

## **Town of Halfmoon Planning Board**

**February 28, 2011**

Those present at the February 28, 2011 Planning Board meeting were:

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

**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy

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Mr. Watts opened the February 28, 2011 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the February 14, 2011 Planning Board Minutes. Mr. Roberts made a motion to approve the February 14, 2011 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried.

### **Public Hearing:**

#### **08.051 PH Loomis Subdivision, 114 & 116 Harris Road/81 & 83 Lape Road – Minor Subdivision (Re-approval)**

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. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here tonight for the re-approval of a 4-lot minor subdivision for Loomis. We did not meet the 100-day time limit due to delays by state agencies in trying to acquire their sign-offs. The proposal is for a 4-lot subdivision located at the corner of Lape Road and Harris Road. These lots would tie into the public water, which is located on the north side of Lape Road and on the west side of Harris Road. These lots would also tie into the public sewer by a sewer easement that runs through the lots and it would come out onto Harris Road and down through Sprucewood Court to tie into that system. Also, there was concern regarding the driveway access onto the road and we have combined lots #1 and #2 for one point of access and we have combined lots #3 and #4 for one point access for these 2 lots also. Mr. Watts asked if anyone from the public wished to speak. Mr. James Bold, of 105 Harris Road, stated the following: I'm going to speak from a perspective of being a neighbor but then I would also like to speak from the Historical Society perspective. I spoke with Mr. Rabideau before the meeting and just cautioning; I know that Mr. Rabideau has shown on the map that this driveway meets the calculated sight distances but I do want to call attention, as having lived across from that for so many years now, that's a tough bend and it's a tough hill. Cars come around that bend and over that knoll and they certainly are not sticking to the speed limits by any means and I don't know how you would go about getting them to do that. So, the further that you can move that driveway from that difficult sight area, the safer it's going to be. My driveways are down in and it's touch and go very frequently, and of course, this driveway is much further up. So, I don't know if there is anything more that you can do with this, but if there is any opportunity to improve that distance, it would be a good move to make. Relative to the old house; I don't

have a lot of history on it but I do have some indication that it is an 1812 structure which would put it right under 200 years now. There is some of the basement area that I believe served as some sort of an inn in the colonial time periods. I believe there are brick or stone ovens down in there and I was going to request permission to go in and do some photography. Mr. Rabideau explained to me before the meeting that they've already done this in the basement. Mr. Rabideau doesn't have it with him, but if we could obtain copies of that photography for the Historical Society records for historic structures, that would be a really good community benefit. Also, when we look at that photography, if there are any particular artifacts or bricks that could be salvaged from those brick ovens; that would also be very significant for us. If they would be good enough to set those aside for us it would be very significant and something that we could keep. Mr. Rabideau stated the following: We can scan those pictures to Mr. Bold's email. Once Mr. Bold sees the photos, he will be able to tell if there's anything worth saving. From what I remember the photos that were taken during an inspection of the building came out very good. Regarding the sight distance, I can only go by the numbers and we have a sight distance of 500 FT and that meets the actual standards looking left. We have brought the driveway over as far as we could in order to have a common access for Lot #3. Mr. John Henry Xu, of 7 Sprucewood Court, stated I have noticed that there are many houses built there and asked are you going to build an apartment, multi-family or single family homes there? Mr. Rabideau stated Lot #1 has to be a single-family home and the other 3 lots can either be single-family homes or potential duplexes. Mr. Xu stated the following: We recently had a duplex built near my home and I noticed that the water level has changed in my basement and my sump-pump runs a lot. My sump-pump is usually quiet but now it is always running after that duplex was constructed. I was wondering if there would be a significant change in the environment around this neighborhood? I think that the construction of the new homes on these lots would again affect the water level in my home. Mr. Rabideau stated the following: I believe there was a stormwater management plan done for this project and that has been taken into consideration. The houses on Sprucewood Court are downhill and the natural wetland corridor pretty much runs downhill. As far as adding to the runoff; the calculations indicate that there shouldn't be any issue because the soil is pretty sandy or like a sandy loam and at the bottom the soil has a clay mix in it. So, if they had problems in the past, they will continue to have problems. Mr. Watts stated the following: I would like to read into the record a letter submitted by Mr. Mike Bielkiewicz, of 3 Sprucewood Court. The Bielkiewicz's are out of town and they just received their public hearing notice and they asked that we read their letter into the record. *Quote:* (1) "We have major concerns regarding the potential adverse impact of run off due to the high water table in the region along the west side of our property. This area is fed by the slope of the terrain to the north and often after rains the grounds are spongy and cannot be mowed. After heavy rains there is often standing water. At a previous meeting the developer's representative said the percolation was more than adequate due to the sandy nature of the ground. Neighbors and I dispute that claim since we know that there is clay all over our area. (2) At one time the natural buffer was virtually eliminated by a clear-cut area to be used for utilities needed to serve the new buildings. This is not acceptable since it would remove the foliage that now separates us from the property to the north. (3) As expressed before, we are opposed to multi-family units being located so close to us and have hoped that the Board would address the issue and amend the rules so that the town does not end up with a patch-work quilt of mixed residence types. The rules, at the time of the last meeting that we attended let the developer decide what would be built and where based on lot size and thereby taking control of the Town's development out of the hands of the Planners. I sincerely appreciate the chance to share my concerns." *Unquote.* Mr. Watts asked Mr. Rabideau if he could respond to the 3 questions. Mr. Rabideau stated the following: Regarding the water conditions; like I explained before, this is a sandy knoll up here and just by the nature of hydrology, wetlands and that nature; obviously the water is going this way and as soon as you get down the slope it does turn to more of a heavier soil. I won't say real super clay but definitely that holds the water. So, this is a natural occurrence anyway and we're not making it any worse by putting houses here. Regarding the clear-cutting, we took that into consideration and we're leaving a 25 FT buffer and we put the sewer easement up farther and that retains this. One of these lots on Sprucewood has been cleared back to their property

line and they have a 50 FT no-cut buffer. So, that kind of takes that out of the mix. Regarding the duplexes; that is up to the discretion of the builder. Three of the lots can potentially have duplexes and the other lot needs to be a single-family. There is a duplex on a cul-de-sac in Sprucewood and then there is all of Knoxwoods. Mr. Watts closed the Public Hearing at 7:13 pm. Mr. Higgins stated regarding the shared driveway for Lot #3 and Lot #4, it says on the drawing that there is going to be an ingress/egress utility easement for that driveway as it is, correct? Mr. Rabideau stated that's correct. Mr. Higgins stated as long as it's going to be an easement anyway, would it be a major problem to, as Mr. Bold asked, to move it down a little bit? Mr. Rabideau stated the following: Yes, in the sense that on Lot #4 we have the 25 FT no-cut buffer and then we have the sanitary easement, so this line is starting to crimp up the side far enough to get a building envelope for this building so we really can't push it down any farther. We did take that into consideration and we tried to push it down as far as we could without it becoming a problem. Mr. Higgins stated I wasn't asking to move the building, I was asking regarding the driveway. Mr. Rabideau stated yes, the drive because in order to have a common drive you have to put it on the property line. So, with all of this, the building envelope, and the side yard the property line pretty much has to go here. So, the common drive pretty much has to bisect the property line and we really can't push it down very much farther. Mr. Higgins stated okay, so the shared driveway does need an easement then. Mr. Rabideau stated the following: That is correct. The easement area is in the corner within the lots. Mr. Higgins stated the following: At the previous hearing there was extensive discussion about the work that was going to be done along Harris Road and where you're going to be coming along the road to tie in your utilities, water and sewer. At that time there was extensive discussion about the improvements that have been made in that area by some of the adjoining property owners. I know Mr. Polak mentioned it and I just want to go on record again; whatever work is done in that area, those areas need to be returned to the pre-disturbance condition. Mr. Rabideau stated correct and I know that was a huge issue. Mr. Higgins stated the following: Exactly and we talked about that extensively and you don't have a whole lot of room to play with there. It's very tight and the right-of-way along there gets very narrow. Mr. Rabideau stated correct. Mr. Higgins stated I just want to make sure that it's in the minutes that the applicant understands that that area needs to be returned to the way it is before it's touched. Mr. Rabideau stated yes.

Mr. Ouimet made a motion to grant a re-approval for the minor subdivision application for the Loomis Subdivision contingent on any disturbance to Lot #1 of Sprucewood Court is restored to its original condition. Mr. Ruchlicki seconded. Motion carried.

### **New Business:**

#### **11.015 NB Community Bank, N.A., 1685 Route 9 – Change of Tenant & Sign (formerly Wilber National Bank)**

The applicant for the change of tenant application was not present for this item; therefore, no action was taken.

Mr. Peter May, of Hanley Sign Company, stated the following: Community Bank, N.A. has bought out Wilber National Bank and they would like to change the name on two existing signs. The applicant wishes to replace the skin on the existing free-standing sign to reflect the new tenant name. The applicant also wishes to replace the existing wall-mounted sign to reflect the new tenant. Both signs are conforming to Town Code. Mr. Roberts asked how would the wall sign be lit? Mr. May stated the wall sign would not be lit. The existing wall sign is lit but the proposed wall-mounted sign would not be lit. The existing monument sign is internally lit and it would remain that way.

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

#### **Sign #1**

**Location:** at the front of the site

**Sign Size:** existing free-standing 22.75 SF, internally lit

**Sided:** ☐ one-sided ☒ Two-sided

**Lighted:** ☒ Internal ☐ Flood

**Planning Board Date(s):** 2/28/2011

**Sign #2**

**Location:** wall-mounted on the building

**Sign Size:** wall-mounted- 16.33 SF

**Sided:** ☒ one-sided ☐ Two-sided

**Location of Sign:** over entrance

**Lighted:** ☐ Internal ☐ Flood –Not lit

**Planning Board Date(s):** 2/28/2011

Mr. Roberts made a motion to approve the sign application for Community Bank, N.A. conditioned on the change of tenant application gains the necessary approval and contingent upon the sign is not placed in the State's right-of-way. Mr. Nadeau seconded. Motion carried.

**11.017 NB SenCare USA, 1471 Route 9 (Crescent Commons) – Change of Tenant**

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

**11.018 NB Lowe's Seasonal Outside Storage, 476 Route 146 – Change of Tenant**

This item was withdrawn from the February 28, 2011 agenda per the applicant's request.

**Old Business:**

**10.090 OB Country Drive-In, 1455 Vischer Ferry Road – Addition to Site Plan**

Mr. Hugh Mariaca, the applicant, stated the following: We have been through the Zoning Board of Appeals (ZBA) process and we were approved for the variance that we applied for. Our proposal is for a 462 SF covered patio on the west side of the building where currently there is a hill that has picnic tables on it. We are proposing to dig out that hill and pour a concrete slab. We would cover that patio area with a roof that matches the existing roof that is on the building. Also part of that roof would extend out towards the front of the building so people would be able to walk from the order windows to the covered patio in rainy weather. We would not be increasing the number of tables and we would not be reducing any parking spots or anything like that.

Mr. Roberts made a motion to approve the addition to site plan application for the Country Drive-In conditioned on no additional tables to be added to the proposed deck and the total amount of tables at the site is not to exceed 49. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the February 28, 2011 Planning Board Meeting at 7:25 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary