

Town of Halfmoon Planning Board

Meeting Minutes – November 26, 2012

Those present at the November 26, 2012 Planning Board meeting were:

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

Director of Planning: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy
Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the November 26, 2012 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they had reviewed the November 13, 2012 Planning Board Minutes. Mr. Roberts made a motion to approve the November 13, 2012 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

Public Hearing:

12.108 PH Gary Connors Subdivision, 294 Grooms Road – Lot Line Adjustment/Special Use Permit

Mr. Watts opened the Public Hearing at 7:03 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Dave Flanders, of David A. Flanders Surveying, stated the following: I'm here tonight with Mr. Gary Connors. We are proposing a lot line adjustment for a 3-lot subdivision of a 4-acre parcel that was previously subdivided into 3-lots earlier this year. With this proposal we would be increasing the lot sizes of the 2 smaller lots from the previous 27,000 SF and 36,000 SF to slightly over 40,000 SF. The purpose of the revision is due to the fact that we have been unable to sell those lots as is. We are now proposing to increase the size so that duplexes can be built on the lots and they would now conform to the duplex requirement. We have also increased the proposed driveway width from 10.5 FT to 14 FT wide and we've added a turnaround for emergency vehicles and delivery trucks. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:05 pm. Mr. Higgins stated the following: It appears that he has granted a connection point to Mr. William Burdick to come into the driveway also and because of the proximity of the two curb cuts for the driveways, it looks to be about 40 FT apart. So, we were wondering if there was any chance that Mr. Burdick

could just use the new driveway rather than his existing driveway just because of the proximity and we were just worried about site distances and things like that. Mr. Flanders stated I think that is out of our control. Mr. Higgins stated the following: Yes, I guess it is not something that could be controlled. Also, the applicant presented some comparable duplex sites in this immediate area for the Planning Board to look at and evaluate whether it's a negative impact to the neighborhood, which as part of the approval, is based on the new Town regulations. Mr. Flanders stated I did submit a letter. Mr. Higgins stated right, I just meant for the record and I just wanted to say that you did present that information. Mr. Watts stated the following: That is correct because there are 27 existing duplex structures on Grooms Road and Aspen Ridge. That was a good point in keeping with the general character of the neighborhood; most of which are Professional Office/Residential (PO-R) anyway and there are also some commercial businesses.

Mr. Higgins made a motion to approve the Lot Line Adjustment/Special Use Permit for the Gary Connors Subdivision. Mr. Berkowitz seconded. Motion carried.

New Business:

12.114 NB Fairways of Halfmoon Banquet House, Johnson Road – Special Use Permit

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here representing the Fairways of Halfmoon LLC in their request for a special use permit for additions to the banquet house located at the Fairways of Halfmoon Golf Course. The additions include two 14 FT x 32 FT bump outs on both the right and left sides of the building to be used for office/storage spaces for the banquet facility as well as a 14 FT x 16 FT bump out to expand the entryway. There would be no additional space added to the banquet hall and there would be no additional employees so the existing parking should be adequate. Currently there are 195 parking spaces at the facility. Mr. Ouimet asked at the entrance, are you just going to enclose the covered entrance that is there now? Mr. Rabideau stated yes. Mr. Watts asked is this the main entrance? Mr. Rabideau stated yes. Mr. Watts stated so this is the entrance to the banquet house and not the entrance to the clubhouse, is that correct? Mr. Rabideau stated correct. Mr. Nadeau asked is the office space for the banquet house itself and you're not leasing the office space to anyone? Mr. Bruce Tanski, the applicant, stated the following: No. We need more office space because we have outgrown it and we want to store all the tables and chairs upstairs instead of bringing them downstairs especially in the wintertime because it makes it real tough to do. Mr. Watts asked is there office space there now? Mr. Tanski stated yes there is. Mr. Watts asked what are you going to do with that space? Mr. Tanski stated it is still going to stay office space and we're just going to increase that space because we don't have enough room. Mr. Watts asked would they be contiguous after you are done? Mr. Tanski stated the following: That's right. We're going to knock the wall out and just make it one big room and with the outside wall we would header that off, take the windows that are on the outside and move them outside to the new addition. So, we would use the existing windows and everything. Mr. Berkowitz asked so everything on the right hand side is going to be office space and everything on the left hand side is going to be storage? Mr. Tanski stated as you're looking at the front of the building, correct. Mr. Ouimet asked is the addition going to go across the entire front? Mr. Tanski yes, we're going to extend the front out because obviously if we do those two additions like that and we don't pull the façade out or we don't pull the entryway out, it's going to look kind of funny. Mr. Ouimet stated right, but if you look at the depiction that's on the board, there's space between the front entrance and the two additions. Mr. Tanski stated right; we're also going to pull that front out too. Mr. Ouimet stated so would the front be out further? Mr. Tanski stated no it won't be out further. Mr. Ouimet asked

would it be straight across? Mr. Tanski stated it will probably be recessed just to give it some definition. Mr. Ouimet stated but it will cover the whole front of the banquet house. Mr. Tanski stated no just as it is shown. Mr. Ouimet asked so would there be gaps? Mr. Rabideau stated yes, that is correct. Mr. Tanski stated there will be like a 4 FT separation. Mr. Watts asked would there be any new employees? Mr. Tanski stated the following: No. This is strictly storage and office. There will be no new employees or no anything. Mr. Berkowitz asked would there be windows in the storage area? Mr. Tanski stated the same windows that are there by the bar now will go in the storage area. Mr. Berkowitz asked are they opaque or can somebody see right inside the storage area? Mr. Tanski stated the following: No. Those windows will go away and they will be closed off. There would be a door there and the windows that are there now will be in the new addition. Mr. Berkowitz stated what I'm saying is will people be able to see from the front of the building inside the storage area? Mr. Tanski stated no we have blinds on all of the windows. Mr. Berkowitz stated the following: Okay. What is the roofline going to look like? Mr. Tanski stated we don't know; we're working on that now with an architect. Mr. Berkowitz asked so would it come straight out though? Mr. Tanski stated yes and it's probably going to be a reversed gable so that it has some definition.

Mr. Ouimet made a motion to set a public hearing for the December 10, 2012 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

12.115 NB Joan F. Stapleton, LCSW, PLLC & Raymond Bodensieck, Ph.D., 12 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering & Surveyors, stated the following: I'm here tonight representing the Abele's. The proposal is for a tenant change located at 12 Corporate Drive that is about an 8,000 SF building. The applicants wish to occupy 800 SF of office space and there still is a little bit more space open. The applicants are two different professionals who would be sharing an office. There would be a common waiting area and they will each have their own office on each side. One person is a social worker and one person is a psychologist. There is more than adequate parking available on the site. We went through and looked and they only expect about 4 patients per hour. Mr. Ouimet asked are these two separate changes of tenant? Mr. Andress stated the following: It was done as a single tenant because they're leasing it together. So, that's why we're doing it as a single. It's just two different entities within that same space. Mr. Ouimet stated this is similar to what we did with the title company and the attorney. Mr. Andress stated exactly, where they had a common area and then they each had their own office space.

Mr. Berkowitz made a motion to approve the change of tenant application for Joan F. Stapleton, LCSW, PLLC & Raymond Bodensieck, PH.D. Mr. Ouimet seconded. Motion carried.

12.116 NB Acosta Sales & Marketing, 16 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering & Surveyors, stated the following: This is a larger building where the Abele's have a warehouse with some office area. There are two other tenants in the building. We're proposing to move Acosta Sales, which is a tenant in Dr. Morrison's park and they have combined with another entity and they need more space. They're a food broker. They would not warehouse any food and it's not a business where people would come in and buy food. They represent different food manufacturers to places like Price Chopper and other major grocery chains. So, they are always trying to get different products in there. They do have a small prep area, a cooler and a freezer that would be inside for the storage of the products. They would bring the representative; such as Price Chopper; over there and then cook the meal so they can see what the

product taste like. The applicant would occupy a little more than 7,000 SF. That would give them a little more office area and they would use a small amount of the warehouse where they are putting the inside coolers.

Mr. Roberts made a motion to approve the change of tenant application for Acosta Sales & Marketing. Mr. Nadeau seconded. Motion carried.

Old Business:

05.221 OB Klersy Subdivision, Farm to Market Road – Major Subdivision/GEIS

Mr. Joe Bianchine, of ABD Engineering & Surveyors, stated the following: I'm here tonight representing the Klersy's. Mr. Kevin Klersy is also here with me tonight from Park Place Properties. The applicant is proposing a major subdivision that is now known as "The Meadows at Halfmoon". The applicant owns 90-acres of land that fronts on Farm to Market Road and Angle Lane. The proposal is to subdivide the property into 49 residential lots that would all meet the Town's Agricultural-Residential (A-R) zoning. There would be one road coming in called Wheatfield Way off of Farm to Market Road. The lots wouldn't start until a little over 100 FT in from the right-of-way. That road would come down and there would be an intersection so that the road could be extended to the west onto the Lands of Jasmin. Meadowview Drive would go back to a cul-de-sac and off of that there is a future extension to the Lands of VanWert and a temporary connection to Angle Lane. Then at the end of Angle Lane we've also increased the end of it so that there can be a turnaround there because there is no turnaround there now, it just dead-ends. Then there is one cul-de-sac off of Meadowview Drive called Rye Court. Of the 90-acres, almost 33-acres is going to be setup in a Homeowner's Association (HOA). There is a combination of wetland and upland in five separate areas that would be setup and owned by the HOA. There are Federal wetlands on the property and we've been to the Army Corp of Engineers (ACOE) and although we are disturbing about just under a half-acre of Federal wetlands, we do have their blessing and we do have a permit from them. We have a couple of road crossings and a utility crossing where we do the disturbance and we will be mitigating for that disturbance by creating new wetlands within the HOA land. The project would be served by water and sewer and we have been to Saratoga County Sewer District #1 (SCSD#1) and I think 42 of the lots would be on a gravity sewer, which would go to a pump station and then it would be pumped back up to a force main on Farm to Market Road. Then 7 lots; 5 lots along Angle Lane would be on grinder pumps that would come into the gravity system and 2 lots in the back that are lower than the road would pump back up to the road grinder pumps. Again, we've been to SCSD#1 and there was a recent letter from SCSD#1 indicating that the plans are acceptable to them and the capacity and so forth has been reserved. The water system would need a water district extension. We would be tying in at Cary Road and Angle Lane extending a new 12-inch across the front, then waterlines through the property and it will connect back to the Town's waterline that comes down Angle Lane. So, it would be looped through the system but we have to go before the Town Board for the formation of the water district extension. Storm drainage would be controlled on-site. We have 4 stormwater detention basins with grass swales, dry swales, set asides and so forth and everything would meet the green infrastructure requirements by the New York State Department of Conservation (NYSDEC). So, that is all set and CHA has had a chance to look at all the plans and I believe they are okay with them at this point pending any changes or comments that come from the Board and from the public. We are here tonight asking the Board to schedule a public hearing for this proposal. Mr. Nadeau asked are the existing homes on Angle Lane on public water now? Mr. Bianchine stated the water is there but I don't know if they have all hooked up or not. Mr. Nadeau asked if the existing homes are not currently hooked up to public water now, would you allow them to hook into it. Mr. Bianchino

stated the Angle Lane line is the Town line. Mr. Bianchine stated but they could also tie into this sewer system if they wanted to. Mr. Higgins asked would there be a sewer line along Angle Lane? Mr. Bianchine stated the following: It would be a grinder pump sewer line, not a gravity line. So, they would have to have a grinder pump and it's big enough for them to do that. Mr. Higgins asked so would each of those 5 houses have a grinder pump? Mr. Bianchine stated yes they would if they choose to hook up.

Mr. Higgins made a motion to set a public hearing for the December 10, 2012 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

12.011 OB Delsignore Blacktop Paving, Inc., 47 Clamsteam Road – Change of

Mr. Tom Andress, of ABD Engineering & Surveyors, stated the following: At the previous meeting we discussed for Delsignore Blacktop Paving, Inc. the proposal to utilize the Callahan site. There were a number of questions that were brought up by the Board and we are here tonight to give the Board more information regarding this project. We have a summary of the equipment and vehicles that would be at the site and the usage in and out each day. There was concern on limitations so we also added to the plan a limitation line so Delsignore would not go outside of that limitation line. Mr. Higgins asked did you give the Board a drawing showing that line? Mr. Andress stated yes I did. Mr. Berkowitz asked what did AJS use on that site? Mr. Andress stated I never saw them on the site so I don't know how far they went on the site. Mr. Berkowitz asked so you have no idea if they went up to the top trailer? Mr. Andress stated I don't and there is nothing out there to give any indication of where they were. Mr. Berkowitz asked are those trailers useable or salvageable? Mr. Andress stated good question because I haven't look at them. Mr. Dewey Delsignore, of Delsignore Blacktop Paving, Inc., stated the trailers that are there appear to be Callahan trailers that were used for storage and they have been there for a long time. Mr. Berkowitz asked are they trailers that you would use as an office? Mr. Delsignore stated no, they're a lot more like box trailers. Mr. Berkowitz asked are you going to be storing any raw materials on that site? Mr. Delsignore stated no we don't see storing any raw materials. Mr. Berkowitz asked so you wouldn't put an asphalt plant there? Mr. Delsignore stated not unless you let us. Mr. Andress stated that was specifically noted in the narrative that we would not be doing that. Mr. Higgins stated at the previous meeting I had asked you about that upper area where those 4 trailers are because of the fact that it's so visible from the Northway and you felt that you didn't need it at that point but yet you have the limits shown up in that area. Can we restrict that area to leave those 4 trailers there and that's it? Just because of the visible nature and if you don't feel you need that area anyway; would you have a problem with limiting the area above the gravel round to just leaving it as is with those 4 trailers? Mr. Delsignore stated the following: No, I wouldn't object to that. We would like to use one area but none of this is visible. This is the lower lot where there is an elevation change. There is a slope there and from where those trailers are circumfencing this area; it is where we would store our equipment but this would not be visible because it is 50 FT lower. Mr. Higgins stated from the cell tower straight across, I know when the leaves are off the trees, you can see quite a ways down from the Northway and that's the only reason I was saying that. Mr. Delsignore stated we would not go above that because we are down in another area. Mr. Higgins stated that area has not been used for a number of years. Mr. Delsignore stated the following: That is correct. At least it appears that way. I don't know what they had done but it's grassed over and it was formerly a parking area. Mr. Higgins stated the following: I'm not arguing but 10 years ago they had a ton of equipment parked up there. Again, we're just trying to have parameters so that the Board and the applicant both realize what the limitations for the site. Mr. Delsignore stated from here down would be totally acceptable to us. Mr. Higgins stated we're saying from the cell

tower site because it is permanent and visible and we're just trying to get a line somewhere in that neighborhood. Mr. Ouimet stated the following: I don't know as if you want that line. I think what you want is a line straight across from the base of the cell tower straight east and not on angle. Mr. Higgins stated Mr. Ouimet is talking even further down than I was. Mr. Ouimet stated the following: At some point instead of going up to the right, just go straight across either at the top of the base or the bottom of the base. But, I think on the site plan we are going to have to have a line drawn there and you would have to agree that you wouldn't park anything above that line. Mrs. Murphy stated so you would go from the corner of the cell tower box to the lower corner of the site location box. Mr. Ruchlicki stated he is almost following that ridge right there. Mr. Delsignore stated the following: Right and that is the lower level, which is almost a plateau. That was a former parking area as well as in another area and they are not visible from the Northway. If that is what you are referring to; that would be totally acceptable with us. Mr. Berkowitz asked do you plan on using any of those trailers? Mr. Delsignore stated no. Mr. Berkowitz asked is it possible to get rid of them? Mr. Delsignore stated the following: They're Callahan trailers, so we would have to ask them if they could get rid of them. There is nothing in them of any value and they are not in useable shape. Mr. Berkowitz asked could you see if you could dispose of them? Mr. Delsignore stated yes. Mr. Ouimet asked are you leasing this land from Callahan and they are still going to own it or are you going to buy this land? Mr. Delsignore stated currently we are looking at just leasing the property and purchasing the property is not out of the question as time goes on. Mr. Ouimet asked are you going to lease the entire parcel including the parcel that you have agreed not to park any equipment on, right? Mr. Delsignore stated the following: I would have to see what the rights are. Right now we're just looking to use the buildings and the parking area that we have talked about. So, we're not really leasing that. Whether the rights come to that with the lease, we have no use for that. The area we are looking at is just the parking area, the storage, and the garage space. Mr. Andress stated it is a single lot so we're not proposing any division within it. Mr. Ouimet asked would you be the only tenant? Mr. Delsignore stated yes. Mr. Higgins stated the following: You gave the Board a breakdown of the equipment, trucks, tractor-trailers and things like that. But as far as a total number of pieces of equipment that will be used on the site, you had 33. We wanted to try and set some kind of a number that was agreeable between the Board and yourself as far as the number of pieces of equipment on-site. Obviously, if you needed to exceed that number somewhere in the future, you would have to come back to the Board for a modification to the agreement. Mr. Delsignore stated the following: We would like to allow a little room for growth so I would like to say 50. Again, I don't even see us having that 33 number. Mr. Higgins stated let's say 40 for the time being and then obviously it's just a case of you coming back before the Board if you needed that number increased. Mr. Delsignore stated that would be fine. Mr. Watts stated I know you said that you would be storing your snow removal equipment during your snow-plowing season at the jobsite, such as Lowe's parking lot. So, your snow removal equipment would not be in and out of there and the only time your equipment would be going back would be repair work, is that correct? Mr. Delsignore stated the following: The bulk of our equipment are loaders and the heavy equipment that is out plowing. Pick-up trucks with plows on them would be coming in and out. They would be out but not coming in and out throughout a storm. The trucks would go out and at the end of the storm and then they would come back in. Most of the pick-up trucks are foreman or superintendent trucks, so they would go home with their trucks. So, there is not a lot of it but our salt trucks may come back in. In the winter months the bulk of the equipment that is there is parked and it would be going into the shop for service throughout the winter. So any activity there in the winter months would be very, very limited. Mr. Higgins asked how about on-site fuel storage? Mr. Delsignore stated any fuel storage that we may have, and we could possibly do that, we would do it through John Ray. Mr. Higgins

stated so you might have about 1,000 or 2,000 gallons of fuel on-site. Mr. Delsignore stated correct and it would just be that type of scenario and they're always registered through the New York State Department of Conservation (NYSDEC). Mr. Higgins asked would they all be double walled fuel tanks? Mr. Delsignore stated yes, John Ray would set the tanks up and they all would be registered. Mr. Higgins stated the following: Okay, I'm familiar with those. So, we would say a maximum of 2,000 gallons. Mr. Delsignore stated yes. Mr. Higgins stated the following: Again, all of this conversation is for the minutes of the meeting so that it's very specific of what is approved for the site and for your use of the site. Mr. Delsignore stated yes, I totally understand that. Mr. Ouimet stated the following: I have a reservation that I just want to put on the record. What we are being asked to do is to approval a change of tenant application for a site that is currently a non-conforming use site in a Residential (R-1) zone. This property is zoned residential, although for years it has been used for a commercial purpose. At our pre-meeting there was a lot of discussion about what the Town records showed and what didn't show with respect to the tenant most recently on the site as far as how much equipment was stored on this site. I really don't feel comfortable approving up to 50 pieces of equipment on a site that I'm sure there hasn't been 50 pieces of equipment on this site in the last 2 or 3 years. I hesitate to approve a change of tenant, which is to amount to approving an expansion of a pre-existing, non-conforming use. I don't have a problem with this tenant and I don't have a problem with what they're proposing but I do have an issue of us approving a site that may be bigger than what previously functioned at that site without having any base of knowledge as to what was there numbers wise. We're being asked to approve a very large commercial enterprise on a residential lot. So, having said that, I really have reservation at this point. I don't feel in good conscience that I could vote to approve a change of tenant without knowing that there was at least 50 pieces of equipment used by the prior tenant. Mr. Watts asked does anyone know what AJS Masonry had? Mr. Address stated we had noted that Mr. Schocetti was the last tenant there along with a striping company. Mr. Higgins stated yes, the striping company was before that. Mrs. Murphy stated the following: The only thing that I have to offer is that obviously this Board doesn't have the authority to expand a pre-existing, non-conforming use. The applicant is saying that this is consistent with what has been going on in the past prior 2 years and you don't have anything that tells you that that isn't what has been going on in the 2 years. I believe you have agreed to 40 pieces of equipment and not 50 pieces of equipment. Mr. Delsignore stated the following: Also, when we talked about the 40 pieces of equipment; those 40 pieces of equipment are not 40 large excavators. We have small rollers and there might be 15 trucks. So, when we use that number and you start thinking that it's not all super large equipment and the fact that it doesn't even take up the amount of space. What I'm trying to say is that verbally it sounds worse than it is. Mrs. Murphy stated the following: I think the Board is just expressing a concern that it's an expansion of a pre-existing, non-conforming use and according to our staff; they're not interpreting it that way based on their knowledge of the site's use in the past 2 years. So, the Board has to make a determination based on what they're being told. Mr. Nadeau stated the following: Should this proposal get approved, would there be a revised site plan? The reason I asked that is because it was stated that there would be no outside storage of anything and the current site plan it is showing an outdoor gravel storage area in different positions. I just want to verify that we're not confusing that. Mr. Address stated no, I think we had never represented that there was not going to be outdoor storage of equipment. Mr. Nadeau stated my question is; will you be using the site plan that is before the Board tonight? Ms. Zepko stated the following: The wording on the site plan that the Board has before them states, "outdoor gravel storage area". The Board is asking that the wording on the plan be changes to state "outdoor equipment storage area" in order to eliminate any confusion that stockpiles are permitted on the site. Mr. Higgins asked that a note be added to the plan that states that there

would be no outside storage of material. Mr. Andress states that they can certainly note that. Mr. Higgins stated the following: That the plan shows both asphalt and gravel pads on the site. Should any changes be made to those areas, there may be need for engineering review for stormwater management. Mr. Delsignore stated that there are no plans for any changes regarding that.

Mr. Higgins made a motion to approve the change of tenant application for Delsignore Blacktop Paving, Inc. contingent upon the number of pieces of equipment to be stored on-site is to be limited to 40, no raw materials are to be stored on-site, the outside areas for equipment storage is limited so as not to be seen from the Northway and will be outlined on an amended site plan to be submitted to the Planning Department and a maximum of 2,000 gallons of fuel storage in a federally approved double walled tank. Mr. Roberts seconded. Vote: 6 – 0; Aye – 6; Abstained – 1. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 26, 2012 Planning Board Meeting at 7:43 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary