

Planning Board Minutes - July 14, 2003

Those present at the July 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

Planner: Jeffrey Williams

Town Attorney: Bob Chauvin

CHA Representative: Mike Bianchino
Bob Lockwood

Liaison: Walter Polak

Mr. Watts called the meeting to order at 7:04 pm

Mr. Roberts made a motion to approve the June 23, 2003 minutes with corrections. Mr. Berkowitz seconded. Motion carried.

Public Hearings:

03.168 Fairway Estates PDD, 41B Raylinsky Lane, Lot Line Adjustment. Mr. Watts opened the public hearing at 7:05 pm and asked if anyone wanted the notice read. No one responded. Mr. Gil VanGuilder was present and stated the owners of lot 41B Raylinsky Lane and Mr. Bruce Tanski are exchanging land. Mr. VanGuilder stated when the owner was getting ready to close on their lot they realized some of the improvements of the golf course were on their lot. Mr. VanGuilder stated they have come to an agreement to realign the lot line. Mr. VanGuilder stated they have decided to back off the tree row 10 feet so the owners of lot 41B would have the control of the tree row. Mr. VanGuilder stated the lot was .215 acres and is now .192 acres. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:06 pm and asked if anyone from the board wished to speak. Mr. Higgins asked if the original lot line was further back. Mr. VanGuilder stated that was correct but the "purchaser" of the property reviewed the subdivision plan and asked to have the lot line situated so that "purchaser" would have control of the tree row but not have any golf course improvements near the property line.

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

03.169 Corp Subdivision, Cary Road, Minor Subdivision. Mr. Watts opened the public hearing at 7:09 pm and asked if anyone wanted the notice read. No one responded. Mr. VanGuilder was present and stated the subdivision proposal was to return the property as it was in 1974. The proposed subdivision will create a 5.083-acre vacant parcel and a 2.877-acre parcel that Mr. Corp's existing residents will be situated on. Mr. VanGuilder stated when they performed the surveying of the property the proper ROW of Cary Road and Angle Lane were not represented correctly on the original survey. Mr. VanGuilder stated the presented subdivision depicts the correct ROW's. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:10 pm. Mr. Watts asked if the Board had any questions. Mr. Higgins asked if the Mr. VanGuilder researched if the properties were in the water district. Mr. VanGuilder stated that both of the proposed properties have a portion in the water district but not totally. Mr. VanGuilder continued that both of the properties have 200ft in the water district. Mr. VanGuilder stated he discussed the issue with Frank Tironi, Town of Halfmoon Director of Water, and that Mr. Tironi stated if there was to be one house built in the back then that house would be able to receive water. But if there were to be multiple residential units to be built, they would be

subject to "Out of District" water fees and the agreement would need to be established before the land could be subdivided.

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

Old Business:

03.134 Hinkell Subdivision, Stone Road, Minor Subdivision. Ms. Hinkell was present and stated they have submitted grading plans and plans detailing an engineered raised septic systems for their proposed two lot subdivision. The proposed subdivision consists of creating two lots being that lot one will be 31,743 square feet in area and lot two will be 30,000 square feet in area. Mr. Watts asked the Board if they had any questions. Mr. Nadeau asked if there was any progress with some of the refuse associated with the land of the Hinkells. Ms. Hinkell stated she has had a couple of dumpsters of debris removed and has worked with Mr. Tim Murphy, Director of Buildings/Code Enforcement on removing tires and some deteriorating out-buildings. Mr. Higgins asked if the dedication of Stone Road is complete. Mr. Chauvin stated that the road has been dedicated to the Town.

Mr. Berkowitz made a motion to approve the two lot subdivision contingent on a note being placed on the map stating the residential units on the subdivision will be served by an engineered raised septic system. Mr. Nadeau seconded. Motion carried.

03.164 Core Physical Therapy, 28 Corporate Drive, Change of Tenant. Mr. Address was present and stated that the applicant is wishing to operate a physical therapy office at the 28 Corporate Drive office. The office presently has three tenants, which are National Planning, ProVantage Funding and URS. Mr. Address stated that Core Physical Therapy will utilize 2,600 square feet of office space. Mr. Address stated he has submitted a narrative on the proposed use and a summary of needed parking with the existing tenants and the proposed tenant. Mr. Address stated that the parking summary stated four uses shows there is adequate parking now and for future tenants. Mr. Watts asked Mr. Williams if that is correct.

Mr. Williams responded that the uses proposed would be under the professional offices parking requirement, which is one space per 200 square feet of office space, and that the office space currently vacant at the 28 Corporate office will have the required parking available. Mr. Chauvin stated that the record should reflect if the applicant appears in front of the Board with a more intense use the applicant may be denied because there is not adequate parking.

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

New Business:

03.170 Creatacor, 10 Enterprise Avenue, Sign. Mr. Bob Marini Jr. was present and stated they are installing the same sign as they did for 12 Enterprise Avenue. Mr. Marini stated they have already received approval for the sign location. Mr. Marini stated it would be an illuminated box sign. Mr. Roberts stated he reviewed this and seen no problem with it.

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

03.171 Your Call, 1581 Route 9, Change of Tenant & Sign. The applicant was present and stated they would like to open a retail store selling Verizon products. They have two other locations one in Albany and another in Saratoga. They will be occupying the old Papa John's location with I love my Heart and Schenectady Hardware and Electric. There will be one regular employee and two at peak seasons. It is a seven-day a week operation with 10 – 20 customers a day. They are utilizing the existing property with no improvements. They are also proposing a 50-foot sign. Mr. Roberts asked if the sign would be neon. The applicant responded it is a fluorescent illuminated light box. Mr. Watts asked if anyone had any questions. Mr. Roberts stated he went by the site and did not see any problems.

Mr. Roberts made a motion to approve the change of tenant & sign applications as presented. Mr. Berkowitz seconded. Motion carried.

03.172 Proactive Chiropractic, 1404A Route 9, Change of Tenant & Sign. The applicant was present and stated they are seeking approval for a change of tenant and sign. The applicant apologized to the Board about not coming before the Board for their approval before moving in. They have been occupying this location since March. The applicant stated she did ask the landlord what needed to be done and he told her she was all set to move in. The Fire Marshal for the Town has already done an inspection. Mr. Watts asked if anyone had any questions. Mr. Roberts stated he did stop by the site. Mr. Roberts asked which building they were in. The applicant responded they are in the old building with Halfmoon Family Dental. Mr. Roberts stated they have the sign on the property for the new building. Mr. Roberts asked if they were proposing to move the existing sign and moving it down to their location. The applicant responded no they would have a different sign by the emergency access gate. Mr. Roberts stated there are two different parcels and right now their sign is not on their parcel. Mr. Chauvin stated if the sign is not on the parcel they are occupying then they cannot have the sign. The applicant also stated they were going to occupy the new building but Team Title has occupied the entire building. Mr. Roberts would like this issue looked at.

Mr. Watts would like someone to notify the landlord that they need to come in for every change of tenant. Mr. Williams will notify Mr. Tanski and Mr. Harding. Mr. Nadeau believes the Board has stated to the landlords previously they need to come in for all change of tenants. Mr. Roberts feels the sign issue should be looked at it further before it is approved. Mrs. Patenaude questioned the difference between the parking spaces noted in the narrative and the ones shown on the plan.

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

03.173 Ellsworth/Babcock Subdivision, 306A Grooms Road, Lot Line Adjustment.

03.174 Babcock Financial Advisors, Inc., 306A Grooms Road, Change of Tenant & Sign. Mr. Gil VanGuilder was present and stated when Babcock Financial started looking at this parcel in the rear it was set up for residential use prior to the professional/residential zone coming into existence. Mr. VanGuilder stated it only had a 20-foot wide access strip so it limited where they could store their snow in the wintertime. They approached the owner of the lot in front of the Ellsworth's and they agreed to sell them an additional 10-foot wide strip of land to make it a total of 30 feet wide. There are additional lands totaling 7,719 square feet to allow for the parking configuration to accommodate the spaces required for the existing structure. Mr. VanGuilder stated it keeps the Ellsworth's lot into conformance with the Zoning requirements and allows this use adequate parking. Mr. VanGuilder stated the important thing for the board is that this lot line adjustment does not put either parcel in jeopardy of being out of conformance. Mr. Watts asked if anyone had any questions regarding the subdivision. Mr. Watts stated a public hearing needs to be set

Mr. Roberts made a motion to set a public hearing for Monday July 28, 2003 at 7:00 pm or as soon thereafter. Mr. Nadeau seconded. Motion carried.

Mr. Watts stated Mr. VanGuilder would review the site plan. Mr. VanGuilder stated the Babcock's were attracted to this parcel because of the existing zone allowing the professional office for their Financial Business. Mr. VanGuilder stated the total square footage of the house and the garage area is 3,408 square feet. Mr. VanGuilder stated they have the required amount of parking to accommodate for this site. Mr. VanGuilder stated they are proposing handicap access to the building. Mr. VanGuilder stated the only change to the exterior is the reception area, which would be 16 x 18 feet. What they are proposing is a little unusual because of the long access, which is over 200 feet in length. Mr. VanGuilder stated the requirements for the Town for isles is 25 feet wide but it seemed excessive. Mr. VanGuilder stated therefore they are proposing a 16-foot wide driveway. Mr. VanGuilder stated everything else would be to Town standards. Mr. VanGuilder stated the normal side yard set back is 10 feet and the existing structure is only 7.6 feet away. Mr. Nadeau is concerned about approving the driveway width not to Town standards for any applicants in the future. Mr. Watts stated they could make a stipulation in the approval. Mr. Bianchino asked what the driveway was made of. Mr. VanGuilder stated the existing driveway is just a crushed stone surface. Mr. Bianchino asked about the other existing driveways. Mr. VanGuilder stated there are encroachments that have been there for years. Mr. Bianchino asked if the Marr and Brady parcels have road frontage. Mr. VanGuilder stated they use an easement system to access their lots. Mr. Bianchino asked if they were landlocked. Mr. VanGuilder responded Brady has frontage and the Marr parcel sits behind that. Mr. Bianchino asked if the driveway only provided access for Marr. Mr. VanGuilder stated yes, the Brady's driveway is further to the east. Mr. VanGuilder stated they would need a side yard variance. Mr. Chauvin stated they should go to the ZBA to get the issue corrected. Mr. Watts would like a committee to review this site. Mr. Nadeau and Mr. Roberts will be the committee. This item was tabled.

03.175 Doin Subdivision, Hudson River Road, Minor Subdivision. Mr. Gil VanGuilder was present and stated this

property was in a few months ago for an Auto Recovery Business to operate out of the barn area. Since then, Mr. Doin has decided to subdivide the property creating a lot around the existing home of 2 acres in size and a lot around the existing barn which would be 7.3 acres in size and also creating a third lot which would be 4.93 acres. Mr. VanGuilder stated they all are in conformance of the M-1 zone. All of the lots are serviced by public water and individual septic systems. Mr. Watts asked if anyone had any questions. Mr. Higgins asked if all of the lots utilities are separate. Mr. VanGuilder stated the house is connected but the other two are not, but they are all separate services. Mr. Higgins asked if there was a sufficient side yard setback to the septic area. Mr. VanGuilder stated they would check into that issue. Mr. Nadeau asked if they would all have a curb cut. Mr. Nadeau stated yes and they will need an additional one for the vacant lot.

Mr. Roberts made a motion to schedule a public hearing for July 28, 2003 at 7:00 pm or as soon thereafter. Mr. Nadeau seconded. Motion carried.

03.176 Harvest Church, 303 Grooms Road, Addition to Existing Site Plan. Mr. George Turner was present from Chazen Companies and stated the project itself is a large expansion of the existing site. The site is approximately 14 acres. The total area of the developed site is approximately 4 acres. The proposed development in addition to the existing site would serve about 7 acres. The building is approximately 57,000 square feet with a storage building that is about 35,000 square feet. The existing site has two accesses off of Grooms Road. Mr. Turner stated Harvest Church is concerned about developing the site all at once. Mr. Turner stated they would like to develop most of the parking until they get occupancy at the parish. Mr. Turner stated the Church and the Chazen companies would like to work the plan into phases and get a parking waiver for a portion of the site until full development and expected occupancy is achieved. Mr. Turner stated after going through some of the zoning the building setbacks are in access of the ordinance. The total greenspace onsite is about 25% and the required is 20%. They are proposing an underground drainage system. There will be a lot of clearing on the lot for the addition. The current water supply on site would be utilized for the new building. They will be tapping into the sewer that is located to the north of the site when the moratorium is lifted. Mr. Turner stated they do meet and exceed the amount of parking. Mr. Turner stated that is all and asked for any questions. Mrs. Patenaude stated he said there was 20% greenspace and asked if that included the expansion of the parking lot or is that before it is built out. The 25% they have is 5% more then the ordinance and it is including the parking. Mr. Turner stated they would provide detailed information on what is needed. Mrs. Patenaude stated it says that no forested land would be impacted and asked if that was correct. Mr. Turner stated yes they would be impacting forested land. Mrs. Patenaude would like a second look at that. Mr. Berkowitz asked how many members there were. Mr. Turner stated there was a study done and it was around 600 -700 but is not positive. Mr. Watts would like to see someone from the church be present at the next meeting. Mr. Roberts would like to see more detail on the phasing plan. Mr. Watts stated this item would be referred to CHA and tabled.

03.177 Quik-Ag, 11 Sitterly Road, Commercial Site Plan. Mr. George Turner was present from Chazen Companies and stated the site is roughly 3.3 acres with an existing building. The existing building is run as sales and service. They access this site from Sitterly Road into a parking lot. Mr. Turner stated the applicants are looking for additional storage space for their HVAC units. Mr. Turner stated they went to the ZBA in June for Local Law #3 to request a variance so they did not have to sprinkler the building. Mr. Turner stated they were granted the relief of having to use the sprinklers. Mr. Turner stated they would be expanding the existing driveway. Mr. Turner stated there would be no employees in this storage building. They would be delivering the HVAC units to various vendors in the area. Mr. Turner stated there are no combustible type units in there. Mr. Watts asked if anyone had any questions. Mr. Berkowitz asked what size trucks would be going in and out of the site. Mr. Turner responded oversized vans. Mr. Berkowitz asked if there were loading docks. Mr. Turner responded no. Mr. Watts asked id anyone else had any questions. No one responded. Mr. Watts asked Mr. Williams if he reviewed this application. Mr. Williams responded yes and it may want to be referred to CHA. Mr. Turner stated the client needs the space relatively soon and asked to grant approval with contingencies. Mr. Chauvin responded they could not approve this with contingencies now. Mr. Watts stated this would be referred to CHA for their review.

Mr. Watts asked if anyone had anything else for the Board. Mrs. Patenaude made a motion to adjourn at 8:11 pm. Mr. Roberts seconded. Motion carried.

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

Respectfully Submitted

Tara Anuszewski, Secretary

Town of Halfmoon Planning Board