

Planning Board Minutes - February 10, 2003

Those present at the February 10, 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: Michael Bianchino

Liaison: Walter Polak

Planner: Jeffrey Williams

Mr. Watts called the meeting to order at 7:08 pm

Mr. Higgins made a motion to approve the January 27, 2003 minutes. Mr. Berkowitz seconded. Mr. Roberts abstained. Motion carried.

Public Hearings:

02.201 Mike Abele Subdivision, Boyack Road, Major Subdivision. Mr. Watts opened the public hearing at 7:09 pm and asked if anyone wanted the notice read. Several residents responded yes. Mr. Watts read the notice. Mr. Tom Andress was present and stated they are proposing to re-subdivide two of the four lots that were originally subdivided two years ago. Mr. Andress stated four large lots were created and lots one and four have been built on. Lots two and three are approximately 15 acres. Mr. Abele had attempted to sell the parcels but since he has been unable to he would like to combine the two and subdivide them into 14 lots. They are proposing a Town road a little less than 800 feet long starting at Boyack Road and ending with a cul-de-sac. The minimum lot size would be 20,000 square feet and go up to almost 3 ½ acres. There would be a storm water retention basin at the bottom that would be turned over to the Town. The four lots currently have public water and sewer. The proposal would be to remove the existing water service and add a new 8" line into the site to connect into hydrants. The four existing grinder pump lines would be reconfigured and a new line would be put in and connect to the new lots. Mr. Andress stated at the last meeting he provided the approval from the Clifton Park Water Authority and they are in the process of getting the final sign off from Crescent Waste. Mr. Andress stated there had been some concern by the Town about the Northway and in that area they are looking to put restrictive buffers to make sure the area is not cut. They will be working with the Town to put some additional trees in. Mr. Andress stated that was the end of the presentation. Mr. Watts asked if anyone wished to speak. Mrs. Jan Delorenzo of Algonquin Road is concerned about the hill and how much grading will be done and also how the stream will be affected by the runoff. Mrs. Delorenzo asked if the applicant is going to destroy the hill and the environment there. Mr. Andress stated the grading will remain the same and they do not have a proposal to change the back area. Mr. Andress showed Mrs. Delorenzo on the map the water and sewer lines. Mrs. Delorenzo stated there are water problems in that area and the road floods every year. Mr. Andress explained and showed the grading plan. Mrs. Delorenzo is concerned with the grading of the area because it is on a hill and is worried they will get the water runoff. Mrs. Delorenzo asked if they were creating the storm water basin. Mr. Andress stated yes they are building it and it would discharge across existing culverts into the wetlands on Boyack Road. Mrs. Delorenzo stated the pond floods and they have to close off the road. Mrs. Delorenzo is very concerned with the flooding. Mrs. Delorenzo stated a couple of years ago they were told there would only be four houses and now there are 14 proposed. Mrs. Delorenzo is very upset over this. Mr. Watts asked if anyone else wished to speak.

Mr. Ted Vangaler of 57 Algonquin Road stated when he purchased his land he was told that it was forever wild and is concerned that it will be built on. Mr. Vangaler stated it is very wet in that area. Mr. Jim Delorenzo of 79 Algonquin Road stated he has difficulty understanding how a project that was once for two houses is now going to have 14. Mr. Delorenzo stated it is very irresponsible with the regard to the environmental nature of this area. Mr. Delorenzo stated this subdivision does not take into account the needs of the residents in the area or the noise factor. Mr. Delorenzo appealed to the Board to take a look at this and see that it was once for fewer houses. Mr. Watts asked if anyone else wished to speak. Mr. Staff Evans of Algonquin Road stated when the four houses were proposed he didn't care now that there are 14 he is not happy. Mr. Evans stated a few years ago the Town did something to the road to help drain the water and it did help but it has always been a problem area. Mr. Evans stated he is also concerned with the impact of the water and sewer services. Mr. Evans feels he will be told there is no impact but if he can't flush his toilet in 6 months he is not going to be a happy taxpayer. Mr. Andress stated there would be no impact. Mr. Andress stated there is adequate water and sewer without disrupting anything. Mr. Watts asked if anyone else wished to speak. Mr. Vangaler asked what the price range would be on the houses. Mr. Andress responded \$270,000 – \$400,000. Ms. Inge Parlo of 139 Boyack Road is a resident of the Town of Clifton Park and stated this is affecting her just as well. Ms. Parlo stated when she came before the Board two years ago with the original four lots they were assured that none of the lots could further be subdivided. Ms. Parlo stated she was not happy with the four houses because of the water issues. Ms. Parlo's house borders the stream that floods every spring. The other problem she has been noticing with the two additional houses they are getting a lot more drainage at the road level to the point that the culverts don't do the job. Ms. Parlo stated she does not understand why Mr. Abele needs to create 14 lots. Ms. Parlo stated she has lived there for 15 years and it was a totally wild space with trees. Ms. Parlo stated the trees have been taken down and it has created a major difference in noise from the Northway. Ms. Parlo stated the quality of life is being destroyed by this plan. Ms. Parlo is also concerned for the wildlife in this area. Ms. Parlo stated she has coyotes and wild turkeys through her yard that are being driven out of their natural habitat. Mr. Watts asked if anyone else wished to speak. Mr. Dave Smith of 141 Boyack Road stated he borders this subdivision. Mr. Smith stated he is lot number one of the original four and has lived there for a year and a half. Mr. Smith stated in that time he has not seen the road between the Clifton Park Town line and Riverview Road flood one to become impassible. Mr. Smith stated last summer the Town did some work down the road where the stream goes under Boyack and they made a disbursal of the water and it improved it quite a bit. Mr. Smith stated he purchased 3.5 acres and ha noticed there has been no disturbance of the other land. Mr. Smith stated he has taken down one live tree since he built his house. Mr. Smith stated coyotes have been a problem in that area and also wild turkeys.

Mr. Smith wanted to go on record stating he has no objections to this subdivision. Mr. Smith feels creating a mini community would improve his quality of life. Ms. Parlo stated they did do some work on the road and they cut into the wetlands to divert some of the water but it has not made a difference. The water is coming from the other side of the road. Ms. Parlo stated she has real concerns about what is coming off of the road. Mr. Watts asked if anyone else wished to speak. No one responded. Mr. Watts closed the hearing at 7:34 pm and asked if anyone from the Board had any questions. Mr. Roberts stated if he were a resident in this area and he was told there would only be four houses and there were 14 being proposed he would be very concerned also. Mr. Roberts stated he has some real problems as it is presented. Mr. Nadeau stated being on the committee when he met with Mr. Andress he made him aware that they had to get the information from the public being they initially told them there would only be four lots. Mr. Nadeau stated if he were buying a house based on how many lots were in the area and then find out it were changed he may not have purchased the house. Mr. Nadeau stated he told Mr. Andress they need to get the approval of the general area. Mr. Higgins asked Mr. Andress at the last meeting about the storm water problems and Mr. Andress stated they have been addressed. Mr. Higgins feels they obviously have not been after listening to the neighbors. Mr. Higgins asked if all of the houses drain down. Mr. Andress stated the backyards are going to be higher then the road. Mrs. Patenaude is concerned about the grading. Mr. Berkowitz asked if they have addressed any of the drainage concerns CHA's had. Mr. Andress stated they are working on that letter and have not presented a new plan. Mr. Andress stated they would continue to work with the Town. Mr. Watts would like to defer any action at this time and address the concerns of the public, the Board and CHA. This item was tabled for further review.

Old Business:

02.213 Transport International Pool Inc. & GECMS, Route 9, Commercial PDD.

02.214 Boyajian Subdivision, Route 9, Minor Subdivision/PDD. Mr. Joe Bianchine of ABD Engineers was present and stated there were a few comments that came up at the last meeting and they have incorporated those into these plans. Mr. Bianchine stated the two changes are the widening of the entrance off of Route 9 and also they have changed the wording on the note to specify that there would be NO access on Oak Hill Drive. Mr. Bianchine stated CHA has looked at the changes and there is a letter stating they are satisfied with what was done. Mr.

Watts asked if anyone from the Board had any comments. Mr. Roberts stated at the last meeting there was a resident with some concerns and asked if they have been addressed. Mr. Bianchine stated they have put in a 100-foot buffer next to Mr. Malinowski's property and they have landscaped it heavily and also added an opaque fence. Mr. Bianchine stated they have addressed it as best as they can. Mr. Malinowski was present and asked how tall the opaque fence would be. Mr. Bianchine responded 6 feet. Mr. Malinowski asked how tall the units would be. Mr. Bianchine responded 8-10 feet high. Mr. Malinowski stated he does not have a problem with the buffer or the usage but would like to see the fence higher or a berm with the 8-foot fence. Mr. Roberts asked Mr. Bianchine if that was possible. Mr. Bianchine responded yes it could be. Mr. Berkowitz asked what size the trees would be. Mr. Bianchine responded 6 – 7 feet. Mr. Watts stated the applicants have mitigated quite a bit and have agreed to add a couple of feet to the fence so they will do their best. Mr. Higgins asked what the hours of operation would be. Mr. Bianchine did not know the exact hours. Mr. Berkowitz asked if a note could be added for no moving trailers or equipment after 9:00 pm. Mr. Bianchine responded that would be fine. Mr. Watts asked if anyone else had any questions. No one responded.

Mr. Berkowitz made a motion to declare a negative declaration pursuant to SEQR. Mr. Nadeau seconded. Motion carried.

Mr. Berkowitz made a motion to approve the site plan as presented contingent upon a 2 – 3 foot berm being added and an 8-foot fence. Mr. Nadeau seconded. Motion carried.

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

02.233 Farmview, Harris Road, Major Subdivision. Mr. Ivan Zdrahal was present and stated he is prepared to discuss the comments from CHA. Mr. Zdrahal stated this is a project for a single-family residential subdivision on 96.4 acres of land. Mr. Zdrahal stated they are proposing 79 lots with one lot for the existing farmhouse. The main feature of this conventional subdivision includes a common open space area, a trail system and walkways with street lighting. The Home Owners Association will maintain all of the amenities. Mr. Watts asked if anyone had any questions. Mr. Nadeau stated when they originally looked at this subdivision there was great opposition relating to the one entrance. Mr. Nadeau would like the previous minutes for all of the members to look at what was previously discussed. Mr. Nadeau would not like to change the previous thoughts about only one entrance. Mr. Zdrahal stated they do have two entrances proposed, a boulevard main entrance and an access to another parcel that is not yet developed. Mr. Zdrahal stated they have had a traffic study done. Mr. Nadeau would still like to review the minutes. Mr. Higgins stated the Board had concerns with the single entrance even with the boulevard it did not solve the problem. Mr. Higgins does not believe the other access is available with the current wetland regulations. Mr. Higgins agrees with Mr. Nadeau and does not like the single access point for a development this size. Mr. Higgins stated it would be a long time before they seen a possible connection. Mr. Higgins stated this is going to increase traffic dramatically and the traffic has already grown on Harris Road with the other developments in the past few years. Mr. Higgins stated if it continues to grow they would need a traffic light at Guideboard and Harris Roads. Mr. Higgins noted there have been several accidents. Mrs. Patenaude stated she is still having problems with the amount of wetland that is being disturbed and also with the one entrance. Mrs. Patenaude would like to look more at the stream. Mrs. Patenaude stated as of yet there is no water or sewer. Mr. Zdrahal stated that water will be available and so would sewer. Mr. Zdrahal also stated there is very little disturbance of the wetlands. Mrs. Patenaude would still like to review that closer. Mr. Nadeau stated the Board should treat the subdivision as what it is and not what it could be in the future. Mr. Nadeau stated they need to consider this subdivision with one access. Mr. Polak asked about the common space and asked if there was any useable common space. Mr. Zdrahal responded yes. Mr. Chauvin stated if there are no real improvements that the Home Owners Association is going to maintain and there are no other benefits the Town Board may not be receptive to Home Owner Associations in those situations. Mr. Watts would like to have a committee review the concerns of CHA. Mrs. Patenaude and Mr. Nadeau will be the committee. This item was tabled for further review.

03.103 Office Building – Abele, 7 Corporate Drive, Commercial Site Plan.

03.104 Abele Subdivision, 7 Corporate Drive, Minor Subdivision. Mr. Tom Andress was present and stated this is a proposal to subdivide a large lot in the Abele Park into two lots, lot 5 and lot 7. Lot 7 is the subject of the Site Plan before the Board. Mr. Andress stated it is approximately an acre and a half. Lot 5 would have 2.7 acres remaining. The Site Plan is a companion building to what is built on lot 9. The proposed building would be 12,000 square feet.

They are utilizing the driveway for lot 9 making it a common driveway and adding an additional access across from Frito Lay. The utilities are all connected. Mr. Andress stated there were some CHA comments and they have all been addressed. Mr. Watts asked Mr. Bianchino if he had any comments. Mr. Bianchino stated they have

reviewed the subdivision plan and based on the last letter the comments have been addressed. Mr. Watts asked if anyone from the Board had any comments. Mr. Higgins asked Mr. Chauvin if the problem with the road dedication has been taken care of. Mr. Chauvin responded no but Mr. Abele has filed a letter with the Town. Mr. Higgins asked if Mr. Chauvin felt comfortable with that letter satisfying any concerns the Town has with approving this subdivision. Mr. Chauvin responded he is comfortable with that but suggests that before all of the lots are built out they address the issue.

Mr. Roberts made a motion to approve the subdivision as presented contingent upon Mr. Chauvin's comments. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the site plan as presented. Mr. Higgins seconded. Motion carried.

03.109 St. Mary's Church, 86 Church Hill Road, Addition to Site Plan. Mr. Michael Convortino of Trudeau Architects was present and stated they presented this site plan before the Board two weeks ago and a committee was established. Mr. Convortino stated he has met with Mr. Roberts at the parish. Mr. Roberts stated they did meet and during the course of the meeting everything seemed to be in order except that the addition will come out 6 feet into the 50-foot buffer. The church was an existing use before zoning. Mr. Roberts stated the Board has no choice but to deny the application and send them to the ZBA. Mr. Watts asked if anyone else had any comments.

Mr. Roberts made a motion to deny the application. Mr. Nadeau seconded. Motion carried.

New Business:

02.225 Shops of Halfmoon (Star Plaza), 1701 Route 9, Addition to Site Plan. Mr. Scott Lansing was present and stated Mr. Tanski has purchased the Star Plaza. Mr. Lansing stated the parcel is approximately 1.81 acres; the existing plaza building is approximately 16,000 square feet. Within the plaza currently there is a pet store, sub shop, music store, hairdresser and a shoe repair. Mr. Lansing stated the proposal is to put on a small addition on the eastern end of the building approximately 1,600 square feet. The project will include a complete façade renovation including energy upgrading and doors. There will be an increase in the green space. They are in excess of required parking and they would like to remove some of the spaces to provide more green space. Mr. Lansing stated there would also be sign improvements. Mr. Tanski stated they would like to propose a sign for the corner of the property that would say something like "The Shops of Halfmoon Welcomes you to the Town of Halfmoon, A proud place to live and work." Mr. Tanski stated his goal is to take all of the signs that exist by Route 9 and get rid of them. Mr. Tanski would like to propose a sign with stonework and flowers. Mr. Lansing stated they do have a rendering prepared by the project architect and they are before the Board for questions and comments. Mr. Watts asked if anyone had any questions. Mr. Nadeau asked Mr. Lansing and Mr. Tanski if there was any way to make access from Route 146 for a one way only. Mr. Lansing stated they have looked into that and has spoken with Ms. Shelly Johnston of Creighton Manning and she has stated it was a very long process to get that access from that right of way. Mr. Lansing stated she estimated approximately 2 – 3 years minimum. Mr. Lansing stated at this time that is not really an option. Mr. Nadeau stated it would be a perfect opportunity to solve the problem by taking the traffic off of Route 9 and make it a one way only. Mr. Tanski stated even if they start now it is 2 – 3 years at best. Mr. Polak stated they addressed this a couple of times way back and because it is a stacking lane the State would not give the permission. Mr. Nadeau stated it is something maybe that could be looked into during the process. Mr. Higgins stated he welcomes any changes to the Plaza and asked if there was any chance of getting an exit only out onto Old Route 146 to come out at the light. Mr. Tanski stated he agrees with Mr. Higgins about the traffic but it is what it is. Mr. Tanski stated at this time there is no access out to Old Route 146. Mr. Tanski stated there are negotiations with Key Bank to take possession of the bank and then come back in for another addition for them. Mr. Tanski stated it is only talk right now. Mr. Higgins realizes there is an excessive amount of parking for the Plaza but there is also quite a bit of parking where people going to the bank do not park in the bank parking they use the Plaza lot. Mr. Tanski stated the bank parking is on the other side and they don't go over there to park. Mr. Chauvin stated it is not shown on the map but asked if there was an easement for the bank to access the entrance/exit. Mr. Chauvin also asked if they would meet the green space requirements. Mr. Lansing stated they are working on revising the plan and they will be in compliance. Mr. Nadeau asked if the plan he is showing would be the configuration of the parking. Mr. Lansing stated no that is what exists. Mr. Nadeau asked what type of business they are proposing for the addition. Mr. Tanski responded he has been approached by an Italian Restaurant Owner and a few other things. Mr. Nadeau stated his concern is if it would be a high traffic entity and if it is a good idea to increase the traffic. Mr. Tanski stated a 1,600 square foot would not make a big difference in traffic. Mr. Nadeau stated they would look at it closer when the tenant

comes in. Mr. Nadeau did comment he liked the idea of the sign. Mr. Roberts also stated he likes the improvements and the sign. Mr. Watts asked if anyone else had any comments. Mr. Watts stated this item would be tabled for further review and to have it referred to CHA and Saratoga County.

03.111 Hickock Subdivision, Katherine Drive, Minor Subdivision. Mr. Harold Berger was present on behalf of Mr. Paul Hickock. Mr. Berger stated he is presenting a 40,000 square foot parcel on Katherine Drive with an existing duplex and would like to subdivide it into two 20,000 square foot lots to put up another duplex. Mr. Berger understands that the proposed subdivision does not conform to the Towns Zoning ordinance but has discussed with the applicant and it is his desire to make an application to appear in front of the Planning Board. Mr. Berger stated the way he sees it is it is consistent with everything else in the neighborhood. Mr. Berger stated when the applicant purchased the property he was told he could subdivide it but since that time the minimum lot size for duplexes has changed. Mr. Watts asked if anyone had any comments.

Mr. Roberts made a motion to deny the application. Mr. Berkowitz seconded. Motion carried.

03.112 Fairway Estates, Raylinsky Lane, Lot Line Adjustment. Mr. Chauvin recused himself. Mr. Gil VanGuilder was present and stated they were before the Board a few months ago for a lot line adjustment across the street from this and it was a major revamping of some lots and set backs. This proposal is for a lot line adjustment for lots 32 and 34 Raylinsky Lane. The purpose for this is to move the unit on lot 34 further away from the units on lot 36. Mr. VanGuilder stated there was a strip of land that was designated for access to the golf course. Mr. VanGuilder stated the plans for the golf course would now be for private use not public use so the access is no longer needed. Mr. VanGuilder stated no units are being added or subtracted they are only being shifted and so is the line.

Mr. VanGuilder stated he was told by counsel because it does not involve any set backs or changes to the issues that were part of the PDD approval that this could be acted on as a minor adjustment to the PDD. Mrs. Murphy stated the applicant is correct and the reason they had to modify the PDD during the last change was because there was a set back issue. Mrs. Murphy stated for this simple lot line adjustment they do not need to modify the language of the PDD. Mrs. Murphy stated a public hearing would still need to be set. Mrs. Murphy reminded the Board that there is still an outstanding sewer issue and understands the issues are being addressed and hopefully it will be wrapped up by next week but as of now it is not. Mrs. Murphy asked the applicant if there were any grading plans brought forward. Mr. VanGuilder stated he was not under that understanding. Mr. Bianchino stated they were discussing the lots where there was a question and had thought they talked about bringing them in to show where they would be putting the buildings. Mr. VanGuilder asked if that was on lots that were being modified. Mr. Bianchino stated at the time they were for lots that were in question weather the grading and disturbance was going to be an issue. Mrs. Murphy stated she brought that issue up so it could be encompassed into the motion. Mr. Watts asked if anyone had any questions. Mr. Nadeau asked if we should not schedule the public hearing until this is resolved. Mrs. Murphy stated she does not have a problem with the Board setting the public hearing. Mrs. Murphy stated if the sewer is not completed it cannot be approved. Mr. Higgins questioned if the 9-hole course that was originally approved as a public course and is now being changed to a private course. Mr. Tanski responded correct. Mr. Higgins asked if that would be a change to the PDD. Mrs. Murphy stated she would look at the legislation for the next meeting.

Mr. Nadeau made a motion to schedule a public hearing on Monday February 24, 2003 at 7:00 pm or as soon there after. Mr. Roberts seconded. Motion carried.

03.113 Flooring Warehouse, 219 Guideboard Road, Sign. Mr. Jim Dinezio, co-owner of the Flooring Warehouse was present and is proposing a 48" x 14-foot sign on the building at 219 Guideboard Road. Mr. Watts asked Mr. Roberts if he looked at this application. Mr. Roberts stated he has been by there many times and sees no problem with it. Mr. Roberts stated there were some used cars for sale in front of the building and they are not supposed to be there. Mr. Dinezio stated he would speak to the owner.

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

03.114 The Nurse Practitioner Association of NYS, 12 Corporate Drive, New Tenant. Mr. Tom Address was present and stated this is a proposal for a tenant at 12 Corporate Drive. Mr. Address stated this would make the third tenant in the building. This would be an office with five employees working 8 am to 5 pm. Mr. Roberts asked what they did. Mr. Address responded it would be administrative offices. Mr. Watts asked if anyone had any questions.

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

03.115 New Country Toyota, Pontiac-Buick-Olds and Chrysler Jeep, Route 146, Amendment to Site Plans. Mr. Bob Antonelli was present and stated they are submitting revised site plans to incorporate the paved areas as display areas. Mr. Antonelli stated they are for all three stores. Mr. Antonelli also stated a letter has been provided to Mr. Williams regarding a sign that was brought up at the last meeting. Mr. Antonelli stated it cannot be seen and is frozen in the snow but it will be removed when they can access it. Mr. Watts asked if anyone had any questions. Mr. Higgins asked if the areas were paved or concrete. Mr. Antonelli responded they are on a cement pad. Mr. Antonelli stated they are looking for the approval to continue using these areas for display areas.

Mr. Berkowitz made a motion to approve the site plan as presented. Mr. Higgins seconded. Motion carried.

03.116 Parkway Music (Shamrock Plaza), 1602 Route 9, Addition to Site Plan. Mr. Tom Murphy was present and stated they are proposing to add a small addition on to the rear of the building for retail space, storage and making the repair shop more efficient. Mr. Watts asked Mr. Williams if the parking was adequate. Mr. Williams stated they have 68 existing and 64 are required with the addition. Mr. Roberts stated he was at the site and did not see a problem.

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

Mr. Watts asked if anyone had anything else for the Board. Mrs. Patenaude made a motion to adjourn at 8:35 pm. Mr. Nadeau seconded. Motion carried.

The next Planning Board meeting will be February 24, 2003.

Respectfully Submitted

Tara Anuszewski, Secretary
Town of Halfmoon Planning Board