requested a \$10,000.00 removal bond.

Mrs. Patenaude made a motion to approve the Negative Declaration subject to Mrs. Murphy's review and approval. Mr. Roberts seconded. Motion carried.

Mrs. Patenaude made a motion to approve the application as presented. Mr. Roberts seconded. Motion carried.

03.137 Christopher Subdivision, 1 & 3 Verrazano Way, Minor Subdivision. Mr. Gil VanGuilder was present and stated this parcel of land is two acres in size and is surrounded on three sides by the Halve Mean Manor South Subdivision. Mr. VanGuilder stated the lots would be served by public water and the Central Halfmoon Transportation Corporation for sewer. The existing single-family home would sit on a little less than an acre of land. The two lots are being set up for single-family homes. One would be a flag lot on a 20foot access and the other would have 150 feet of frontage. Mr. VanGuilder stated this parcel is open except for along the perimeter has a vegetated buffer. Mr. VanGuilder stated this area has been maintained as a passive lawn area. Mr. Watts asked if anyone had any questions. Mr. Higgins asked how long ago the subdivision was subdivided into Halve Mean Manor. Mr. VanGuilder stated this is not part of that subdivision it was conveyed to Mr. Christopher prior to the Halve mean Manor Subdivision.

Mr. Higgins made a motion to set a public hearing for Monday April 28, 2003 at 7:00 pm or as soon there after. Mr. Nadeau seconded. Motion carried.

03.138 Walmart, 1549 Route 9, Outdoor Sales. Ms. Stacy Wiggins, Store Manager was present and stated they are requesting permission to use the side of the parking lot for seasonal sales. Ms. Wiggins stated last year when she came before the Board there were some issues and they were resolved. Mr. Watts stated there were issues on this site up until Friday April 11, 2003 but have since been taken care of. Mr. Higgins asked if the lawn mowers were still in front of the store. Ms. Wiggins responded there are currently 4 mowers in front. Mr. Higgins stated specifically when Walmart was approved it was approved for no display areas, he was on the committee. Mr. Higgins stated every year it is mentioned and every year they are back. Mr. Higgins stated he has a problem with that because they do not listen to the Board. Ms. Wiggins stated it is not that they are not listening and she is not making excuses but there is new management in that section of the building and they did put the stuff out there. Ms. Wiggins has asked them to move it. Ms. Wiggins also stated they were told no trailer and they do not have any. They are getting the graffiti taken off of the fence in the rear. Mrs. Patenaude asked what the issue Friday was. Mr. Watts stated they had already set up the summer area outside, the graffiti on the fence and also a dead tree. Mr. Watts asked it to be reviewed for site compliance because if it wasn't he was prepared to recommend they not open. Mr. Higgins stated he was shopping there Wednesday Night at 9:30 and the whole lot was full of shopping carts and the people were swerving all around the parking lot to avoid the carts. Mr. Higgins stated it has been a major discussion point since day one. Ms. Wiggins stated they do have people specifically for that and the business had grown so much they cannot keep up with it. Mr. Watts stated if business is so good to hire more people. Mr. Berkowitz asked if they would see trailers in the parking lot during Thanksgiving and Christmas time. Ms. Wiggins responded no. Mr. Berkowitz stated if they do he would

recommend not approving next years outdoor sales. Mrs. Patenaude asked if they should see them in compliance for a couple of weeks before they approve it. Mrs. Patenaude stated she feels they will be back out of compliance after they are approved. Ms. Wiggins stated in her defense last year after the issues were brought to her attention they were fixed immediately and has tried her best to stay on top of things. If they did fault with anything and it was brought to her attention it was fixed immediately.

Mr. Roberts made a motion to approve. Mr. Ruchlicki seconded. Mr. Watts asked for a roll call vote. Mr. Roberts yes, Mr. Nadeau no, Mrs. Patenaude no, Mr. Berkowitz no, Mr. Ruchlicki yes, Mr. Higgins yes and Mr. Watts yes. Motion approved.

03.139 Finally Free Electrolysis, 2 Hayner Heights Drive, Sign. Mr. Rick Lessing was present and stated he is proposing a sign be added to the existing signpost. Mr. Roberts stated he did review this and asked how it was going to be lit. Mr. Lessing stated it is a double-sided illuminated sign. Mr. Roberts stated he sees no problem.

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

Mr. Watts asked if anyone had anything else for the Board. Mrs. Patenaude made a motion to adjourn at 8:20 pm. Mr. Berkowitz seconded. Motion carried.

The next Planning Board meeting will be April 28, 2003.

Respectfully Submitted

Tara Anuszewski, Secretary  
Town of Halfmoon Planning Board