

Town of Halfmoon Planning Board

Meeting Minutes – April 23, 2012

Those present at the April 23, 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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the April 23, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 9, 2012 Planning Board Minutes. Mr. Roberts made a motion to approve the April 9, 2012 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried. Mr. Berkowitz abstained due to his absence from the April 9, 2012 Planning Board meeting.

Public Hearings:

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

Mr. Watts opened the Public Hearing at 7:00 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Anthony Lombardo, the applicant, stated the following: I'm proposing to construct a garage behind my home for personal use for storage of my cars and also for working on my cars. Mr. Watts asked Mr. Lombardo to give more of a description about the size of building, the use of the building, the location of building, etc. Mr. Lombardo stated the following: The size of the proposed garage is going to be 30 FT x 50 FT. The use of the building would be for working on my cars instead of leaving them outside in the driveway. The garage would also be used for storage of my cars in the winter. The garage would be located behind my home and I would have access to the garage on the side road, Valley View Terrace. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:02 pm. Mr. Roberts stated at our last meeting you stated that there would be no commercial trucks stored at the site and it would be used strictly for your cars; is that correct? Mr.

Lombardo stated yes. Mr. Watts asked what would be the maximum number of cars that you would have in the building at any time? Mr. Lombardo stated the following: Right now I have 4 cars so I will say 4 or 5 cars. I would need room to work on the cars and that is why the building is going to be 30 FT x 50 FT. Mr. Berkowitz asked are they your personal cars? Mr. Lombardo stated yes; my sons and mine. Mr. Berkowitz asked do you sell those cars? Mr. Lombardo stated no, but I have had cars that I've sold before but they were my personal cars that I had driven and got rid of. Mr. Berkowitz asked would you be selling any other used cars from this site? Mr. Lombardo stated no, unless they were my own personal cars. Mr. Watts asked how would you heat the building? Mr. Lombardo stated by propane or forced hot air and that would be a hanging unit. Mr. Ouimet asked where are your 4 cars now? Mr. Lombardo stated the following: I currently have a 1-car detached garage and 1 of my cars is in that garage. I also have 3 cars outside. Mr. Ouimet asked are the cars currently in the front of your house? Mr. Lombardo stated yes. Mr. Ouimet asked would those cars be removed from the front of your house to the proposed garage that would be located in the rear of your property. Mr. Lombardo stated the following: That is correct. The only thing that is going to be outside would be the truck or car that I drive daily.

Mr. Nadeau made a motion to approve the special use permit application for Anthony Lombardo (Accessory Bldg.) conditioned on no commercial repair work being conducted, no commercial sale of vehicles from the site and the accessory building (garage) is for private use only. Mr. Ouimet seconded. Motion carried.

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

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. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here tonight representing Thomas Bisceglia. Mr. Bisceglia's request before the Board is for a 2-lot subdivision located at 683 Hudson River Road, which is approximately 600 FT north of the intersection of Lower Newtown Road. Mr. Bisceglia would like to subdivide a 3.9-acre parcel into 2-lots. Lot #1 would consist of approximately 2-acres that currently has an existing home and improvements. The created Lot #2 would be a 1.9-acre parcel for a residential lot. The lots would have on-site septic and public water. 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. Ouimet asked which lot was being created? Mr. Rabideau stated the lot to the north. Mr. Ouimet stated I noticed on the southern lot that is being retained that the driveway goes into a neighboring lot as well. Mr. Rabideau stated that is correct and Mr. Bisceglia also owns that parcel. Mr. Ouimet stated as long as Mr. Bisceglia owns it, I don't think it is a problem but if he goes to sell that parcel, you have a driveway that is located on another piece of land. Mr. Rabideau stated that is correct and that is an existing condition that if he does something with this, he is going to have to deal with that. Mr. Higgins stated the following: The proposed septic area seems to be quite a ways from the house and naturally your tank is going to have to be within a certain number of feet from the house. Is that all downhill and are they going to have to cross the wetlands to get the pipes from the septic tank to the leach field? Mr. Rabideau stated I believe it's going to be a pump system because it is lower in one area and higher in another area and that is the only place we could really put the septic system to meet the requirements. It would be a built-up system anyway because it's down 22-inches where it is pretty much near the shale. Mr. Higgins stated okay, so you would have a tank at the house with some kind of an injector pump that is going to pump to the built-up system. Mr. Rabideau stated that is correct, plus there is going to be public sewer there in the summer of 2013. Mr. Ouimet stated but you're still going to have to go

through the wetlands. Mr. Rabideau stated no, you can go around it if it is a pump system because you can just bend the pipe around. Mr. Berkowitz asked are they going to hook into the public sewer when it becomes available? Mr. Rabideau stated yes. Mr. Nadeau asked are they using public water? Mr. Rabideau stated yes, that is correct.

Mr. Berkowitz made a motion to approve the minor subdivision application for the Thomas Bisceglia Subdivision. Mr. Ruchlicki seconded. Motion carried.

New Business:

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

Mr. Tim Prescott, of Ray Sign Inc., stated the following: From what I understand, after speaking to Mr. Jeff Williams; originally a certain amount of square footage was allowed for the entire property at Wal-Mart. I believe Wal-Mart has or will be reducing the square footage of their current signs. Everything else there has been reduced in order to accommodate a single-faced wall sign for the Subway so Subway doesn't go over the square footage that is allowed. The sign would be located on the north end of the façade. The sign will be the traditional Subway logo, 15.16 SF and internally lit.

Mr. Roberts made a motion to approve the sign application for Subway (Wal-Mart). Mr. Nadeau seconded. Motion carried.

12.033 NB Sheldon Hills PDD Phase 3, Route 146 – Revised Site Plan
(Major Subdivision/GEIS/PDD)

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I'm here tonight representing A&M Holdings. Mr. Dave Michaels is also present tonight representing the Michaels Group. Mr. Michaels wishes to make a minor change to the original Phase 3 of Sheldon Hills. The current approved Sheldon Hills Phase 3 plan has 100 mixed single-family homes and attached townhouses. What we would like to do with this application is to give you a quick rundown on what has been constructed. Essentially there is about 1,800 linear feet of road that has been built since 2007 when Phase 3 was approved. Also, currently there are only 7 homes that have been constructed within Phase 3 of the project. We are now proposing to just construct single-family development type patio homes instead of the attached townhouses. We are showing a layout of some of the new homes that would be constructed in lieu of the existing plan that shows the attached townhouses. Currently the attached townhouses are setup in groups of twos and threes and again we would like to pull those apart and spread out the units. We would now have a net loss of 6-units as part of this reconfiguration of the buildings. All the roads, utilities, sanitary sewer, waterlines, storm sewer and stormwater management areas would remain the same. Again, we are just spreading out the units and putting them into a single-family configuration, which is consistent with these types of small patio homes that we have been working on in some other projects in the area. Mr. Michaels stated the following: As Mr. Vuillaume has pointed out; we've been marketing here for about a year now. We have had some success but not to quite the level that we expected. The main thing is that there is already an abundance of existing townhome product in southern Saratoga County. We have proposed this kind of product in a couple of other locations that we build communities in. So essentially what we're doing is we are just taking more or less the existing designs that we have and improving and adding some new designs to them and just detaching them. So basically just picture a townhome, just detached. The ownership would stay exactly as it is currently. We have a master Homeowner's Association (HOA) in place that handles all the maintenance for every one of the residences. The HOA would

stay exactly how it has been setup. So instead of buying an attached unit, now they would just be purchasing a detached home and the ownership would remain the same. Also, the size of the homes individually are about the same. The homes would be situated so that they'll end up with nice side yards. The homes would have front or side entrances, they all have 2-car garages and that will all stay the same. This will allow us to do more landscaping around each home and it will create a little bit more net greenspace because we're reducing the density. We feel that this kind of living will be desirable. As far as ownership goes; just like the current units that we have already built, they would just own the individual footprint and wherever that foundation location ends up to be, is what they own. The same thing is going to hold for the revised plan, even though they are detached. Wherever these foundations end up being, that ownership would stay the same and the rest of the property is all common-owned and maintained property. As Mr. Vuillaume has said, we are not changing any of the infrastructure with the roadways whatsoever. Also, regarding the area where the proposed condominiums are located; the original proposal was for 32 condominiums consisting of one 8-unit building and four 6-unit buildings. Now we are proposing to make a slightly larger footprint for two 8-unit buildings and two 6-unit buildings. Where the condominiums are located now would gain 2-units. Regarding the townhouse area; we would lose 8 units and the overall effect on Phase 3 is a 6-unit loss in density. Mr. Vuillaume stated the following: One other thing to point out is with the detailed site plan and what we did is the grading around the units just to make sure that everything would still work the same. We are still talking about the same building envelope with the homes that we're proposing. The depth is still the same and the footprint of the disturbed area would still be the same. So, there won't be any additional need to make any modifications, for instance; like the Stormwater Pollution Prevention Plan (SWPPP) and the Notice of Intent (NOI) permit with the New York State Department of Environmental Conservation (NYSDEC) and all those things would stay the same. All of the stormwater management area calculations that were designed earlier would all stay the same. We've provided some of that information to CHA and they're in the process of reviewing that at this time. Mr. Roberts asked what is the square footage of these homes? Mr. Michaels stated it's really the same product that we are offering now so they would be anywhere from 1,400 to 2,200 square feet and there are six designs. The elevation is going to be tweaked because going to a detached home we can work the side elevation a little more. Mr. Polak asked have you done any of this type development in any other areas? Mr. Michaels stated the following: Yes, we have done detached, single-family, full maintenance, in probably 40% of the communities that we have done in the last 5 years. We find that has been better received by the marketplace because you have the advantage of single-family detached living but yet you still have the umbrella of the HOA to do the full maintenance. So that is sort of a nice option and in Sheldon Hills we think it is a nice option to finish the project because we already have quite a few townhomes in Phase 1 and Phase 2 of the project. Mr. Watts asked would these all be considered condominiums? Mr. Michaels stated they would all be considered detached townhomes. Mr. Vuillaume stated so basically they would own the inside of the unit and the ownership is the unit itself. Mr. Watts stated so they wouldn't need an approval from the Attorney General's office or any of that. Mr. Michaels stated the following: Yes, that is correct. In fact the HOA and the way it is presented to the Attorney General, the maintenance and all those things; we just make an amendment to say that we have lost 6-units and we just adjusted the budgets for the maintenance according. Whatever that footprint will be for the foundation, that is still what they are going to own. Mr. Bianchino stated the following: When this originally came in as the final site plan, we did review it and we had signed off on it at the time. The utilities, the roadways, the stormwater and so on are all the same with minor modifications. The grading has been improvised as Mr. Vuillaume had mentioned. During the review of the proposed changes we noticed that there is no hammerhead turnaround area at the

end of Fulton Court and maybe the applicant should look into providing a turnaround for this street. Mr. Vuillaume stated yes, and I don't think we had one on the original plan. Mr. Bianchino stated again, these are private roads but maybe it would be a good idea to provide the hammerhead. Mr. Vuillaume stated the following: We can take a look at that and if there is room and a need, we can provide for one. Also, the other thing to point out is that the service laterals were all in for this section and we have already looked at that and we have all the as-builts for that so we were able to get a good location where all those services are and those same service locations will work with the new units.

Mr. Roberts made a motion to approve the revised site plan application as presented for Sheldon Hills PDD Phase 3. Mr. Berkowitz seconded. Motion carried.

12.034 NB The Stereo Workshop, 1471 Route 9 (Crescent Commons) – Change of Tenant & Sign

Mrs. Murphy recused herself from this item. Mr. Ron Alvaro, the owner of the Stereo Workshop, stated the following: I'm currently located at 1668 Route 9 where Spare Time Bowling is located and I'm moving to 1471 Route 9 in the Crescent Commons. I'm requesting permission to relocate to 1471 Route 9 and also requesting a change of tenant and a sign. Mr. Watts asked Mr. Alvaro how long he has been running his your business. Mr. Alvaro stated I have been doing my business for 35 years. Mr. Watts asked would you have 1 full-time employee and 1 part-time employee? Mr. Alvaro stated yes. Mr. Watts asked would your hours of operation be 9:00 am to 5:00 pm Monday through Friday? Mr. Alvaro stated yes. Mr. Watts asked would you have adequate parking at this site? Mr. Alvaro stated yes. For the record: The sign dimensions would be 7.06 FT x 1.98 FT for a total of 13.91 SF, one-sided and located above the storefront. The tenant panel on the freestanding sign is double-sided with a total area of 15.53 SF. Mr. Watts asked Mr. Alvaro to please advertise that you are located in Halfmoon. Mr. Alvaro stated yes, I'm going to print my new invoices with "Halfmoon".

Mr. Roberts made a motion to approve the change of tenant application for The Stereo Workshop. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for The Stereo Workshop. Mr. Higgins seconded. Motion carried.

12.036 NB Sysco, 1 Liebich Lane – Sign

Mr. Tim Prescott, of Ray Sign Inc., stated the following: Sysco has changed the design in their logo throughout the country. All of the renditions of the signs that were submitted to the Town are actually smaller than their existing signs throughout the Sysco property. The used to have a big square logo and that has been reduced down. Everything that has been submitted is non-illuminated with cut out aluminum painted letters. Also, some of the signs are being eliminated and nothing would be put into those same areas where they were located. They are greatly reducing the amount of square footage of the signs they currently have located on the property.

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

Project Name: **Sysco**

Address: **1 Liebich Lane**

Zoning: LI-C

Sign#1- "Good Things Come From Sysco"

Sign Size: 20 SF

Dimensions: 3'3" by 6'2"

Sided: ☒ **one-sided** ☐ **Two-sided**

Location of Sign: Wall-mounted, on building façade

Lighted: ☐ **Internal** ☐ **Flood** – not illuminated

Planning Board Date(s): **4/23/2012**

Sign#2- "Sysco" new logo

Sign Size: 60.22 SF

Dimensions: 4'11" by 12'3"

Sided: ☒ **one-sided** ☐ **Two-sided**

Location of Sign: On building façade

Lighted: ☐ **Internal** ☐ **Flood** – not illuminated

Planning Board Date(s): **4/23/2012**

Sign#3-"Sysco" new logo

Sign Size: 76.05 SF

Dimensions: 6'2" by 15'4"

Sided: ☒ **one-sided** ☐ **Two-sided**

Location of Sign: Wall-mounted, on building façade

Lighted: ☐ **Internal** ☐ **Flood** – not illuminated

Planning Board Date(s): **4/23/2012**

Sign#4-"Sysco" new logo

Sign Size: 4.95 SF

Dimensions: 1'5" by 3'6"

Sided: ☒ **one-sided** ☐ **Two-sided**

Location of Sign: Wall-mounted, on building façade

Lighted: ☐ **Internal** ☐ **Flood** – not illuminated

Planning Board Date(s): **4/23/2012**

Sign#5-"Sysco –Building 2"

Sign Size: 134 SF

Dimensions: 105" by 184"

Sided: ☒ **one-sided** ☐ **Two-sided**

Location of Sign: Wall-mounted, on building façade

Lighted: ☐ **Internal** ☐ **Flood** – not illuminated

Planning Board Date(s): **4/23/2012**

Sign #6- "Sysco – 1 Liebich Lane"

Sign Size: 100SF, total

Dimensions: 5' by 10'

Sided: ☐ **one-sided** ☒ **Two-sided**

Location of Sign: Free-standing sign (Route 9/Liebich Lane intersection)

Lighted: ☐ **Internal** ☐ **Flood** – not illuminated

Mr. Roberts made a motion to approve the sign application for Sysco. Mr. Nadeau seconded. Motion carried.

12.037 NB Bilinski Medical Office Building, Route 146 – Special Use Permit

Mr. Kevin Dailey stated the following: I represent Dr. Jerry Bilinski who is the owner of the property located on the south side of Route 146, approximately 1.4 miles east of Route 9. There is an application currently before the Town Board for a Planned Development District (PDD). When

we first looked at this, it was thought that a PDD would be the appropriate vehicle to approach the use of this property. However, because Dr. Bilinski owns 32-acres and for something of that size a PDD would be the appropriate way to go and that is somewhat the way that the Route 146 Overlay Zone would lead you when you start to analyze a piece of property. But, the more we looked at this, we realized that most of the site is wetlands. When you measure the setbacks in the Route 146 Overlay Zone in from Route 146 and you then look at the New York State Department of Conservation (NYSDEC) buffer zone, Dr. Bilinski actually has 1.1-acres that he can actually use for development purposes with a site with about 3.2-acres of total impact. We went back and took a second look at the zoning law and it's an allowed use in a Residential (R-1) zone for medical offices. We reviewed this and I submitted letters to this Board and Mrs. Murphy suggesting that we have had some second thoughts about this and we would like to come back in and change the application to a Special Use Permit. That way we wouldn't have to go through a zoning change and it would be a simpler procedure to get Dr. Bilinski to the point where he can have a building permit and use his property. So, we're back with exactly the same plan that the Planning Board has seen in the past. We are changing the application in terms of what we are asking for to as Special Use Permit. This is now an allowed use in the R-1 Zone and we feel that this is the most straightforward way to process this proposal. Mr. Watts asked if the size of the building had been reduced? Mr. Dailey stated that the building size was reduced to a 6,000 SF building, two-story that complies with the Route 146 Overlay Zone. Mr. Nadeau asked the Town Attorney if this use was approved and for whatever reason the future medical facility use ceased, how would the Board control the future use. Ms. Murphy stated that the approval would be strictly limited to the medical facility use and the applicant would have to adhere to that approval. If the applicant were to try to change the use, they would then be in violation of their site plan approval. Mr. Berkowitz asked what constitutes a 'medical facility'? Ms. Murphy stated that 'medical facility' does not have a specific definition in the Town Local Law, so it would be a common sense definition of those uses pertaining to medical facility. It would be a case-by-case basis interpretation. Mr. Dailey stated that last year this project was under review by the Town Engineer as the PDD proposal and they expect to receive the same comments on this plan. Mr. Ouimet stated that he was concerned that there were only 3 handi-cap parking spaces shown for a medical facility use. Mr. Dailey stated that they would look at adding a couple of additional spaces. Mr. Nadeau asked if the remainder of the parcel, the wetlands, would remain as part of this site. Mr. Dailey stated that yes, for the time being, although that may change in the future. Ms. Murphy stated that the Town would not want to create a non-buildable lot.

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

Old Business:

08.068 OB

**Pleasant Valley PDD, 91 Plant Road – Major Subdivision/PDD
(formerly Plant Road PDD)**

Mr. Mike McNamara, of the Environmental Design Partnership, stated the following: We are here tonight to update the Board on the project previously known as the Plant Road PDD and now to be known as Pleasant Valley PDD. The Town Board approved the PDD language in 2009 and the Planning Board last saw the project in May of 2010. I am here tonight to re-introduce the project to you. The project still proposes 150 residential units. The major difference is that the condominiums have been removed and all units are now townhomes. There are now 600 FT less of new roadway. Stormwater management will be managed as previously proposed. Public water and public sewer will be provided. Also still on the plan is the 100 FT buffer along the southern boundary of the property along the Devoe Property. There are intersection improvements that

were agreed to in the PDD language for both ends of Plant Road that the applicant is still committed to. Mr. Berkowitz asked why the intersections did not line up? Mr. McNamara stated that he would review that. Mr. Watts stated that the CHA would also review that issue. Mr. Higgins stated that the Board would also like the applicant to look at adding a boulevard entrance to the site given the number of homes on the site with a single entrance. Mr. McNamara stated that he would look to add that back into the plan. Mr. Nadeau stated that there was also something in the PDD language that stated that the buyers of units on this parcel would be aware that the property to the south is active farmland. Ms. Murphy stated that there was something in the PDD language that the owner would need to place a note in the deed regarding the active agricultural use on the south border of the property.

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

Mr. Ruchlicki made a motion to adjourn the April 23, 2012 Planning Board Meeting at 7:45 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary