

Planning Board Minutes - June 9, 2003

Those present at the June 9, 2003 Planning Board meeting were:

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

Secretary: Tara Anuszewski

Planner: Jeffrey Williams

Town Attorney: Bob Chauvin

Deputy Town Attorney: Lyn Murphy

CHA Representative: Mike Bianchino

Liaison: Walter Polak

Mr. Watts called the meeting to order at 7:02 pm

Mr. Higgins made a motion to approve the May 28, 2003. Mr. Roberts seconded. Mr. Berkowitz abstained. Motion carried.

Public Hearings:

03.153 Prospect Meadows, 1 & 3 Overlook Drive North & 2 & 4 Highview Way, Lot Line Adjustment. Mr. Chauvin recused himself. Mr. Watts opened the public hearing at 7:03 pm and asked if anyone wanted the notice read. No one responded. Mr. Gil VanGuilder was present and stated this action involves four lots in the Farm to Market Road PDD, two on Outlook Drive North and two on Highview Drive. Mr. VanGuilder stated they are not changing any frontages but they would be moving two of the lot lines. Lots one and three Outlook Drive North would be moving the lot line south in the rear 10 feet and on the westerly side of lots two and four Highview Drive they would be moving that line 13 feet to the south. Mr. VanGuilder stated again there are no changes in the frontages, the purpose of this was to make lots three and four more buildable. Mr. VanGuilder stated there was not enough width in back of the lots for Mr. Belmonte, who is the developer, to put models on those two lots. Mr. VanGuilder stated that is the proposal and asked for any questions. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:04 pm and asked if anyone from the Board had any comments. Mr. Higgins stated he was on the committee on this project and there was a ratio of conforming and non-conforming lots of 60/40.

Mr. Higgins stated with the reconfiguring of these two lots it would change the ratio to where they are below the allowed ratio. Mr. VanGuilder stated as these lots were laid out they were only 66 feet wide in the rear. Mr. Berkowitz asked if these were the two smallest lots in the subdivision. Mr. VanGuilder responded they are pretty close to it because they are only 10,392 and 10,125 square feet but are now being boosted up to a little over 11,000 square feet. Mr. VanGuilder stated this does make the lots more useable. Mr. Higgins asked Mr. VanGuilder if he was aware of any more lots that have this similar problem. Mr. VanGuilder responded no he is not. Mr. VanGuilder stated these lots are in a future phase. Mr. Roberts asked Mr. VanGuilder if he could assure the board there will be no more lot line adjustments. Mr. VanGuilder stated that is a tough thing to assure because sometimes things happen and the lots need to be adjusted instead of going to the ZBA for a variance. Mr. VanGuilder stated he would hate to say no they would not be back before the Board for this subdivision because he would not like to mislead the Board. Mrs. Patenaude asked if they knew what units would be built on the lots when they submitted the plans. Mr. VanGuilder responded no. Mr. VanGuilder stated when Mr. Belmonte set up the footprints with his various models; but unfortunately none of the models would work on these two lots. Mrs. Patenaude asked if there were other models then the ones he has chosen for this site. Mrs. Patenaude is wondering weather these lots were chosen to be made small to meet the 60/40 ratio and now that they are

getting toward the building phase and it is not convenient anymore so they are moving the line back. Mr. VanGuilder stated he remembers discussions about that but the Engineer Scott Lansing was more involved as far as the negotiations. Mr. VanGuilder stated he is not sure it was established that the 60/40 ratio was a hard number or a guideline. Mr. VanGuilder stated there are 72 lots in this phase and they are talking about changing two of them, which would bring them to about 3%. Mr. Higgins stated that was not just for a phase it was for the entire project. Mr. Higgins stated they are two separate projects but were handled together. Mr. VanGuilder asked if that was something in the GEIS. Mr. Watts stated it was part of the negotiations of the project. Mr. Higgins asked being they are part of a future phase, is there any way they could hold off. Mr. VanGuilder stated the two on Highview are but the two on Outlook are in the current phase. Mr. Berkowitz asked how big the lots were around them on the other side of the two 10,000 square foot lots, lot 5 & 6. Mr. VanGuilder stated they are similar in size. Mr. Williams responded lot 5 & 6 are both 11,073 square feet. Mr. VanGuilder stated they are similar in size to these lots. Mrs. Patenaude asked if they were able to fit houses on them ok. Mr. VanGuilder responded yes. Mr. VanGuilder stated if the Board would like he could go back and review the overall subdivision to make sure there are no other lot line adjustments needed. Mr. Watts stated there was an agreement reached and stated he doesn't want to do this again. Mr. Watts asked the Board if they should not take action and let Mr. VanGuilder review the entire subdivision. Mr. Ruchlicki would like to see how lots 5 & 6 are laid out. This item was tabled for further review.

03.154 Harding & Tanski Subdivision, Route 9, Minor Subdivision. Mr. Watts opened the public hearing at 7:14 pm and asked if anyone wanted the notice read. No one responded. Mr. Gil VanGuilder was present and stated he is before the Board to settle an issue. Mr. VanGuilder stated there is a stream through a 13.6-acre parcel, which belongs to Capital Storage. Mr. VanGuilder stated Bast Hatfield is on the other side of the stream and has been developing their site. Mr. Tanski noticed there was an issue of some minor encroachments into his property. Mr. Tanski went to Bast Hatfield and spoke to them and they came to an agreement to transfer 3.96-acres of the total parcel to Bast Hatfield using the stream as the division line for this lot line adjustment. There will be no physical changes to the Capital Storage site or Bast Hatfield. Mr. VanGuilder stated Bast Hatfield would continue to use this property as part of their yard for their construction business. Mr. VanGuilder stated the Zoning is proper for that. Mr. Watts asked if anyone wished to speak. No one responded. Mr. Watts closed the public hearing at 7:16 pm and asked if anyone from the Board wished to speak. Mr. Higgins asked how many acres is the existing Tanski site now. Mr. VanGuilder responded 9.65 acres. Mr. Higgins stated when Mr. Tanski came in to build the site that area was his greenspace. Mr. Higgins stated he does not see any calculations of greenspace before and after. Mr. VanGuilder stated they did not do it specifically because there is a large amount of greenspace on the site and there is more than 40%. Mr. Watts asked if all of the previous issues have been resolved. Mr. VanGuilder stated this lot line would resolve any issues. Mr. VanGuilder stated the last time he spoke to both parties they were satisfied. Mr. Watts asked if anyone else wished to speak.

Mr. Roberts made a motion to approve the subdivision contingent upon the greenspace being outlined before stamping. Mrs. Patenaude seconded. Motion carried.

Old Business:

02.207 Country Drive-In, 1455 Vischer Ferry Road, Addition to Site Plan. The applicant withdrew from this agenda.

02.118 Rolling Hills PDD, Cary Road, PDD – Major Subdivision – GEIS. Mr. Chauvin recused himself. Mr. Percy Cotton was present and stated he is presenting this proposal tonight to set a public hearing for phase one. Mr. Cotton stated if anyone has any questions he could go into it further. Mr. Watts asked if anyone from the Board had any questions. Mr. Higgins stated in talking to some of the neighbors in that area there have been several questions, that do not need to be addressed tonight, one being the agreement that the road would be in before any CO's were given for phase two. Mr. Cotton responded that was correct. Mr. Higgins stated several people have asked him the exact location of the road and the other was the schedule of the utilities being brought up Cary Road. Several of the residents have shallow wells that they are concerned about any construction that would disrupt their water. Mr. Cotton stated they did meet and talk about it and they agreed they would extend the water line up to Tabor as part of the first phase. Mr. Higgins stated there was also discussion of doing that very early in the project even before major excavation was done on the east side. Mr. Higgins asked if they could answer those questions at the public hearing. Mrs. Murphy stated so everyone is clear that the PDD Legislation mandates that the road be completed before the completion of phase 2. Mrs. Murphy stated it is not tied to the getting of CO's it's tied to the completion of phase 2. Mr. Higgins stated he was under the impression the road was before any CO's were issued for phase 2. Mrs. Murphy stated what Mr. Higgins said was the exact conversation that was had and then Mr. Nadeau realized it was unreasonable to say you can build all of the

houses but not get CO's until the road is done. Mr. Higgins stated phase one and two could be completed before the road is done. Mrs. Murphy stated the road has to be in before the completion of phase 2. Mr. Watts stated he would check the minutes carefully. Mr. Watts asked if anyone from the board had any other comments. No one responded. Mr. Watts asked for a motion to set the public hearing.

Mr. Berkowitz made a motion to schedule a public hearing on June 23, 2003 at 7:00 pm or as soon thereafter. Mr. Roberts seconded. Motion carried.

03.156 Wolberg Electric, 219 Guideboard Road, Sign. Mr. Russ Hazen was present and apologized for no one being present at the last meeting. Mr. Hazen stated they were proposing a sign 3 foot by 10 foot with some neon on it and has since learned they could not put exposed type neon on signs in the Town. Mr. Hazen stated Mr. Williams was kind enough to give him a call and since then they have changed the sign. They will have a backlit panel 3 foot by 10 foot with no neon. Mr. Watts asked Mr. Roberts if he has reviewed this sign. Mr. Roberts stated he checked it out and there is no problem.

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

New Business:

03.160 Benefits By Design, 4 Executive Park Drive, Change of Tenant. Mr. Tom Andress was present and stated this lot is in Dr. Morison's Park, Executive Park. This lot is being developed and is owned by Mr. Tim Connolly. Mr. Andress stated this is the first application into this building. Mr. Andress stated they would be occupying approximately 4,000 square feet of the 10,000 square foot building. Mr. Watts asked what the business was. Mr. Andress responded they are a payroll company like Paychecks. Mr. Watts stated the hours of operation are 7 – 6 pm Monday through Saturday with 12 employees. Mr. Andress stated they are still unsure about the Saturday hours. Mr. Watts asked if anyone had any questions. Mr. Watts asked Mr. Williams if they were ok with parking. Mr. Williams responded they are the first tenants in the new building. Mr. Higgins asked if all of the prior fees have been collected. Mr. Chauvin responded he did not believe so. Mr. Williams stated no CO's have been issued. Mr. Chauvin stated this tenant approval would be conditioned upon the fees being paid and the CO being issued. Mr. Tom Murray was present and asked if they were going to finish the other 6,000 square feet of floor. Mr. Andress stated they would not until they had a tenant to fit. Mr. Watts asked if anyone from the Board had any other comments.

Mr. Roberts made a motion to approve the application as presented contingent upon no CO being issued until the fees are paid and no occupation of the tenant until a CO is given. Mr. Berkowitz seconded. Motion carried.

03.161 Angel Tea Room & Gift Shop, 1603 Route 9 – Town Center Plaza, Change of Tenant. The applicant withdrew her application.

03.162 Mike Abele Subdivision, Boyack Road, Major Subdivision. Mr. Mike Abele and Mr. Tom Andress were present. Mr. Abele stated he owns property on Boyack Road in the Town of Halfmoon. Mr. Abele stated several months ago he came before this Board with a proposal for a 14-lot subdivision. Mr. Abele stated it was sent to the Saratoga County Planners and they deemed the amount of lots was too dense for the existing environment. Mr. Abele stated that was one reason for the denial of the application. Mr. Abele stated after he received the denial he spoke to Mr. Larry Benton at Saratoga County Planning. After Mr. Abele spoke to Mr. Benton his Engineer and Attorney have developed two different site plans using the criteria from Mr. Benton. Mr. Abele stated he has contacted two of the most vocal opponents of the previous project. Mr. Abele stated he spoke to one person and has not received any comments back and the other he has left three messages for with no response back. Mr. Abele stated at no time did Mr. Benton endorse either of the plans but did say he was moving in the right direction regarding the density. Mr. Abele stated they would like to attempt a non-dedicated Town Road.

Mr. Abele stated water will still be supplied by Clifton Park as was the original plan and the sewer will be by Crescent Estates Waste. Mr. Abele stated a few things they looked at and listened to by the Board was the Northway corridor. Mr. Abele stated the closest house is almost double away then the original plan. The other thing they did was to create a no cut buffer around the entire property and also a conservation easement that entitles about 6 acres on the site. Mr. Abele stated they do have the frontage to build a Town Road if they are required to do so but they are choosing not to. Mr. Abele stated the easement for the road would be taken care of by a small Homeowners Association. Mr. Abele stated they have created 3 acre and a half lots, 2 two-acre lots and 1 six-acre lot. Mr. Abele stated they chose this site plan because it was less intrusive on the existing

environment. Mr. Abele stated Mr. Andress is present to answer any technical questions. Mr. Watts asked if anyone from the Board wished to speak. Mr. Higgins asked if the water would come in to the area of the easement and then be distributed to the homes. Mr. Abele responded correct, and each lot would have its own on site water and sewer connections. Mr. Andress stated there are four laterals there two are being used by the existing homes and there are two open which will be utilized for the sewer and be combined in. Mr. Andress also stated there are four water laterals, which two are being used and two are not. Mr. Higgins asked Mr. Chauvin if it is common to share the sewer lines. Mr. Chauvin responded it is very common in other jurisdictions it has not been done often here. Mr. Chauvin stated we have a provision in our ordinance that says one flag lot per subdivision so we do not do it very often. Mr. Chauvin stated he could review the legal aspect of it. Mr. Berkowitz asked if they should send this application to the ZBA to see what they think of the five-lot subdivision. Mr. Chauvin stated it is the Boards decision and does not remember the board approving any in this fashion. Mr. Chauvin stated there is the provision of one flag lot per subdivision. Mr. Chauvin stated to avoid a precedent they could send it to the ZBA. Mr. Chauvin stated they could put restrictions in there or put a provision for a bond for a future right of way so if it became a problem they could create a future Town right of way. Mr. Chauvin would have to ask Mr. Lee Buck, Highway Superintendent, if he would be interested in that type of resolution. Mr. Chauvin stated the Board could certainly send it to the ZBA and that would avoid any issue of a precedent and they could have a public hearing. Mr. Roberts asked if they looked as to how they would maintain the road. Mr. Abele responded they would have the homeowners association maintain it. Mr. Berkowitz feels they should refer it to the ZBA for the review of the five flag lots. Mr. Higgins agrees with Mr. Berkowitz about letting the ZBA review this because of the fact it is outside of our guidelines as far as the multiple flag lots. Mr. Watts stated the only way he could get to the ZBA is by the Planning Boards denial.

Mr. Higgins made a motion to deny the application. Mrs. Patenaude seconded. Motion carried.

03.163 URS, 28 Corporate Drive, Change of Tenant. Mr. Tom Andress was present and stated the building is 25,000 square feet and approximately 50% is occupied now. Mr. Andress stated this tenant would bring it to approximately 75%. The first of two applications before the Board tonight is for URS, which is an Environmental Engineers Company. They would be using this for office only. Mr. Andress stated they would be occupying approximately 7,600 square feet with normal business hours of Monday through Friday with approximately 35 employees. Mr. Watts asked if anyone had any questions. Mr. Berkowitz asked if they had clients come to the facility. Mr. Andress stated he would assume yes but most of the time they would be on the job site. Mr. Roberts asked if they would be doing any testing on site. Mr. Andress stated it is not that type of Environmental Engineering they do not do soil tests. Mr. Watts asked what do they do then. Mr. Andress stated they are just Environmental Engineers. Mr. Watts gave the applicant back his application for further description of what the business is and stated if the Board does approve it, it would be contingent upon a full narrative description of the services. Mr. Higgins asked if there was sufficient parking. Mr. Andress responded yes.

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

03.164 Core Physical Therapy, 28 Corporate Drive, Change of Tenant. Mr. Andress was present and stated this application is for the same building and would be occupying 2,600 square feet. Mr. Andress stated on his application it only states Physical Therapy. Mr. Andress stated it is a similar business to who moved into lot #1 Halfmoon Executive Park. Mr. Andress stated they would have clients coming in and out to receive physical therapy. Mr. Berkowitz asked if 13 spaces were required. Mr. Williams stated he took what the size of the office was. Mr. Roberts asked how many parking spaces they had. Mr. Andress responded approximately 125. Mr. Watts stated for the record this is an issue that the Town Board is looking at as far as parking and the difficulties that could arise. Mr. Berkowitz asked how many treatment rooms they had. Mr. Andress stated he is unsure but would provide that information in the narrative. This application was tabled for further information.

Mr. Watts asked if anyone had anything else for the Board. Mrs. Patenaude made a motion to adjourn at 7:54 pm. Mr. Roberts seconded. Motion carried.

The next Planning Board meeting will be June 23, 2003.

Respectfully Submitted

Tara Anuszewski, Secretary
Town of Halfmoon Planning Board