

## **Town of Halfmoon Planning Board**

**January 10, 2011**

Those present at the January 10, 2011 Planning Board meeting were:

**Planning Board Members:** 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

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Mr. Roberts opened the January 10, 2011 Planning Board Meeting at 7:02 pm. Mr. Roberts asked the Planning Board Members if they had reviewed the December 13, 2010 Planning Board Minutes. Mr. Berkowitz made a motion to approve the December 13, 2010 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

### **Organizational Matters:**

**Planning Board Vice-Chairman:** Mr. Berkowitz made a motion to approve the appointment of Don Roberts for Vice-Chairman of the Planning Board. Mr. Ruchlicki seconded. Mr. Roberts abstained from the vote. Motion carried.

**Planning Board Secretary:** Mr. Roberts made a motion to approve the appointment of Milly Pascuzzi for the Planning Board Secretary. Mr. Ouimet seconded. Motion carried.

### **New Business:**

#### **11.001 NB Stewart's Shop #292, 2 Vosburgh Road – Sign (Re-approval)**

Mr. Mike Bombard, of Stewart's Corp., stated the following: We are here tonight for a re-approval for signage at the Stewart's Shop #292 located at 2 Vosburgh Road. We did receive an approval for this application but we didn't have an opportunity to get to the work in the time allotted. We are looking to make a change to the face of the sign at that location so we can go automated. The proposal is for a digital LED price sign. There would be no square footage change, it would be simply operational and the appearance. Mr. Roberts asked regarding the brightness of the digital sign. Mr. Bombard stated the following: It is the same sign that we already have at a couple of our other locations on Plant Road and Route 9. The brightness is auto-adjusting; during the daytime it gets brighter and at nighttime it actually

gets darker. It gets brighter to compensate for the direct sunlight and we can adjust that, if for some reason, it's not appealing to somebody. Mr. Higgins stated the following: Since those signs were approved, this Board has gone through some educational processes as far as these types of signs. The Town Board is looking at establishing a standard for brightness during the day and in the evening. What I suggest, as far as the approval for this sign, we would make it contingent upon the verbiage of the description for the brightness would be set up by the Planning Board because there are exact "nits", which is a degree of the brightness to the light that this Board has previously approved for some signs similar to this. We don't have that information here so what we would like to do is to make it contingent and you can check with the Planning office in the morning and they can give you the exact variations on those "nits". Mr. Bombard asked so what you're saying is that this is a potential approval provided that we can meet within those contingencies in regards to the brightness? Mr. Higgins stated the following: That is correct. It may very well be less bright than what you were previously approved for because in this timeframe, there have been some changes in that technology. Mr. Bombard stated I don't see that as being a problem. From what I understand there is a 1,000 units and we can set the parameters anywhere within those 1,000 units. Mr. Higgins stated that works out fine. Mr. Ouimet stated the following: I think it has to be clear, because we're talking about brightness, which is an important factor. The other important point that you already talked about, which is an auto-adjust for daylight verses nighttime. So, while we're suggesting that you need to be within a certain parameter for brightness, we also do not want to give up our right to ask for the modulation based on the ambient light around it with the daytime/nighttime changes. So, we actually want both. Mr. Bombard stated for readability, we want them dimmer at night because there is nothing worse than a very bright LED sign in the middle of the nighttime; you can't read it and nobody wants to look at it. Mr. Higgins stated this Board also has some safety concerns because we have had complaints from some of the residents about them being too bright. Mr. Bombard stated I understand. Mrs. Murphy stated it maybe be useful for me to just suggest some language; contingent upon the applicant working with the Planning Department for appropriate level of "nits" both day and night. Mr. Roberts stated the sign cannot scroll. Mr. Bombard stated it is not a scrolling sign and the only time it would change is if we make a price change. Mr. Higgins stated the sign can only be changed every 24 hours and asked Mrs. Murphy if that was correct. Mrs. Murphy stated we have done that with other applicants with the price of gasoline. Mr. Higgins stated I wasn't sure if that was part of it. Mrs. Murphy asked Mr. Bombard what was a reasonable timeframe? Mr. Bombard stated the following: I would say the most that it could change is a couple of times in one day. The reason why I say that is we will tend to run some promotions where we'll do happy hours and take a nickel off the price. Then at the end of the happy hour, which could be 3 to 4 hours later, we would bring the price back to the original price. If we were restricted to one change per 24 hours, we wouldn't be able to utilize the sign because we have to post the sign. Mr. Ouimet stated the following: Is that generally what you do? I know that the Stewart Shop by the Crescent Bridge, when they have those promotional days, I think they do every Wednesday. Mr. Bombard stated it varies by location. Mr. Ouimet stated but I don't recall if they adjust the major sign. Mr. Bombard stated they should but I will follow up on that. Mr. Ouimet stated I think it is either posted on the pump or on some other signage. Mr. Bombard stated the following: Not to digress, if we run a happy hour where we actually change the price at the dispenser and instead of paying \$3.30 you would be paying \$3.25 and that sign has no choice but to change because it is connected directly to the price register and by State Law we have to post them equally that way. The time that it would not change is if we sometimes run coupons, which we distribute amongst the community, and at that point the price would show \$3.30 but your coupon would allow you a nickel off or whatever that is. Mr. Roberts asked but if that price does change, would it be flashing? Mr. Bombard stated absolutely not, it is instantaneous one-time change and if you blinked, you would miss it. Mr. Roberts stated ideally you wouldn't even see it. Mr. Ouimet stated so I guess the bottom line is that it can change more than once a day. Mr. Bombard stated but it can't

constantly change. Mr. Roberts stated we don't want to see you lower the price just to bring people in because that's not going to be allowed. Mr. Bombard stated that is not the way the sign operates, I agree and I understand that.

Mr. Higgins made a motion to re-approve the sign application for Stewart's Shop #292 contingent on the applicant meeting the minimum "nits" needed, to adjust brightness between night and day and no moving, scrolling or flashing information. Mr. Berkowitz seconded. Motion carried.

**11.002 NB Miranda Professional Offices, 1482 Route 9 – Concept-Commercial Site Plan**

Mr. Scott Lansing, of Lansing Engineering, stated the following: I am also here tonight with the applicant for the project, Mr. Willie Miranda of Miranda Real Estate. We're here tonight to introduce a project to the Board and we're hoping that we could advance towards preliminary engineering for the project. Tonight is a conceptual presentation for the project. We have an aerial photo up, which shows the existing parcel. Overall it is two separate parcels and there are two main structures on the parcel; one structure towards the north and one structure towards the south and a small garage structure in the back portion of the parcel. I suspect that both the structures were former residences that were converted to business type uses. Mr. Miranda does occupy both those structures with a real estate and insurance office business. The surrounding uses are shown on the aerial photo. There are some retail food type uses across the street, residential in the back portion, a new pharmacy and some other retail and office type uses in the area. The parcel is zoned C-1 Commercial. The topography generally slopes towards the back portion of the parcel and there are some areas of vegetation along the eastern and southern edges of the parcel. The applicant does propose to combine both of the parcels. With both of the parcels combined, it would be .85-acres. The applicant is proposing to utilize the parcel for his existing operations, which would be a professional office real estate and insurance. They are estimating approximately 24 employees and the hours of operation would be 9:00am to 5:00pm Monday through Saturday. The building is proposed to be a 7,400 SF single-story structure. We do have it in the plan view and we have also developed some renderings for the structure. The structure would include a hip type roof structure, brick façade, coins on the corners of the structure, columns and probably a drive-it or stow type finish on the upper portion of the main gable facing the roadway. The zoning does require a transitional yard setback from a residential zone. The parcel immediately to the south of the parcel is actually a Town of Halfmoon owned parcel. So, technically it is not a residential parcel but we do recognize that there is a residential parcel further to the south. We have worked with CHA and Mr. Williams to suggest how that transitional yard setback might apply and what we all thought was appropriate was to take the line of the residential parcel and apply that transitional yard setback from there. So, from that residential yard, we are applying the 50 FT transition setback and we are also proposing a 6 FT high fence along that for a barrier. As far as the site, we are proposing a single curb cut on Route 9. I think there are currently 4 curb cuts and for the most part the whole entire frontage of the parcel is one giant curb cut. We are proposing 1 curb cut coming into 37 spaces. Again, the applicant is estimating 24 employees for the site so we do feel we have adequate parking for both employees and visitors that may be coming to the site. We would extend water in from Route 9 to the parcel for domestic and fire flows. There is a public sanitary sewer main in the back portion of the parcel and we would propose a grinder pump to pump over with a single service over to the main line. So, public sewer would be extended to the project. Stormwater would be managed on-site and we are proposing infiltration practices and probably a combination of both in the back portion of the parcel, along the sides and perhaps underneath the parking lot if we do require additional stormwater management. We are here tonight for questions and comments from the Board and we are hoping to advance towards preliminary engineering on the project. Mr. Higgins asked would the sewer hookup require going across someone else's land? Mr. Lansing stated no, that would be across Town of

Halfmoon land and the Town of Halfmoon does own that parcel and I believe the pharmacy uses that strip of land as well for their connection. Mr. Higgins stated the following: Okay, because it didn't designate whether it was privately owned in the back. I understand about the side yard setback with the residential use next to it and asked what is that Town of Halfmoon piece of property? Is that an easement or is that a sewer line that goes through there? Mr. Williams stated the Town of Halfmoon piece of property is owned by the Town and I don't know if the waterline goes through that parcel or not or if it was a part of when Woods Court was proposed and built or whether that was part of recreational lands that they set aside back then. Mr. Bianchino stated I think that is what it was and I think it was open space. Mr. Williams stated it was a subdivision requirement back then. Mr. Higgins asked does that parcel have grassy areas; is it trees or is it a swamp? Mr. Bianchino stated it is a swamp and a ravine. Mr. Williams stated I think it is a drainage corridor. Mr. Higgins stated so that parcel has some value as a buffer zone. Mrs. Murphy stated I don't think so because the Walgreen's easement comes through there, they ran lines through there so they disturbed it. Mr. Bianchino stated I think Walgreen's just crossed it to get into Woods Court. Mrs. Murphy stated but we'll have to have a setback and a similar easement that the applicant could utilize the Town's property for the sewer. Mr. Lansing stated okay. Mr. Higgins stated the following: So, it's going to be left as is and it's not going to be cleared or anything like that. I'm just concerned about a value as a buffer zone and asked if there was any natural vegetation with any trees or anything? Mr. Lansing stated the following: We do have one aerial photo that's a little better as far as closeness. It looks like there are existing trees in that area and there are some existing trees on the edge of the property as well. Mr. Roberts asked would those trees be disturbed? Mr. Lansing stated the following: To the greatest extent possible, they would be left. We haven't done a grading plan yet so we don't know exactly what the limits of grading would be but we are showing both a fence and plantings. We hope it's just a fence kind of meandering through the existing trees, but as we develop the plans further, we should be able to know. Mr. Berkowitz stated there are 2 existing buildings there now and asked if they would be destroyed prior to the construction of that or are they going to be there during construction? Mr. Lansing stated they would be required to be destroyed just because of the footprint of the building. The proposed building would basically go over the 2 existing structures so I don't see a way where we could save the 2 structures or utilize one while the building is being built. Mr. Higgins asked is the applicant was planning on putting trailers or anything to operate out of during the construction of the new building? Mr. Miranda stated there is so much commercial space available right now we would be able to get something else and we do have another office. Our real estate operation would go to the other location and we would only be replacing the insurance operation, which I have already talked with a couple of people regarding a short-term lease. So, there would be no trailers other than what the construction people use. Mr. Higgins asked what is the size of the parking spaces? Mr. Lansing stated they would be 10 FT x 20 FT. Mr. Nadeau asked is there any reason why you couldn't bring the building forward and put the parking behind the building because the parking would be right on Route 9? Mr. Lansing stated the following: We did take a look at a lot of different layouts for the parcel and this just seemed the most efficient as far as access, building size, parking efficiency and things of that nature. We did try pushing the building forward but then we ended up with a small isle going through with very few spaces in the back. Given the very odd shape of the parcel and the transitional yard setback it does encumber the parcel quite a bit. Mr. Ouimet stated other than the evergreens screening along the north side of the parcel, I think the plan depicts a fence. Mr. Lansing stated the following: When we install the fence, we'll try to maintain as much vegetation as possible and that is a requirement in the zoning, which is 6 FT high fence or the trees and vegetation. It is either/or, so we are planning to do the fence and then if the vegetation comes down, we can put in some vegetation to replace the existing vegetation as needed. Mr. Higgins stated I tend to agree with Mr. Nadeau. It looks like it's going to be a very nice building. In the past the Town has tried to keep the parking in the rear or on the side and it just seems a shame to set a nice building like that behind all the

parking in front so it's really not as visible as we would like. Mr. Lansing stated I do agree but again given the shape of the parcel it does narrow significantly as it comes to the back and with the 50 FT transition yard setback as well, our interpretation of the zoning is the structure is even considered parking or paving so we would not be able to have any parking or paving in that area as well. If the building was to be moved forward, now you're taking all that parking and trying to condense it in the back and you would have a drive isle as well to try to get back in that area. We did toy with a lot of different layouts to try to get the building up front and it just didn't look right. The building ended up being very small and to try to get the balance of the parking in the back it just didn't work. It seemed much more efficient to lay it out this way on this parcel. Mr. Higgins stated this Board has previously allowed the driveways to be in the setback areas on some other sites in order to hopefully improve the overall site plan. Mr. Roberts stated the following: We are going to refer this to CHA. I'm not saying that I don't believe Mr. Lansing but as part of the review CHA can look at that and determine whether or not something could be worked out or not. Mr. Higgins and Mr. Nadeau are correct; we do encourage having the parking in the rear. Mr. Nadeau asked the distance of the greenspace in the front of the site. Mr. Lansing stated I would say that it's about 5 FT from the property line to the edge of pavement and then the right-of-way does go out a little bit further so it would be about 10 FT to the edge of the pavement. Mr. Ouimet stated regarding the driveway and the one-way access; there are no islands so there is not going to be split entry land and exit lane and asked if that was correct. Mr. Lansing stated there is one single access point. Mr. Ouimet stated it seems to me for a safety concern, it probably will be a right hand turn only coming out of the site because that is a pretty active stretch of road there. There is the McDonald's across the street, there is a Rite Aid drug store across the street, there is a turn lane coming onto Grooms Road almost right there where it starts and people try to access the Country Convenient Store on the corner and that area is very congested at various times of the day. I don't see however you configure the project and I don't see how you can do anything other than a right hand turn only coming out of that site. Mr. Lansing stated that is something that we can take a look at and I know Route 9 does have a center isle. Mr. Ouimet stated and I know there is a little sheered turn lane on Route 9 there but if you've ever gone down there, there is a lot of competition; if you're going north on Route 9 some people want to turn left, some people want to turn right, they either want to go into McDonald's or the Rite Aid and somebody wants to go to the gas station or somebody wants to position themselves so they can make a left hand turn on Grooms Road. It is pretty congested. Mr. Lansing stated we will take a look at that. Mr. Berkowitz asked what is the existing use now as far as how many employees? Mr. Miranda stated the following: Currently, we have an insurance office and we have real estate office that is conducted out of both of those so it is used for office use only. We have a maximum of 20 to 24 people that work there at any one given time. Sometimes it is a lot less than that but no more than 20 to 24 people at any one time. Mr. Berkowitz asked do you have that many employees there now? Mr. Miranda stated the following: Yes, we currently have 20 to 24 employees and that is what it would be. Right now we are at maximum capacity in our building. Mr. Roberts asked does that include both buildings? Mr. Miranda stated yes, both buildings and we're going to combine both buildings into one building. Mr. Berkowitz asked so there would just be a small increase from your existing operation to what is going to happen in the future? Mr. Miranda stated the following: I hope I would be able to have growth but right now we have the insurance office and we are occupying all 1,500 SF of that office plus next door. So, right now that is pretty much where we are. As far as the makeup our business, I don't see the insurance office at all as far as planning for new employees based on our growth at this time. On the real estate side, the only way we would grow with that would be with more agents and agents don't have an office setup there; they are only there to process work and leave. So, it is usually no more than 10 percent of our force of 70 agents right now. So, it would be anywhere between 7 to 10 agents that are there plus my employees. So, that is what makes up the 20 to 24 people. Mr. Roberts stated we have already submitted this to the Saratoga County Planning Department,

so at this time we will refer this project to CHA. Mr. Roberts asked Mr. Bianchino to please look at the possibility of having the parking in the rear of the building. Mr. Bianchino stated okay.

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

**11.003 NB Falcon Trace Lot #2 Maintenance Building, Fellows Road – Concept-Commercial Site Plan**

This item was withdrawn on January 10, 2011 per the applicant's request.

**11.004 NB Uncle Sam's Taxes, 432 Route 146 – In-Home Occupation**

Ms. Mitra Gouneh, the applicant, stated the following: I'm the owner of Uncle Sam's Taxes. I just moved to 432 Route 146 and I would like to run my business from my home. Mr. Roberts asked Ms. Gouneh if she currently resided at 432 Route 146. Ms. Gouneh stated yes. Mr. Nadeau stated so you would be living at 432 Route 146 doing this business. Ms. Gouneh stated yes. Mr. Higgins asked would this be your primary residence and you would just be using one area of your home for the business? Ms. Gouneh stated the following: Yes, in some part of my living area. This is a seasonal business and I would see people by appointment only and I would just be using some part of my living area to do taxes and to meet people. Mr. Roberts asked how much parking was available. Ms. Gouneh stated I have 4 parking spaces in my driveway and I basically see people one by one. I have a mailbox in the carport and people drop off documents for me. I do talk to the people on the telephone and I do their return and they come in for about 10 to 15 minutes to speak with me, we go over their return, then it is done and then they leave.

Mr. Berkowitz made a motion to set a Public Hearing for the January 24, 2011 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

**11.005 NB Adirondack Tae Kwon Do/One Hour Heating & Air Conditioning/Benjamin Franklin Plumbing, 1595 Route 9 – Sign**

The applicant was not present for this application; therefore, no action was taken on this item.

**Old Business:**

**10.106 OB Pipino/Vosburgh Subdivision, 127 Vosburgh Road – Minor Subdivision**

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm representing the Pipino Brothers. This proposal was presented at the last Planning Board meeting on December 13, 2010. We are proposing a 3-lot subdivision on the north side of Vosburgh Road and just east of the Vosburgh Mobile Home Park. We're looking for 3-lots, Lot #1 would be a duplex lot in the front, Lot #2 would be a duplex and Lot #3 would be a single-family residence. All parcels would be coming out on one curb cut, the parcels would be serviced by public water and on-site septs. Basically, at the last meeting we presented the concept of this minor subdivision. This was forwarded to CHA for their review and they came back with 7 items on their list and those 7 items have been adequately addressed. Mr. Roberts asked Mr. Bianchino if all of CHA comments had been addressed. Mr. Bianchino stated yes. Mr. Higgins stated there is a note about the common property between the Herman's and the Nolan's and asked which one of those are residences? Mr. Rabideau stated the following: It is actually the Kehoe's. We are working on this boundary line agreement and we are working on that language now and basically it would be an even swap. Mr. Higgins asked are both parties amicable to that? Mr. Rabideau stated yes, we are working with them now. Mr. Higgins stated at our last meeting we asked you to show any wells on the property. Mr. Rabideau showed Mr. Higgins where the wells are located on the plans. Mr. Higgins asked does that front property have a well? Mr. Rabideau stated no we did not find any

evidence of a well and that parcel has public water. Mr. Ouimet stated for the record at the last meeting I raised the issue of sight distance for the driveway and I asked that our engineer take a look at that to make sure that the sight distances were fine and I would just asked Mr. Bianchino for the record to tell us what the engineers found. Mr. Bianchino stated the following: Yes, we asked the applicant to confirm what the existing sight distances were and what was proposed at the proposed driveway location. They compared that standard to Institute of Transportation Standards (ITS) for intersections on minor streets, which is obviously more restrictive than what is required for larger sight distances than just the driveway for the 3-lots and it did comply with the ITS. So, the sight distance at the proposed location is acceptable. Mr. Nadeau asked is that with the clearing or without it? Mr. Bianchino stated with the clearing. Mrs. Murphy stated for clarification; you said you made an effort to comply with the separation as required through the New York State Department of Health (NYSDOH)? Mr. Rabideau stated it is a situation where it is a little bit higher in back to make sure there are no issues at all and if you are upgrading, you have to be 200 FT, so we have met that. Mrs. Murphy asked so you are in compliance. Mr. Rabideau stated yes. Mr. Higgins stated as far as the 20 FT access that is shown along the left side of the property there, that's for the rear but looking at the map that I have there seems to be extensive wetlands in that area. Mr. Rabideau stated that is correct. Mr. Higgins stated okay, so that's the reason why the applicant is proposing to use a common driveway basically up the middle of the property? Mr. Rabideau stated yes, they are basically set up so it's on an ingress/egress only on one lot. Mr. Higgins stated but in order to relocate that driveway in the future, it would require extensive wetland remediation? Mr. Rabideau stated yes. Mr. Higgins stated another question that was raised at the last meeting was regarding the construction of the driveway to the full extent and there was some discussion about whether it had to be rated to handle emergency vehicles for the entire length. Mr. Rabideau stated the following: That is correct. We have a note on the plan that it must meet that requirement; it must have a turnaround and things of that nature. Mr. Higgins stated okay and that is for the entire length? Mr. Rabideau stated that is correct.

Mr. Higgins made a motion to set a Public Hearing for the January 24, 2011 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the January 10, 2011 Planning Board Meeting at 7:37 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Department Secretary