

Planning Board Minutes - July 28, 2003

Those present at the July 28, 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

Deputy Attorney: Lyn Murphy

CHA Representative: Bob Lockwood

Liaison: Walter Polak

Mr. Watts called the meeting to order at 7:00 pm

Mr. Roberts made a motion to approve the July 14, 2003 minutes. Mr. Higgins seconded. Motion carried.

Public Hearings:

03.165 Bold-Dudek Subdivision, 155 Brookwood Road, Minor Subdivision. Mr. Watts opened the public hearing at 7:01 pm and asked if anyone wanted the notice read. No one responded. Mr. Greg Bold was present and stated they are proposing to subdivide four acres out of a 100 acre parcel for the purpose of making three existing parcels larger. Two of the lots are increasing from two acres to three acres and the other is currently one acre and it will be increased to two and a half acres. Mr. Bold stated that is their proposal. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:02 pm and asked if anyone from the Board had any questions. Mr. Nadeau stated there are three subdivisions with this proposal and asked Mrs. Murphy if this would count toward the total of what they have approved before. Mrs. Murphy stated this would not count toward the total subdivisions because there are no new lots being created. Mr. Watts asked if anyone else had any questions. No one responded.

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

03.173 Ellsworth/Babcock Subdivision, 306A Grooms Road, Lot Line Adjustment. Mr. Watts opened the public hearing at 7:04 pm and asked if anyone wanted the notice read. No one responded. Mr. Gil VanGuilder was present and stated the two properties in question were subdivided back in the mid 1990's. They are proposing to adjust the lot lines conveying 7,719 square feet of land from the front lot to the back lot for the purpose of making the access strip wider from 20 feet to 30 feet. Mr. VanGuilder also stated they are proposing to transfer other land which will be described in the next item. Mr. VanGuilder stated both of the lots would comply with the Residential/Professional Office Zone. Mr. VanGuilder stated that is the proposal. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:05pm. Mr. Watts asked if anyone from the Board had any comments. Mr. Nadeau stated he and Mr. Roberts looked at this project and did not see any issues with it. Mr. Nadeau did ask what the status of the lot line variance was. Mr. VanGuilder stated they are scheduled to go before the ZBA at their first meeting in August. Mr. Higgins asked how they went to the ZBA if the Planning Board has not denied it. Mr. VanGuilder stated they made application based on the Board's intent that they needed to get a variance. Mr. VanGuilder stated he spoke to the Chairman of the ZBA and he understood the situation. Mr. Higgins stated they are putting the cart in front of the horse. Mr. VanGuilder stated no. Mr. Higgins stated they have not acted on this application. Mr. Watts stated it was fine.

A resident asked what the lot line variance was. Mr. VanGuilder stated the original garage was built 7.6 feet from the property line and the minimum set back is 10 feet. Mr. VanGuilder stated it was done in error. There was a building permit issued and stated he does not think they were aware of the property lines. Mr. Watts asked if she was an effected neighbor. The resident responded yes but would discuss it after she hears the next presentation.

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

03.174 Babcock Financial Advisors, Inc., 306A Grooms Road, Change of Tenant & Sign. Mr. Gil VanGuilder was present and stated this application is to convert a single-family residence and garage area to professional offices. The Babcock's run a Financial Advisement service. They are providing adequate parking based on the square footage of the building. Mr. VanGuilder stated at the last meeting they discussed the width of the driveway and they realized the strict interpretation of the section required for a commercial driveway was 22 feet wide. Mr. VanGuilder stated since it is in a residential area they are asking the board to consider a 16-foot wide driveway back to the parking area will be constructed. Mr. VanGuilder stated the parking area would conform in every way to the commercial standards with a 22-foot wide driving aisle with 10 x 20 parking spaces. They will be grading the blacktop so they do not contribute any additional water toward the front of the lot. They are going to direct the drainage toward the rear of the property, which would then find its way to the stream. Mr. VanGuilder stated they are not intending on disturbing anything outside the parking area. Any other disturbances are minimal. There is also a minor addition proposed for a reception area and handicap ramp. Mr. VanGuilder stated they are providing 10 feet of space outside of the parking area for snow storage. Mr. VanGuilder stated the building is connected to public water and does have an on site septic system. Mr. VanGuilder asked if anyone had any questions. Mr. Berkowitz asked about the issue with the current driveway. Mr. VanGuilder stated the existing asphalt driveway has been in existence for a number of years and was shown as an encroachment in 1994 when the subdivision was approved. They are not proposing any changes to that. There is a land locked parcel that shares an easement over this lot. Mr. Higgins asked if it would be paved or would it remain crushed stone. Mr. VanGuilder stated they are anticipating it to be paved. Mr. Roberts stated he and Mr. Nadeau checked the property out and as Mr. VanGuilder mentioned they feel the narrower driveway would blend in better. Mr. Roberts stated they only suggest CHA review the drainage of the parcel. Mrs. Murphy stated the review by CHA would be at the owners own risk because there have been no approvals given for the subdivision. The applicants agreed. Ms. Patenaude asked if there were any buffering to the new use and the residence in front. Mr. VanGuilder stated there is a home and a detached garage but there is buffering. Mr. Watts stated the hours of operation would be 8:30 am to 5 pm. The maximum number of employees would be 4. Mr. Watts asked how many employees would be there at any given time. The applicant responded between him and his brother there would be a total of 6. The applicant stated they might hire another employee or two. Ms. Nadeen Slemp asked if the parking would be in the front of the house on the Grooms Road side. Mr. VanGuilder responded yes. Ms. Slemp asked if there would be any removal of any trees in the back. The applicant responded there would be nothing done in the back. There was previously a swing set in the rear and that has since been removed and has been turned into greenspace. Mr. Watts asked if there were any other questions. No one responded. Mr. Watts stated at this time they do not vote. Mr. Watts asked Mr. Roberts where he was with the sign issue. Mr. Roberts stated they submitted a sign application for more then what was allotted so they are revising their application. The applicant stated it has been revised to a one-sided sign parallel to the street and be 5 feet by 2 feet. Mr. Watts stated this item would be tabled until after they meet with the zoning board.

03.175 Doin Subdivision, Hudson River Road, Minor Subdivision. Mr. Watts opened the public hearing at 7:16 pm and asked if anyone wanted the notice read. No one responded. Mr. Gil VanGuilder was present and stated this property is on the westerly side of routes 4 & 32 and is southerly of Brookwood Road. The parcel is where Sonny's Auction Barn was conducted. Mr. VanGuilder stated there is a wood framed barn on the property. Mr. VanGuilder stated Mr. Doin would like to subdivide the property into three lots. One would be a two-acre lot with the existing single-family home, another would be a 7.3-acre lot with the barn and the other would be to create a 4.9-acre vacant lot. Mr. VanGuilder stated all of the set backs do meet what is required for the M-1 zone. Mr. VanGuilder stated they did receive the comments from the Saratoga County Planning Board and they had a comment about the obtaining of the highway work permit prior to the Planning Boards approval. Mr. VanGuilder stated they have found that very hard because DOT requires Planning Board approval and insurance certificates from the builder. Mr. VanGuilder stated they would work with the Board in any way possible to provide the necessary information. Mr. VanGuilder stated there was also a suggestion of a shared access and they could work that out with whatever uses come in. Mr. Watts asked if anyone from the public had any questions. Mike Shannon of 515 Hudson River Road who is across the street from this proposal asked what the plan for the back lot would be. Mr. VanGuilder stated there is no plan it is just being created as a vacant lot. Mr. VanGuilder stated the use would be consistent with the industrial Zone. Mr. VanGuilder stated any use that wants to go there

would have to come before the Planning Board for site plan approval. Mr. Shannon also asked if the house and barn would stay as their current uses. Mr. VanGuilder stated they are being set up as separate lots and the house is going to remain a single family home and as of yet there is no specific tenant for the barn. Mr. Watts asked if anyone else wished to speak. No one responded.

Mr. Watts closed the public hearing at 7:21 pm. Mr. Watts asked if anyone from the Board had any questions. Mr. Higgins stated to Mr. Doin that in the past he has used the barn for an Auction barn but now that it is being subdivided they can no longer use the parking they use on the house. Mr. Doin stated they would be putting up a fence. Mr. Nadeau asked if the Auction was still in business. Mr. Doin responded no and it is not in his plans. Mr. Nadeau stated he did look at the subdivision and did not see any issues other than the County's comments. Mrs. Murphy stated any approvals that would be given would be conditioned upon DOT's approval for the access.

Mr. Nadeau made a motion to approve the subdivision contingent upon DOT approval. Mr. Higgins seconded. Motion carried.

Old Business:

03.153 Prospect Meadows, 1 & 3 Overlook Drive North & 2 & 4 Highview Way, Lot Line Adjustment. & 03.182 Prospect Meadows, Summerfield Circle, Lot Line Adjustment. Mr. Watts stated they were going to combine both of the Prospect Meadows items and review them together. Mr. Gil VanGuilder was present and stated they have previously held the public hearing for lots 1 & 3 Overlook North and 2 & 4 Highview Way and a question came up asking if there were any other lots that needed to be adjusted. Mr. VanGuilder stated they looked at the rest of the PDD and realized there were a few lots in the interior of Summerfield Circle, which is in phase three, were identified as not being large enough to meet the requirements of Belmonte Builders to build a home. Mr. VanGuilder stated there have not been any changes to this proposal since the public hearing. Mr. VanGuilder stated they had to take five lots from Summerfield Circle and combine them into four lots to get them to comply with Belmonte's requirements. Mr. VanGuilder stated this would reduce the number of lots under 20,000 square feet by one lot. The issue of the previous application was they were to have 60% conforming and 40% non-conforming. Mr. VanGuilder stated they still do not comply with the 60%/40% agreed upon number. Mr. VanGuilder stated they welcome any comments from the Board. Mr. Watts asked if anyone had any questions. Mrs. Patenaude stated for the Summerfield Circle lot line adjustments they need to schedule a public hearing. Mrs. Patenaude also stated she has a problem making an adjustment to the Overlook Drive and Highway Way subdivision. Mrs. Patenaude feels they could change the footprint of the building. Mrs. Patenaude has a problem changing the ratio of the proposal and does not feel they are justifying a need for a change. Mr. Watts asked if anyone else had any comments. Mr. Roberts stated he agrees with Mrs. Patenaude and feels pretty strong about the 60/40 ratio. Mr. Nadeau stated after looking at some of these projects there is a lesson to be learned that the developers want what they cannot get. Mr. Higgins stated he was on the committee for this project and stated they should handle these projects separately because they were handled separately at the approval time. Mr. Watts stated that was his intention. Mr. Higgins also agrees with Mr. Roberts and Mrs. Patenaude about the 60/40 ratio. Mr. Higgins stated they have already amended it once. Mr. Watts stated they need to schedule a public hearing.

Mrs. Patenaude made a motion to deny lots 1&3 Overlook Drive and 2 & 4 Highview Way based on not changing the 60/40 ratio. Mr. Roberts seconded. Motion carried.

Mrs. Patenaude made a motion to schedule a public hearing for 7:00 pm or as soon thereafter on Monday August 11, 2003. Mr. Nadeau seconded. Motion carried.

New Business:

03.178 Mike Abele Subdivision, Boyack Road, Major Subdivision. Mr. Mike Abele and Mr. Tom Andress were present. Mr. Abele stated he originally proposed a 14 lot subdivision and was denied by the Saratoga County Planning Board due to the density and the buffering. Mr. Abele stated they developed two different site plans and approached the Zoning Board of Appeals with a 6-lot subdivision. Mr. Abele stated they were denied on the basis that they could develop a Town Road and not need the flag lots. Mr. Abele stated some of the objections of the public was the integrity of the existing conditions and the density. Mr. Abele stated the Chairman of the ZBA disagreed with that opinion. Mr. Abele stated they are back with a 10-lot subdivision which doubles the buffering, creates a conservation easement, they have kept the storm water management exactly the way CHA was ready to except. They have received approval from the Saratoga County Planning Board. Mrs. Patenaude stated she looked at the proposal quickly and stated it is much better than the original plans. Mrs. Patenaude also stated there is a nice buffer from the Northway and the wetlands are more protected. Mrs. Patenaude stated there are

some real positives in this plan. Mr. Watts asked if anyone else had any comments. Mr. Roberts stated he would like to hear the public comments. Mr. Nadeau asked what was the length of the cul-de-sac. Mr. Address responded under 600 feet. Mr. Higgins asked if the new detention would be draining into the two existing culverts. Mr. Address responded everything goes directly across Boyack Road. Mr. Higgins stated he agrees with Mr. Roberts and stated they could work out any storm water issues at that point.

Mr. Nadeau made a motion to schedule a public hearing for 7:00 pm or as soon thereafter on Monday August 11, 2003. Mrs. Patenaude seconded. Motion carried.

03.179 Dunkin Donuts, 1530 Route 9, Sign. Mr. Greg Nolan was present and stated they are presenting their signs and also the final architectural renderings. Mr. Nolan stated he met with Mr. Watts and Mrs. Patenaude and have come up with a great design. Mr. Nolan stated they have come up with a colonial image beige clapboard building with 3 dormers, shingles that would be brown and beige, there will be a 6 foot white vinyl fence running the length of the building as well as the rear of the building. There was a question of an awning over the drive thru window and after talking to the architect it will be an overhang, which is more what the committee wanted. Mr. Watts asked if anyone had any comments. Mr. Berkowitz asked if this one resembled the Dunkin Donuts in Rexford. Mr. Watts responded it is an upgrade version. Mr. Nolan stated he has spoken to Mr. Williams and found out their allowable square footage is for their signage and it is approximately 257 square feet. Mr. Nolan stated they have proposed a 20-foot pylon sign, one building sign approximately 40 square feet, one building sign approximately 20 square feet and a menu board approximately 37 square feet. Mr. Nolan stated they are around 256 square feet. Mr. Roberts stated he has a real problem with a 20-foot high pylon sign. Mr. Roberts stated Wendy's is 12 feet and feels that is more than adequate. Mr. Watts asked if he discussed this with the applicant. Mr. Williams stated he did. Mr. Watts asked Mr. Nolan what he thought. Mr. Nolan stated higher would be better but he will work with size of the surrounding signs. Mr. Nadeau stated for those Board members that do not know they have tried to keep pylons around 10 – 12 feet and feels that would be consistent. Mr. Watts asked if they would need to revise the square footage.

Mrs. Murphy stated they do not actually have to write on the application the Board can approve whatever size they feel appropriate and if they do not want to put it up because they do not approve of it they do not have to. Mr. Watts stated it was very nice working with them. Mr. Nolan agreed. Mr. Watts stated to please advertise as Dunkin Donuts of Halfmoon.

Mrs. Patenaude made a motion to approve the sign applications and architectural rendering contingent upon the pylon being no taller than 12 feet. Mr. Roberts seconded. Motion carried.

03.180 Car Essentials Inc., 1603 Route 9, Change of Tenant & Sign. Mr. George Katchatorian was present and stated he would like to occupy a space at 1603 Route 9 which is Don Greens property. They are presently looking to take a space approximately 2,365 square feet, which was formerly a mobile electronics dealer, and they would be using it for the same type of business. Mr. Watts asked if anyone had any questions. Mr. Roberts asked if the sign would be replacing what was currently there. Mr. Katchatorian responded they have the smallest sign on the building. It is 2 foot by 4 foot. Mr. Katchatorian stated it is too small and he is requesting it be enlarged to 2 foot by 8 feet. Mr. Higgins stated he thinks it has to do with the total signage of the plaza. Mr. Higgins stated they were the last to come in and they had to take the remaining signage. Mr. Katchatorian stated there is a vacant spot and asked if they could take the larger sign and give the vacant spot the smaller sign. Mr. Watts asked Mr. Roberts if he has worked with the applicant. Mr. Roberts stated no he hasn't but would like to look into it. Mr. Higgins stated the previous tenant was approved with one space in the rear and all of the work was to be done in that area. There is to be no work done in the parking lot and outside the work area. Mr. Higgins stated if an approval were granted it would be contingent upon all work being done inside the building not outside. Mr. Katchatorian stated that was fine. Mr. Watts stated they could approve the change of tenant but would like the sign looked at. Mrs. Murphy stated they need the calculations to determine the accuracy and suggests they go through with the change of tenant and table the sign for further review. Mrs. Murphy stated the Town does allow temporary signs and should talk to the Town Planner Mr. Williams for details. Mrs. Murphy also asked for an Owner Authorization Form.

Mrs. Patenaude made a motion to approve the change of tenant application contingent upon an Owner Authorization Form being filed. Mr. Berkowitz seconded. Motion carried.

03.181 Your Salon Gallery, 1581 Route 9, Change of Tenant. Mr. Dave Pintowski was representing the applicants. Mr. Pintowski stated Mr. Rekucki owns the building. Mr. Pintowski stated this is a beauty salon that

has been operating in town under a different name. Mr. Pintowski stated it is a permitted use. Mr. Watts clarified the name of the business. Mr. Watts asked if there would be a sign with this application. Mr. Pintowski stated there will be but not at this time. Mr. Watts asked if they were ok with parking. Mr. Williams responded yes. Mr. Higgins asked if they were going to be using any of the basement. Mr. Pintowski responded no they would not be.

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

03.183 Romano Subdivision, 1475 Route 9, Minor Subdivision. Mr. Gil VanGuilder was present and stated the uses that are on the 3.42 acre site have been existing for a number of years. Mr. VanGuilder stated on this site there is the Rome Plaza, two wood frame buildings one is a single family home and the other is a beauty salon. Mr. VanGuilder stated they are looking to create conforming lots. Mr. VanGuilder stated the plot where the two wood frame structures are would be 29,000 square feet. They used a keyhole configuration because they are short a few feet of frontage. Mr. VanGuilder stated they are creating a 40-foot wide access strip back into the parking area where they are creating a building line that is 150 feet wide. Mr. VanGuilder stated it does have an easement for ingress/egress. Mr. VanGuilder stated there would not be any physical changes they are only subdividing the uses. Mr. Watts asked if anyone had any questions. Mr. Higgins asked if the easements would be changed. Mr. VanGuilder responded yes. Mr. Nadeau would like the previous minutes reviewed for this site for the next meeting. Mr. Watts stated they needed to set a public hearing.

Mr. Nadeau made a motion to schedule a public hearing for 7:00 pm or as soon thereafter on Monday August 11, 2003. Mrs. Patenaude seconded. Motion carried.

03.184 Pottery Passion, 1408 Route 9, Change of Tenant & Sign. Ms. Kathleen Mumps was present and stated she will be located next to Garden Gate Florist and would be selling pottery and small items of home décor, glass wear and wrought iron. Mr. Higgins asked what was there now. Ms. Mumps stated it is vacant but it was previously a hair salon. Mr. Watts verified there would be two employees and open Monday through Saturday 10 am until 5 pm. Ms. Mumps stated yes and asked if she changed it to evening if she would need to come back. Mr. Watts noted on the application possible evening hours. Mr. Roberts stated he was there and sees no problems with the site. Mr. Watts asked if they could advertise for Halfmoon not Clifton Park.

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

03.185 Theraplay, 6 Executive Park Drive, Change of Tenant. Mr. Tom Andress was present and stated this is the first proposal for a tenant at lot 6 in Dr. Morrison's Park. It is a 9,100 square foot building and they would be occupying 2,500 square feet of it. Mr. Andress stated he has come in with physical therapy before but this is a little different because it is a pediatric physical therapy. Mr. Andress stated most of it is done at home but there is some on site work. They also schedule differently, not as close as a normal office. Mr. Andress stated the parking is adequate and are using it as pure office space. Mr. Watts asked Mr. Williams if they were ok. Mr. Williams responded yes. Mr. Roberts stated with this being the first tenant the parking is ok but as they come in they would have to take a close look at it. Mr. Andress stated they have proposed a narrative and will deduct as necessary.

Mr. Roberts made a motion to approve the change of tenant. Mr. Higgins seconded. Motion carried.

03.186 Lot 3 Executive Park, 3 Executive Park Drive, Parking Addition. Mr. Tom Andress was present and stated they are proposing to expand the parking for lot 3 to give more of an openness. Mr. Andress stated they have

66% greenspace now and will go down to 61% so they still have a high percentage of greenspace. Mr. Andress stated everything else works with the existing storm water management. Mr. Berkowitz asked if anyone was in the building now. Mr. Andress responded the building is full. Mr. Higgins asked if there would be any trees being taken down. Mr. Andress stated it is buffered and would not be disturbed. Mr. Watts asked Mr. Williams if it would need to be referred due to the slopes. Mr. Lockwood responded no they would not need to look at this.

Mr. Roberts made a motion to approve the addition to the parking as presented. Mr. Higgins seconded. Motion carried.

Mr. Watts asked if anyone had anything else for the Board. Mrs. Patenaude made a motion to adjourn at 8:09 pm. Mr. Berkowitz seconded. Motion carried.

The next Planning Board meeting will be August 25, 2003.

Respectfully Submitted

Tara Anuszewski, Secretary
Town of Halfmoon Planning Board