

Town of Halfmoon Planning Board

Meeting Minutes – April 9, 2012

Those present at the April 9, 2012 Planning Board meeting were:

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

Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the April 9, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the March 26, 2012 Planning Board Minutes. Mr. Roberts made a motion to approve the March 26, 2012 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried. Mr. Watts abstained due to his absence from the March 26, 2012 Planning Board meeting.

New Business:

12.026 NB Wal-Mart, 1549 Route 9 – Sign

Mr. Ouimet recused himself from this item. Mr. Scott Pierce, of Raymond H. Harris A/A Architect, stated the following: We are remodeling the Wal-Mart and along with that we are re-branding their store based on their new Wal-Mart logo with a little asterisk after Wal-Mart, which they call a "spark". Also, they are revising their exterior colors and the other change is that they are re-branding their site sign. They would not be changing the square footage area; they're just re-facing the panels. Mr. Watts asked are you presenting the Subway sign also? Mr. Pierce stated as far as I know, that is a separate presentation. Mr. Watts stated the reason I asked is because the Subway sign would be using up some of your square footage, but you're still fine with your proposal. Mr. Pierce stated the following: On the building the net area would be reduced as far as their signs go; so that would give Subway a little bit more square footage. The existing roof is green and will remain the same as far as the exterior colors go. Mr. Roberts stated I have reviewed the sign proposals and it meets our code.

For the record: The Planning Department's write-up for the sign(s) is as follows:

Front Elevation:

"Market"	over left side entrance	17.97 SF
"WalMart"	center store peak	157.44 SF

"Spark logo"	center store peak	57 SF
"Home & Pharmacy"	over right side entrance	61.85 SF
"Auto Center >"	right side of bldg.	19.47 SF
"Outdoor Living"	right side of bldg.	49.47 SF

Auto Center Elevation (South):

(2) "Tire"	over two overhead doors	4.76 SF - total
(2) "Lube"	over two overhead doors	6.26 SF - total
"Auto Center"	upper right side	17.75 SF

Freestanding:

"WalMart w/Spark"	upper cabinet	160 SF - existing
"Pharmacy-Auto Center -Optical"	lower cabinet	80 SF - existing

The total area of all proposed wall signage is 391.97 SF (a reduction of 75.43 SF). The applicant also wishes to replace the existing freestanding panels with new panels as described above. There is no change to the height or area of the approved freestanding sign. (Note: The proposed freestanding sign illustration shows it going from green background to blue background). Total proposed signage for the site will be **631.97 SF**. Also, the applicant wishes paint the exterior of the building with brownish earth tone colors (the roof remains green). The proposed signage conforms to the sign ordinance and the freestanding sign that was approved in 2000. Note: This proposed Wal-Mart sign package makes available 75 SF of allotted exterior signage that becomes relevant for the Subway sign application.

Mr. Roberts made a motion to approve the sign application for Wal-Mart. Mr. Ruchlicki seconded. Motion carried.

12.029 NB Anthony Lombardo (Accessory Bldg.), 74 Route 146 – Special Use Permit

Mr. Anthony Lombardo, the applicant, stated the following: I'm proposing to construct a garage behind my home for my own personal use. I would like to construct a garage to work on the cars that I have. Mr. Watts asked what would be the size of the proposed building? Mr. Lombardo stated it would be 30 FT by 50 FT. Mr. Roberts asked how high would the building be? Mr. Lombardo stated the following: Right now I'm just getting estimates on it. I'm not sure but it would be whatever the zoning requirements are. Mr. Roberts asked would this just be for cars or are you going to put trucks in there also? Mr. Lombardo stated the following: It would just be for cars. I do drive a truck and obviously if I need to work on my truck, I would work on it in the proposed garage. My truck is just a regular truck. Mr. Roberts stated to the Board; I would use caution because I know in the past that people who have put up garages have brought tow trucks in and all different things. Mr. Lombardo stated no, that wouldn't happen. Mr. Nadeau asked would you have 8 FT ceilings? Mr. Lombardo stated it would be for whatever cars that I have. Mr. Nadeau asked would the building be constructed like a pole barn? Mr. Lombardo stated the following: It would probably be a pole building. Right now I'm getting estimates. Mr. Nadeau asked would it be like a Morton metal or steel building or something like that? Mr. Lombardo stated yes, it would be a metal building. Mr. Higgins asked are you going to have lifts in the proposed building? Mr. Lombardo states yes, probably one. Mr. Higgins stated if you are going to have a lift, the inside of the building has to be at least 12 FT and if you were going to have trusses, it would have to be 16 FT to 18 FT to the peak. Mrs. Zepko stated for the Board's information; the maximum height when you have an accessory structure is 20 FT. Mr. Nadeau stated you can use what they call scissor trusses, which would give him access to that. Mr. Higgins stated the following: Yes, we are just trying to get a rough idea on the proposed height of the building. So,

you would be limited to 20 FT for the maximum height. Mr. Lombardo stated yes. Mr. Watts stated so this would be a "garage" and asked what type of cars and how many would you have in the garage? Mr. Lombardo stated right now I have 3 cars. Mr. Watts stated that is right now and asked what is your intended use for the building? Mr. Lombardo stated the following: Just to work on my cars and for whatever I buy. There might be 3 to 4 cars in there and it would be used mostly for storage. Right now I can't work on my cars outside during the winter. Mr. Ouimet stated your site plan doesn't indicate how you are going to get to the garage. Mr. Lombardo stated the following: I would get to the garage from Valley View Terrace. I submitted a letter to the Planning Department from my neighbor Joseph Maiello who is going to allow me access by utilizing their privately owned road. Mr. Lombardo pointed out to the Board where the access was located. Mr. Nadeau asked is this the house where you have 2 to 3 cars in the front there now? Mr. Lombardo stated yes. Mr. Watts asked do you have an easement agreement with Mr. Maiello. Mr. Lombardo stated the following: No, just the letter. The letter doesn't specify as far as the easement but the letter said that I'm allowed to use his privately owned road. Mrs. Murphy stated the following: The Board wants to know exactly where it is. The fact that you have access without the easement does make it okay for the Board to go forward with this application regardless. Normally if you didn't have legal access without the easement, I would advise this Board not to go forward until I actually saw the easement. What you have here is an agreement but it is not an easement and it's not an actual legal description of where you can access. But that might be something that you want to do in the future, although I'm not giving you legal advise. Mr. Higgins asked this a totally different deed from your house, correct? Mr. Lombardo stated it's in the deed. Mr. Higgins stated I'm looking at the site plan and it shows your house is on parcel 1, there is a small parcel 2 and then there is a parcel 3, is that correct? Mr. Lombardo stated I believe so but it is all on one piece. Mr. Higgins stated so is it all combined now? Mr. Lombardo stated yes. Mr. Higgins asked do you get one tax bill for the entire piece? Mr. Lombardo stated yes. Mrs. Murphy stated the following: If you agree to get an easement, it won't affect your deed status. I do see that you have an agreement with the Maiello's but what is important to this Board is that you have access legally with or without the easement. So, from this Board's perspective, if your neighbors said that they would not give you an easement, the Board can still approve the authority because you have another way to get to it. Mr. Lombardo stated okay.

Mr. Roberts made a motion to set a public hearing for the April 23, 2012 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

12.030 NB Subway (Wal-Mart), 1549 Route 9 – Sign

No representative was present for this application; therefore, no action was taken on this item.

12.031 NB Stephenson Ridge Residential Subdivision, Upper Newtown Road – Major Subdivision

Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight to introduce the Stephenson Ridge project to the Planning Board. The existing conditions are 196-acres on the northside of Upper Newtown Road, midway between Route 146 and Routes 4 & 32. Within the 196-acres there is a 5-acre parcel that is landlocked property that is not part of the parcel. Existing zoning for the parcel is Agricultural/Residential (A/R). The aerial photo is a great representation of the existing conditions on the site as far as vegetation. The parcel is mostly wooded and there are some smaller meadow areas in the middle. There is a portion of the parcel that is very flat and there is a steep area on the eastern side of the parcel. The applicant is proposing a conventional subdivision. We are proposing 156 lots for the project and as a part of the project we would be providing access and frontage for that landlocked 5-acre parcel located in the middle. The proposal would be a conventional subdivision so it would meet the A/R zoning and the lot area would be

20,000 SF minimum per lot, 100 FT minimum width, 50 FT front yard setback, 10 FT or 25 FT for the side yard setbacks and a 30 FT minimum rear yard setback. There are two access points out onto Upper Newtown Road and we have approximately 13,500 linear feet of roadway throughout the project. Water would be served by the existing main along Upper Newtown Road and it would service all the lots within the project for both domestic and fire flow use. We have not worked out exactly where a pump station for the project might be located for sanitary sewer but we anticipate at least one pump station for the project that would pump over to the sanitary sewer system for the Swatling Falls project. We would work with the Saratoga County Sewer District #1 (SCSD#1) on that system. We would design stormwater to the new New York State Department of Environmental Conservation (NYSDEC) regulations for the entire project. We're here tonight for questions and comments from the Board and we hope to advance the project on. Mr. Nadeau asked who would be the developer for this project? Mr. Lansing stated the applicant, Mr. Lou Lecce, is also present for tonight's meeting. Mr. Watts asked Mr. Lecce if this was his second project in the Town. Mr. Lecce stated yes, this project and also the Swatling Falls project. Mr. Watts stated it is good to see different developers coming to Town from other places. Mr. Lecce stated the Stephenson Ridge project would be similar to the Swatling Falls project. Mr. Higgins stated I know the upper area on the right hand side is another piece of property and asked if there was potential for another development somewhere down the road? Mr. Lansing stated there is quite a slope in one area but I do believe it does flatten out but the slope is well over 15 percent slope. Mr. Higgins stated okay so it wouldn't make sense to put in any provisions for possible connecting roads in the future. Mr. Lansing stated if you look at the mapping and if you look at the topography, it is very tight and I would say that would be very difficult. Mr. Higgins stated I just wanted to mention that because that might be something Mr. Bianchino may want to look at. Mr. Watts stated to Mr. Bianchino that when he is doing the review to see if there is any way for connectivity. Mr. Bianchino stated okay. Mr. Higgins asked what the area would be for the greenspace. Mr. Lansing stated the following: We didn't do a calculation on the greenspace because it is an A/R zone so we would meet the greenspace requirement. In one area the greenspace is approximately 40 percent of the parcel. Mr. Higgins asked would all of that greenspace be owned by a Homeowner's Association (HOA)? Mr. Lansing stated the following: Yes, that's the thought. It would be either that or perhaps the lot lines would go back and that would be incorporated into the lots. That is something that we can work on as we hopefully move forward. Mr. Watts asked do you have plans for an HOA? Mr. Lecce stated the following: There is going to be an HOA that is going to own all of the openspace in the back. The greenspace would be given to the HOA and Mr. Lansing has that marked on the plans as "HOA lands". It would be same as it is in Swatling Falls. Mrs. Murphy stated the following: Just like with Swatling Falls, in regards to the HOA, they have built into their creation an ability to seize property if the HOA fees are not paid. Mr. Lecce stated that's fine. Mr. Watts asked would that be the only service that the HOA would provide? Mr. Lecce stated I think there would be trash pickup as well. Mr. Watts asked are you still working on that? Mr. Lecce stated the following: Yes. With Swatling Falls we have trash pickup included in the HOA fees so we are going to do the same thing with Stephenson Ridge. Mr. Watts asked would you have that in an HOA agreement? Mr. Lecce stated yes, I think the HOA dues in Swatling Falls are \$19.00 a month for the insurance and for the trash collection. Mr. Bianchino asked who owned the piece of property to the north? Mr. Lansing stated I don't know, I'll have to look that up. Mr. Lecce stated the following: I also don't know who owns the property to the north. I believe it used to be a landfill and some mining there years ago. Mr. Bianchino asked how far north is the sewage treatment plant? Mr. Lansing stated I would say about a mile and a half. Mr. Nadeau stated I believe there is a gentleman by the name of Leyerle who owns quite a bit of property up towards the treatment plant and it's possible that it may abut that but I'm not sure. Mr. Lansing stated we did meet with the Mr. Chad Cook from the SCSD#1 regarding sewer service for the project and we did talk about going to Swatling Falls and both Mr.

Cook and Mr. Eaton were okay with that as far as a route for the sewer. Mr. Nadeau stated there is another gentleman from Saratoga who owns quite a bit of property there also but I don't know how far it goes. Mr. Ruchlicki stated on Lot #37 there looks like there is a wetland issue there and asked what are you showing us there and how is that going to impact that lot? Mr. Lansing stated the following: Yes, there is a little wetland impact there and actually the roadway goes through the wetland. So, we are showing a wetland impact for that area. Mr. Ruchlicki asked do you see how it protrudes over past the roadway and it goes along side the driveway? Mr. Lansing stated yes, that whole thing would be impacted. Mr. Higgins stated I didn't see anything and I don't know if there has been any discussion about putting any kind of walking trails through any of the homeowner's area. Mr. Lansing stated that has not been proposed. Mr. Nadeau asked what is the light green area on Lot #37? Mr. Lansing stated those are Federal wetlands. Mr. Nadeau asked what is the percentage of wetlands? Mr. Lansing stated 10.14-acres out of the 196-acres, so roughly 5 percent on the overall site. Mr. Roberts stated I realize this is just a conceptual plan but personally speaking, I'm very happy to see the gentleman propose a development like this that is a standard subdivision rather than using this land for a Planned Development District (PDD) and I really like what I see so far. Mr. Nadeau stated I will second that.

This item was tabled and referred to CHA for their technical review.

12.032 NB Thomas Bisceglia Subdivision, 683 Hudson River Road – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm representing Thomas Bisceglia for a 2-lot subdivision located at 683 Hudson River Road. The parcel is approximately a little over 600 FT north of Lower Newtown Road. The applicant would like to subdivide the 3.90-acre parcel into 2 residential lots. Lot #1, that is approximately 2-acres, has an existing home and would consist of the existing improvements on the parcel. Lot #2 would be 1.9-acres for a proposed single-family residence. There would be on-site septic and public water. Mr. Polak stated public sewer should be available by the end of the year. Mr. Higgins asked would Lot #2 be considered a flaglot? Mr. Rabideau stated yes.

Mr. Higgins made a motion to set a public hearing for the April 23, 2012 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

12.035 NB Halfmoon Sandwich & Salad Shoppe, 1613 & 1615 Route 9 – Change of Tenant/Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm representing Mr. Scott Earl in his change of tenant application located at 1613 Route 9. The change of tenant would be for the former House of Kitchens. The people who run the Halfmoon Sandwich & Salad Shoppe, just north of the House of Kitchens, want to move into the House of Kitchens building. The applicant will demolish the existing Halfmoon Sandwich & Salad Shoppe and reconfigure it into parking lot that would have 31 parking spaces. The advantage of this is that it would lower the number of curb cuts. They are going to remove the curb cuts in front of the House of Kitchens and grass that area. That would make this a much better situation. Mr. Higgins stated the following: Would it be possible to move the entrance from the roadside of the building to the north side of the building just to make it a little more accessible from the parking lot? Where it is shown now is on the west side and I was just wondering if there was anyway to move the main entrance. Mr. Rabideau stated I'm not sure how they have that designed. Mr. Ouimet stated that is a long way from the handicap spaces to that building and asked where the entrance to the parking lot was located. Mr. Rabideau showed the Board where the entrance to the parking lot would be located. Mr. Higgins stated I know you're eliminating some of the curb cuts along there

and asked is that an existing curb cut or would it be a new curb cut? Mr. Rabideau stated that is an existing curb cut. Mr. Watts asked what are the plans for the existing building on the south side of the parcel? Mr. Rabideau stated I don't know. Mr. Watts stated so the Halfmoon Sandwich & Salad Shoppe would be moving into the House of Kitchens. Mr. Rabideau stated that is correct. Mr. Watts asked is the Halfmoon Sandwich & Salad Shoppe going to be demolished? Mr. Rabideau stated yes. Mr. Watts asked how many parking spaces would be provided? Mr. Rabideau stated 28 parking spaces with 3 handicap parking spaces for a total of 31. Mr. Watts asked what is the current parking there now? Mr. Rabideau stated I'm not sure but the photo you have would say what it is. Mr. Watts stated I know the sandwich shop has been very busy and asked what is the parking requirement for the new location? Mr. Rabideau stated 30 parking spaces are required. Mr. Nadeau asked is the metal building a new building? Mr. Rabideau stated no that is an old building. Mr. Higgins asked is the new parking lot going to be paved? Mr. Rabideau stated I believe it will be paved but I will look into that because I'm not certain. Mr. Bianchino asked what is the new parking area that has been built north of the building going to be used for? Mr. Rabideau stated I don't know if it will be used for some of the apartments or not but I believe the new arrangement will split it apart from the new site. Mr. Ouimet asked is the existing sandwich shop using that parking lot now? Mr. Rabideau yes. Mr. Ouimet asked is the ground flat between where the existing sandwich shop is and the House of Kitchens? Mr. Rabideau stated it is flat. Mr. Ouimet stated I would ask CHA to pay particular attention to the distance between the proposed parking areas and the entrance to the building as proposed; specifically, the distance from the handicap parking spaces to the entrance of the building. Mr. Watts stated the following: The sandwich shop is doing very well there with that business and a lot of their business is take-out. So, it is kind of a unique combination where they probably want to get more people to dine-in. I would also like Mr. Bianchino to take a look at that in terms of the utilization, parking and traffic flow because they are very successful.

This item was tabled and referred to CHA for their technical review.

Mr. Ruchlicki made a motion to adjourn the April 9, 2012 Planning Board Meeting at 7:35 pm. Mr. Ouimet seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary