

**Town of Halfmoon Planning Board****January 26, 2010**

Those present at the January 26, 2010 Planning Board meeting were:

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

**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy  
**Deputy Town Attorney:** Matt Chauvin

**Town Board Liaisons:** Walt Polak

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Mr. Watts opened the January 26, 2010 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the January 11, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the January 11, 2010 Planning Board Minutes. Mr. Nadeau seconded. Motion carried.

**Public Hearings:****09.092 PH McHargue Subdivision, 162 & 166 Beach Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Ms. Dawn Keyrouze, the applicant's daughter, was present to represent the Mchargue Subdivision application. Mr. Watts stated the following: The applicant wishes to subdivide a 1.34-acre parcel into 2 lots. Lot A will have 158 FT of frontage and Lot B would have 171 FT of frontage along Beach Road. Lot A will be 30,002 SF with an existing 2-story house. Lot B is proposed to be a 28,373 SF lot that is currently vacant. The parcel has public water and private septic. The applicant received an area variance from the Zoning Board of Appeals for the substandard 28,373 SF lot. The applicant wishes to create this lot in order to build a more efficient single-story house for herself while selling her existing home and asked Ms. Keyrouze if that was correct. Mr. Keyrouze stated that is correct. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:04 pm.

Mr. Nadeau made a motion to approve the minor subdivision application for the Mchargue Subdivision. Mr. Berkowitz seconded. Motion carried.

**10.003 PH LeBoeuf Subdivision, 147-A Beach Road – Lot Line Adjustment**

Mr. Watts opened the Public Hearing at 7:04 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Joseph LeBoeuf, the applicant, stated the following: I am

before the Board because I have a landlocked piece of property and I want to create a legal egress. My plans are to build a one-family house for myself if this application is approved. 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 asked are you going to build your driveway where the driveway is shown on the drawings or are you going to utilize the old location? Mr. LeBoeuf stated I am going to utilize the old location but as the driveway goes up the hill it would be moved over more. Mr. Higgins asked if the applicant is going to use the old location, does he need an easement if he is going to sell that other piece of property? Mrs. Murphy stated the following: From the applicant's perspective, he is going to need an easement if he sells the other piece of property. But this Board's purview is he has the ability to access where the flag strip is being added, so you don't need to require the easement language. Mr. Higgins stated I just wanted the applicant to know that if he sells the piece in front and they are not using what's shown as your right-of-way, then you may need an easement from whomever you sell it. Mr. LeBoeuf stated yes. Mr. Watts stated and your access from the property would be at the same location. Mr. LeBoeuf stated yes, it would be at the same location. Mr. Watts stated so you won't need a curb cut permit. Mr. LeBoeuf stated right, no curb cuts.

*The Planning Department's topics stated the following regarding the LeBoeuf Lot Line Adjustment:*

**Location:** Current land-locked parcel situated between Firehouse Road and Beach RD

**Zoning:** R-1, Residential

**Existing Parcel Size/Acreage:**

**Proposed New Lot Size:**

**Number of lots:** adjustment, no new lots

**Planning Board Date(s):** 1/11/10, 1/26/10-PH

**Brief Description:** The applicant wishes to make a lot line adjustment to add a flaglot stem to his existing land-locked parcel. The intention is to make this lot a buildable lot. Lot #2 on the subdivision plat will go from 1.05-acres to .89-acres, and Lot # 3 (the landlocked parcel) will go from .95-acres to 1.11-acres. This will give Lot #3 a 20ft wide strip that provides the necessary minimum frontage on Beach Road. Both lots as proposed would be conforming in area to Town Code.

Mr. Ruchlicki made a motion to approve the LeBoeuf Subdivision/lot line adjustment. Mr. Higgins seconded. Motion carried.

**10.004 PH      Kowsky Subdivision, 134 Dunsbach Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:06 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Ms. Kathleen Kowsky, the applicant, stated the following: I live at 132 Dunsbach Road and the lot that I am subdividing from my property will be 134 Dunsbach Road. Mr. Watts asked if anyone from the public wished to speak. Mr. Joe Vanier, of 140 Dunsbach Road, stated I think where Ms. Kowsky's property is located there is wetland. Ms. Kowsky stated the following: It is not. I have checked the New York State Department of Environmental Conservation's (NYSDEC) website and it is not. Mr. Vanier asked do you remember that you said that my land is wetland. Ms. Kowsky stated the following. No, I never said that Mr. Vanier's land was wetland. We had a problem with the perc test because he had a 2-family house you wanted to build on blow sand. Mr. Vanier asked does she have to have an environmental study there because I had to have one? Ms. Kowsky stated I have contacted the sewer department and we have access to the sewer. Mr. Watts asked Mr. Vanier what he built. Mr. Vanier stated the following: I have four 2-family buildings where I live and I have sold three of them on Woodin Road and Dunsbach Road. I had to do an environment study, I had to get a wetland study and the septic tank had to be a certain amount of feet away. So, Ms. Kowsky is going to have two houses. Ms. Kowsky stated no, it's only going to be one house and

my house is down the road. This subdivision is for one house. Mr. Watts stated the following: The public hearing at this point is for the subdivision of lands and that is all that is going on here right now. Should they chose to build on those lands, then the questions that you're raising relative to sewer, etc. would have to be addressed. Ms. Kowsky stated I have already contacted Mr. DiPasquale from the Saratoga County Sewer District (SCSD) and we have access to sewer. Mr. Watts stated and that would occur down the road when they come in for their building permits. Mrs. Murphy stated the following: By subdividing they are in essence saying it is a buildable lot. We are saying that it is legal and in conformance with our regulations. We are not making any assessment with regards to whether or not it is wet or not wet or any of those types of determinations. Mr. Higgins asked what is the frontage required; isn't there a 100 FT minimum? Ms. Kowsky stated this lot is 100 FT. Mr. Higgins stated the remaining lot is 97 FT, so by doing this subdivision we are approving a substandard lot as far as road frontage. Ms. Kowsky stated I have access to Woodin Road. Mr. Vanier stated it still has to be 150 FT frontage. Mrs. Kowsky stated I would only need 20 FT if I wanted to do a flaglot. Mr. Higgins asked so are you considering that this is a flaglot? Ms. Kowsky stated no, it is 100 FT frontage and it is a 2-acre lot. Mr. Higgins stated I am talking about the remaining property. Ms. Kowsky stated the remaining land is mine and I'm not doing anything with it and I also have access to Woodin Road. Mr. Higgins stated but what about somewhere down the road? Mr. Watts stated the following: The new lot created will be a standard parcel with 100 FT of frontage on Dunsbach. The remaining lot will be 11.417-acres and has frontage on both Dunsbach Road and Woodin Road. Both lots are conforming in area to Town code and have public sewer and water. Ms. Kowsky stated correct. Mr. Berkowitz asked do you also own the land south of there? Ms. Kowsky stated yes, that is where my home is. Mr. Watts stated they would have to be in conformance when they come in for their building permit so we are not approving a substandard lot here. Mrs. Zepko stated we reviewed this with Town code and both lots are conforming in area. Mr. Higgins stated but they are not conforming as far as road frontage unless it is considered a flaglot. Mrs. Zepko stated which we allow by Town code. Mr. Higgins stated exactly but I'm just explaining to the applicant that she is only allowed the one flaglot without special approval from the Board. Mrs. Zepko stated the Board has purview to allow multiple flaglots according to Town code. Mr. Higgins stated I am just going on record that at this point to complete this subdivision the 11.417-acre lot has a flaglot access and it is less than 100 FT. Mrs. Zepko stated correct but she could get more flaglots if she chooses to subdivide the 11.417-acre lot. Mr. Higgins stated agreed but that is not part of this application and I just wanted the applicant to understand that. Mr. Vanier asked is she just going to have one driveway? Ms. Kowsky stated yes. Mr. Vanier asked if the applicant would be using the Woodin Road access. Ms. Kowsky stated no. Mr. Vanier asked is everything going to be separate from Mrs. Kowsky house? Ms. Kowsky stated yes. Mr. Vanier asked is it going to be a one-story house? Mr. Watts stated the following: We are not approving any house. We are approving the subdivision of a lot. Mr. Vanier asked for a one-story house do you have to have 150 FT of frontage? Mr. Berkowitz stated the size of the house makes no difference. Ms. Kowsky stated it is a 2-acre lot. Mr. Vanier stated right but I'm talking about the frontage. Mr. Watts stated the frontage is 100 FT. Mr. Nadeau stated the frontage could be as little as 20 FT and that would be considered a flaglot. Mr. Vanier stated I don't understand the flaglots because I never heard of that. Mr. Berkowitz stated the following: What we are approving is a legal building lot and when the applicant decides to build a house there, she has to come back to the Building Department to build on that lot. Right now we are not approving anything to be built there, we're approving a size of that lot. Mr. Vanier stated I know my lot had to have 150 FT of frontage. Ms. Kowsky stated because it was a duplex. Mr. Watts stated no. Mrs. Murphy stated it was because it had septic. Mr. Watts asked Mrs. Zepko if these lots had water and sewer? Mrs. Zepko stated the following: Ms. Kowsky was correct in her statement in that because Mr. Vanier built duplexes, he was required to have 150 FT frontage. Whereas a single-family only requires 100 FT of road frontage. So, if we approve this subdivision

tonight with 100 FT of frontage Ms. Kowsky is only permitted to build a single-family home on that lot. Mr. Vanier asked Ms. Kowsky if sewer was in front of her house. Ms. Kowsky stated the sewer is located right in front of the lot. Mr. Watts asked if the sewer line ran down Dunsbach Road. Mrs. Zepko stated yes. Mr. Watts stated according to the review that was made by the Planning Department there is public sewer and water on this property. Mr. Watts closed the Public Hearing at 7:18 pm.

Mr. Roberts made a motion to approve the minor subdivision application for the Kowsky Subdivision. Mr. Berkowitz seconded. Motion carried.

#### **10.005 PH      Tanski-Kennedy Lane, 5 Kennedy Lane – Special Use Permit**

Mr. Watts opened the Public Hearing at 7:18 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Bruce Tanski, the applicant, stated the following: There is a house on Kennedy Lane that has been there for about 45 to 50 years. We removed all the arborvitaes and shrubs and now the place looks like a trailer and we are trying to change the front of the building to make it look more like an existing home. Our proposal is to add a front porch 27 FT x 7.11 FT wide. This house sits further back than the other two houses on the road. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:19 pm.

Mr. Nadeau made a motion to approve the special use permit application for Tanski-Kennedy Lane. Mr. Higgins seconded. Motion carried.

#### **New Business:**

#### **10.006 NB      Hoffman Car Wash/Jiffy Lube, 1672 Route 9 – Sign**

Mr. Ron Levesque, of the Sign Studio, stated the following: I am here tonight to represent the Hoffman Development Corporation for the Hoffman Car Wash/Jiffy Lube. We are proposing to dismantle and remove an existing sign and erect a new sign. Currently the existing sign is a non-conforming sign and the sign that we are proposing would be in conformance with the current zoning law. Mr. Roberts asked how the sign would be lit? Mr. Levesque stated the sign would be internally illuminated. Mr. Roberts asked if the sign would have exposed neon? Mr. Levesque stated there would be no exposed neon and the sign would have an acrylic face with translucent vinyl over the top. Mr. Roberts stated this is good because the new sign would be 3 FT shorter than the old sign. Mr. Watts asked Mr. Levesque if he was aware that he would need to get a building permit from our Building Department to erect the sign. Mr. Levesque stated yes.

The Planning Department's topics stated the following regarding the sign application for Hoffman Car Wash/Jiffy Lubes:

Sign Size: **160 SF**

Sided: ☐ one-sided ☒ **Two-sided**

Sign Dimensions: **8 ft x 10 ft = 80SF(2) = 160 SF**

Total Height: **16 ft**

Location of Sign: freestanding sign in front of site

Lighted: ☒ **Internal** ☐ Flood

Mr. Roberts made a motion to approve the sign application for Hoffman Car Wash/Jiffy Lube. Mr. Ruchlicki seconded. Motion carried.

**10.007 NB      Veterinary Wellness Center, 1404 Route 9 – Change of Tenant & Sign**

Dr. Pamela Scerba, the applicant, stated the following: I would like to lease a tenant space at 1404 Route 9 to open up my holistic veterinary practice. Mr. Watts asked Mrs. Zepko if there would be adequate parking. Mrs. Zepko stated yes. Mr. Watts stated the following: The Planning Department's write-up indicates that they would be open six days a week, 8:00 am to 7:00 pm Monday through Friday and from 9:00 am to 12:00 pm on Saturday. Are there any permits required from any State agencies to operate your business? Dr. Scerba stated not that I am aware of. Mr. Watts asked if there was a sign application. Dr. Scerba stated the sign is pre-existing so it is just a matter of putting the name of the practice on a tenant panel. Mr. Roberts asked are you just going to replace what's there right now with your company name? Dr. Scerba stated yes. Mr. Watts stated when you do your advertising please indicate that you are located in the Town of Halfmoon.

The Planning Department's topics stated the following regarding the change of tenant and sign application for the Veterinary Wellness Center:

**Zoning:** C-1, Commercial

**Location:** Office Bldg. at the Capital Storage site off of Rt 9, just north of the intersection with Crescent Road.

**Size of Building:** 4,000 SF

**Proposed Office Space:** 2,000 SF

**Existing Parking:** 22 spaces per site plan

**Proposed Use:** Holistic Veterinary Clinic

**Hours/Days of Operation:** 8am to 7 pm M-F, 9am –12 pm Sat.

**Number of Employees:** 2

**Planning Board Date(s):** 1/26/10

**Brief Description:** The applicant wishes to operate a holistic veterinary clinic by utilizing half of the space that is available at the 1404 Route 9 site.

**Holistic Veterinary practice consists of offering acupuncture, chiropractic, herbal and massage treatments. The applicant states that there would be 8-12 animals treated per day with each session lasting 45 min. to 1.5 hrs. The applicant, per discussion with the Planning staff, has stated that all clients are scheduled by appointment and that no animals are kenneled on-site overnight. The applicant states that they would need 6 of the 22 parking spaces to operate efficiently. (The other half of this commercial building is currently vacant).**

Sign-Veterinary Wellness Center

**Sign Size:** 30 SF(2) of 180 SF sign

**Sided:** ☐ one-sided ☒ Two-sided

**Sign Dimensions:** 3ft x 10 ft x 2 tenant panel

**Location of Sign:** located on pre-approved freestanding sign (tenant panel)

**Total Height:** 12 ft

**Lighted:** ☒ Internal ☐ Flood

**Planning Board Date(s):** 1/26/10

**Brief Description:** In 2002, the Planning Board approved the 180 SF (double-sided) freestanding sign identifying the Capital Storage site with two tenant panels. The applicant wishes to locate her business name on one of the existing tenant panels on the existing freestanding sign.

~JRWW

Mr. Roberts made a motion to approve the change of tenant application for the Veterinary Wellness Center. Mr. Higgins seconded. Motion carried.

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

**10.008 NB      Saratoga Stoneware, 1581 Route 9 – Change of Tenant**

Mr. Tom Address, of ABD Engineering, stated the following: This proposed business would be located in the plaza next to the Hess Gas Station that Mr. Rekucki owns. Up to about a year ago the Schenectady Electric Lighting had been occupying this tenant space. The proposal is for the retail sale of pottery, rubber-stamping, scrap booking supplies, as well as other fine crafts. The applicants had operated this business in New Hampshire for a number of years. The applicants now live in Saratoga and they would like to open a store in this area. The applicants would occupy both levels; 1,340 SF of retail space on the first floor and 1,340 SF on the lower level for a total of 2,680 SF of tenant space. The lower level would be used for a pottery studio for items that they would sell on the first floor. They would have up to 10 pottery wheels so they can hold classes. There would be a kiln that would be on the lower level. I know that the applicant and Mr. Rekucki have met with the Town's Building Department to look at that and the Building Department was okay with that. Mr. Watts asked was Greg Stevens, the Director of Code Enforcement, at the site. Mr. Address stated yes. Mr. Nadeau asked who was located in the lower level before? Mr. Address stated Schenectady Electric used the lower level for all of their storage as well as the first floor for their retail business. Mr. Higgins asked are there a couple of other businesses at this plaza that are utilizing the lower level? Mr. Address stated yes, the Dance Studio also uses the lower level. Mr. Higgins asked does the Dance Studio have one space or two spaces downstairs? Mr. Address stated the following: I would assume that they have what is left of the space downstairs. That I know is just the downstairs business. Mr. Higgins stated the following: We were trying to figure out the square footage because originally when Mr. Rekucki came in and this was approved, which was a few years ago, there were 4 locations on the first level and then there was one location operating in the back. The rest was strictly storage in the basements. I know that I Love My Heart moved downstairs and that was the second one downstairs and asked if I Love My Heart was still located at the plaza. Mr. Address stated I Love My Heart moved a long time ago. Mr. Higgins stated the question is how many square feet does the Dance Studio have downstairs? Mr. Address stated I don't have that information. Mrs. Zepko stated the Planning Department has that information. Mr. Address stated the following: From my understanding there is no available space to lease downstairs. The top level and lower level have the same square footage. Mr. Higgins stated the parking requirements are different for storage verses active space. Mr. Address stated but we always had plenty of room down on the lower level and it was approved with storage and some use down below. Mr. Higgins stated Mrs. Zepko stated that it was an 8,000 SF building, however, 10,800 SF was the number used to calculate parking needs of 54 spaces for 10,800 SF of office retail space. Mr. Address stated the following: And there was 5,200 SF of storage space. I don't know the actual square footage of the Dance Studio. The demand that the pottery is going to have is for the classes that would be held in the evening. Mr. Berkowitz asked what are the hours of operation for the Dance Studio? Mr. Address stated I am going to make the assumption that the Dance Studio operates probably in the afternoon and evening. Mr. Higgins asked is there room on the site for parking to be land-banked in the event that it is needed? Mr. Address stated there is and there is a lot of parking in the facility. Mr. Higgins stated we have to go by what is required by the Town requirements. Mr. Address stated there is room to land-bank more parking. Mr. Higgins asked where? Mr. Address stated on the left side as you are going down to the back and at one point we had designed an addition to fit in that area. Mr. Watts stated for the record it appears from our review of

the site plan that there is additional area that could be utilized for parking should it become an issue. Mr. Address stated that is correct. Mr. Watts stated the following: It seems that there has been a bit of a change in the direction of storage to retail/classroom. Based on the calculations that our Planning staff did; they indicated that there was sufficient parking. So if we were going to make a resolution to approve, we could put in that contingent upon revisiting the parking lot size should it become an issue. As I understand the site, we don't have issues now. Mr. Watts asked Mrs. Zepko if that made sense. Mrs. Zepko stated yes. Mr. Watts stated that way we could approve it with the parking lot configured as it now but contingent upon adding additional parking spaces should a need arise. Mr. Watts asked Mr. Address to please ask the applicant to indicate that they are in the Town of Halfmoon when they do their advertising. Mr. Address stated I certainly will. Mr. Roberts asked if there was a sign application. Mr. Address stated there is no sign permit under this application and the applicant would come back to the Board with their sign application.

Mr. Higgins made a motion to approve the change of tenant application for Saratoga Stoneware contingent upon revisiting the number of parking spaces available should the need arise to add more spaces to the south and east side of the driveway. Mr. Roberts seconded. Motion carried.

**10.009 NB      Project Lead the Way, 21 Corporate Drive – Change of Tenant**

Mr. Tom Address, of ABD Engineering, stated the following: 21 Corporate Drive is the old NFC building. A couple of the tenants have moved out of this location and Project Lead the Way wants to move in to occupy 8,846 SF of office space. I myself was not aware of Project Lead the Way and I don't know if any of the Board members had opportunity to look into this but it is very interesting. Actually a teacher in the Shenendehowa School System started up this business. It is now across the whole country and what they do is provide teaching advice and teaching services to school districts in the middle schools and high schools to promote sciences and engineering. What they're trying to do is get students to become interested and they have had a fairly high success rate for the students who go through these programs who end up going into college in the sciences. It is very well established and it is non-profit. It reads right out of "Fortune 500" for all the people who sponsor it. Mr. Nadeau asked do you know the name of the teacher who started this? Mr. Address stated Mr. Richard Blass, Chairman of the Technology Department, in the Shenendehowa School System in 1986. They began offering the pre-engineering and digital electronic classes and established this with a number of other people who got involved with this. Mr. Watts questioned regarding the 35 full-time employees. Mr. Address stated this would be their administrative office and this would be where they will be managing everything. Mr. Watts stated the following: I am just clarifying because the project narrative was a bit sparse. There would be no training going on at the site and there would be no people coming to the site. This would be strictly an office operation where they are doing the background work. Mr. Address stated correct and all the administrative offices and they have programs that they develop for these different schools. Mr. Watts stated the following: The number of employees that you are indicating here are on-site employees and there wouldn't be a lot of traffic. It was indicated that this is less than the previous 2 tenants and that there is adequate parking on-site. Mr. Address stated yes there is.

Mr. Roberts made a motion to approve the change of tenant application for Project Lead the Way. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the January 26, 2010 Planning Board Meeting at 7:35 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Department Secretary