

Town of Halfmoon Planning Board

October 25, 2010

Those present at the October 25, 2010 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 October 25, 2010 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the October 12, 2010 Planning Board Minutes. Mr. Berkowitz made a motion to approve the October 12, 2010 Planning Board Minutes. Mr. Roberts seconded. Motion carried.

New Business:

10.088 NB 1st National Bank, 1693 Route 9 – Sign

Mr. Pat Boni, of Saxton Sign Corp., stated the following: I'm here tonight representing 1st National Bank. This is a unique circumstance. I was in front of the Board in May 2010 to get an approval for a 21 SF halo illuminated sign and when our installers went to hang the sign, they installed it on the wrong part of the building. Since that time, we realized that we were allowed 2 signs. So now we have a sign that has been installed that does not have Planning Board approval and we have an approved application by the Board for a sign that we haven't hung yet. So, we have an approval for the sign that hasn't been hung and we would like to get an approval for the sign that has been installed. Both signs are allowed by code. Mr. Watts asked Mr. Roberts if he has reviewed this situation. Mr. Roberts stated yes.

Mr. Roberts made a motion to approve the sign application for 1st National Bank contingent on the applicant gaining a building permit and necessary inspections. Mr. Berkowitz seconded. Motion carried.

10.091 NB Saigon Spring Restaurant, 1683 Route 9 (St. John Plaza) – Change of Tenant & Sign

Mr. Ed Esposito stated the following: I'm representing Bast Hatfield for a change of tenant and sign application in the St. John Plaza. The proposed sign would be 29.53 SF, one-sided, internally lit and would be wall mounted over the storefront. This would go at the extreme end of the plaza where Adirondack Tae Kwon Do is located. As you know, Adirondack Tae Kwon Do is moving out of the plaza. The tenant

space is 3,567 SF. Previously Adirondack Tae Kwon Do had taken up much of the parking, which was about 50 parking spaces. We have discussed the parking plan with Mr. Williams and he has estimated it to be about 30 cars so there would be a reduction in the parking required. I'm not sure if this makes a difference but the 10 employees seemed excessive and actually there would be about 6 employees so it would probably be less than 30 cars. Mr. Watts stated the following: The application stated that they would be open daily from 11:00 am to 2:30 pm and 5:00 pm and 9:00 pm and 5:00 pm to 10:00 pm on Friday and Saturday and asked if that was correct. Mr. Esposito stated yes. Mr. Watts asked is this primarily a dining establishment with a bar and it wouldn't be a nightclub orientation or anything else? Mr. Esposito stated it would be a family oriented restaurant. Mr. Watts asked would they be moving into the end of the plaza when Adirondack Tae Kwon Do leaves? Mr. Esposito stated yes. Mr. Watts stated the following: I know there were conversations about maybe moving into another tenant space so that has been resolved. So they won't be in there until Adirondack Tae Kwon Do moves out. Mr. Esposito stated true. Mr. Watts asked when would Adirondack Tae Kwon Do be moving out? Mr. Esposito stated I was told within the month. Mr. Watts stated the building that they would be moving into on Route 9 has just started the framing and asked if they would be done within the month? Mr. Esposito stated that is according to their schedule but I think Adirondack Tae Kwon Do are definitely moving out and they are trying to get this new tenant in there as soon as they can. Mr. Watts stated so they're moving out and asked if they are going to have a holdover on the lease because only one of them could be in that space at one time. Mr. Esposito stated I'm not quite sure. Mr. Watts asked would they be someplace else in the plaza? Mr. Esposito stated Saigon Spring would be taking the entire space with no real change. Mr. Ouimet asked do you know roughly how long the buildout is going to take to put Saigon Spring in there? Mr. Esposito stated another month-30 day build. Mr. Ouimet stated would it be 30 days before Adirondack Tae Kwon moves out and 30 days to build it out; so you're talking 60 days from when? Mr. Esposito stated as I mentioned from the end of this month. Mr. Ouimet asked so it wouldn't be until January 1st or sometime thereafter? Mr. Esposito stated I'm not quite sure if it is going to be in January but it might be right around that time in January. Mr. Ouimet asked are there any other vacancies in the plaza? Mr. Esposito stated the following: I can't say but I was told by Ms. Cathy St. Lucia, from Bast Hatfield, that Hoff Jewelers is terminating. The uniform place; they are non-weekend; appointment only, very seasonal and things have slowed down. At this time there are no other vacancies. Mr. Williams stated the last submittal that we received from Ms. St. Lucia was a listing of the tenants and it listed one vacancy. Mr. Watts stated so there may be one vacant store per Ms. St. Lucia. Mr. Nadeau stated the following: The question would be; is that this would not go in one of the other areas of the plaza, right? Because the point being, is that we don't want both of these businesses operating at the same time because the parking wouldn't allow that. Mr. Watts stated correct and with that proviso, has the parking been looked at? Mr. Williams stated they would have adequate parking when Adirondack Tae Kwon Do moves out. Mr. Watts stated the following: Okay. So at this point we meet the parking requirements. Mr. Ouimet stated assuming that we approve this change of tenant; how many parking spots are left for the vacant store? Mr. Williams stated we allotted 13 parking spaces for the vacancy per the square footage. Mr. Ouimet asked how many parking spots for Adirondack Tae Kwon Do? Mrs. Murphy stated if this gets approved, how many parking spaces are left? Mr. Berkowitz stated I think they would have 1 spot left. Mr. Higgins stated so the vacant space stays vacant. Mr. Ouimet stated right. Mrs. Murphy stated the following: So the point is; if there is only one spot left after this is approved, the applicant needs to be aware that whatever use goes in to the vacant spot, is going to have 1 parking spot. There is not currently a use in our ordinance that permits 1 parking spot for that vacant spot. So, as we sit here today, the applicant needs to be aware that with approval of this application, which this Board has the authority to do, would make it so that that vacant space cannot have a tenant. Mr. Ouimet stated basically it uses up all your available parking spots. Mr. Watts stated you have an application here, which has 10 full-time employees; but now you're saying only 6 employees would be there at any given time. Mr. Esposito stated I think that is what was discussed. Mr. Watts asked discussed by whom and where? Mr. Esposito stated the following: The discussion earlier today was regarding 10 staff; 2 at the bar, 2 waiting and 2 in the kitchen.

The 10 came from when there are overlapping shifts and she intended to put that in the narrative that when people are coming and going and at the maximum shift she had all 10 bodies there when they're opening and they would be there momentarily until they leave. Mr. Watts stated so that number may be less? Mr. Esposito stated yes, that number might be less. Mr. Watts stated the following: So, if it went from 10 to 6 employees; that would give us 4 more spots. I think that there is some work that needs to be done to clarify this. I'm comfortable with approving the change of tenant with a recognition that we need to do some more work in massaging future applications. Mrs. Murphy stated if there is not that many employees, the applicant should resubmit an amended application so that it isn't to the detriment of the plaza. Mr. Higgins stated and also confirm that that 1 space is in fact vacant because the applicant said he wasn't aware of the vacancies. Mr. Watts stated the following: Mr. Esposito was here tonight filling in for Mr. Tom Pratico because he was out on another project. So, that is why I kind of brought that up. If we make a motion to approve it, it is with the understanding that there needs to be some further clarification about the total number of employees per shift. My point is; it's a little confusing because Mr. Pratico and Ms. St. Lucia were dealing with this stuff and, as I understand it, Mr. Pratico is out of town. We are just trying to get a tenant in that space when it becomes vacant and then we can work on the other issues is what I would suggest that is in the motion. Mr. Higgins stated as long as the 1 space is vacant, which the applicant said he wasn't sure if it was vacant. Mr. Williams stated the information submitted to me from Ms. St. Lucia listed all the tenants at the plaza and it had a vacancy listed.

Mr. Berkowitz made a motion to approve the change of tenant application for Saigon Spring Restaurant condition on the Planning Department reviewing the parking demand prior to the next tenant and the applicant locates in the Adirondack Tae Kwon Do space. Mr. Higgins seconded. Motion carried.

Mr. Berkowitz made a motion to approve the sign application for Saigon Spring Restaurant. Mr. Roberts seconded. Motion carried.

10.092 NB Adirondack Basement Systems, 4 Jones Road – Addition to Site Plan

Mr. Kevin Koval, President of Adirondack Basement Systems, stated the following: I would like to add a prefabricated shed to our site as indicated on the site plan that was prepared by Gil VanGuilder. The shed would be 10 FT x 30 FT by Classic Sheds. The shed has already been constructed and I have had the shed for about 5 to 6 years now. The shed is currently located at Crescent Ace Hardware and I would like to move it to our site on 4 Jones Road so we have a little more inside storage. In speaking with Mr. Williams; we would meet all the proper setbacks. This shed would be located in the furthest back corner of the property so it would be out of sight as much as possible. Mr. Higgins asked what material is the shed constructed of? Mr. Koval stated it has T-111 siding, an asphalt shingled roof with a garage door in the front and a 3 FT side door. It is a standard prefabricated Classic Shed. Mr. Berkowitz asked does the shed need to have a slab? Mr. Koval stated no, it is designed to be a freestanding unit. Mr. Watts asked what are you going to store in the shed? Mr. Koval stated we are currently using the shed for storage of job materials like windows that we order, flooring materials and things like that. I just wanted to get the shed closer to where we actually work. Mr. Berkowitz asked are there any site issues and are they in compliance with what is on the site plan? Mr. Watts stated in the past we did have issues at your site. Mr. Koval stated everything has been complete. Mr. Watts stated please give us a rundown of everything that has been completed. Mr. Koval stated the following: We have cleaned the property up considerably. New roof, new siding, a retaining wall, blacktop, an enclosure around the dumpsters, storage bins for stone so there is not big piles of stone out in the open. Per the site plan; along Crescent Road we installed white pines spaced about 10 FT apart all the way up along the side. We've created parking and, in addition to that, we installed a fence along the Jones Road side to delineate the property. We have a lawn service come in every week to maintain the property. We have been very diligent about keeping it looking nice. Mr. Ouimet stated looking at the site plan, the proposed shed location is, I'd say at least a third located inside the preserve existing vegetation area and is there any plan on screening the backside of the shed?

Mr. Koval stated the following: There really wouldn't be a need to screen the backside of the shed because beyond my property are all natural woodlands that are overgrown. So, it is already screened by the adjoining property, which is Town property. Mr. Ouimet asked so what are the people on Jones Road looking at if they look at your lot from their house? Mr. Koval stated on the Jones Road side we do have a berm there that is approximately 4 FT high and there are trees along that side; not evergreen tree, but there are pre-existing trees that are along that side. Mr. Ouimet asked do you know what part of this existing vegetation that you're going to remove to install the shed? Mr. Koval stated the following: It is just overgrown underbrush right now and it was just left natural. It says "vegetation" and we just don't mow it back there. Mr. Ouimet asked will you mow it now? Mr. Koval stated the following: There is nothing to really mow. We filled in back there because it was all swamp and I'm just allowing it to grow wild back there now. Mr. Ouimet asked would the shed be placed on a footing? Mr. Koval stated no, it would be on pressure treated 4 x 4's and it is designed to sit right on the ground so there wouldn't be anything permanent underneath it. Mr. Nadeau stated as I recall on this previous approval; the reason we did leave that was to keep that buffering there. Mr. Higgins stated previously you had a bunch of materials stored at that end of the lot. Mr. Koval stated the following: We did have stone proposed to be stored at that end of the lot. The stone bins were moved because they took up so much of a wide area that I decided I didn't want the stone bins back there because that is where we push the snow. Regarding the vegetation; if you go beyond my property line, it's Town property that is all swamp and densely overgrown with trees so there isn't really anything to screen because it's pretty much forever wild from my property up to the point of Jones Road and Crescent Road. Mr. Ouimet stated if you put the shed where you're proposing, where are you going to push the snow? Mr. Koval stated the shed is only 10 FT wide and there is plenty of room along side that shed and the stone bins would have been probably 40 FT wide so it would of taken up much more space. Mr. Ouimet asked do you have enough space for snow storage? Mr. Koval stated definitely, I'm the one that does the snow removal so I wanted to make sure that there was enough room and there certainly is. Mr. Higgins asked and there is nothing else stored at that end presently? Mr. Koval stated the following: I might have some pipe down there but that's temporary. If you look on the site plan there is a little "L" in the building next to the parking lot for pipe storage that was completed and we just have to get the piping moved over there. There is nothing permanent down at that end and there are just some large rolls of white pipe down there and it's all screened and you cannot see it from the road. Mr. Watts asked did anyone have an opportunity to look at this site to see how they are maintaining the site because I know we did have issues in the past? Mr. Koval stated those issues have all been rectified and Code Enforcement was recently there inspecting the property. Mr. Watts asked and did they have any suggestions? Mr. Koval stated the suggestions were the handicap parking and that was resolved. Mr. Watts stated how about the general cleanliness of the site? Mr. Koval stated the following: Not unless there is something that I don't know about but nothing was brought to my attention. The only thing they said was that it looked great. Mr. Watts asked Mr. Williams and Mrs. Zepko if Code Enforcement brought any of this information back to them. Mrs. Zepko stated yes and the only problem that they saw at the site was that there wasn't a sign for the handicapped parking spot. Mr. Koval stated the following: We do have the signs up now. If you look at the progression of the property since I purchased it five years ago, it's nothing like it was. It was really an eyesore when I purchased that property and we continuously made great efforts to improve the property. We maintain the hill in front, which is State land, and it is not all overgrown. In between our property and the road we keep that mowed down to make it look good. We also keep the sight lines open. If you speak to any of the neighbors, they love having us as neighbors. Mr. Polak stated I'm not really comfortable with the way it looks to the residents in the back with materials scattered all around the site. Mr. Koval stated the shed would shield more from the Jones Road side from the one or two residents that are right there directly across from it. Mr. Watts stated the following: We could revisit the site to see if all that is cleaned up. Would you be able to wait 2 weeks to put the shed up? Mr. Koval stated the following: Time is kind of the essence because there is a new owner at the Crescent Ace Hardware and he needs the shed out of there but it up to you. This has been on-going with the new owner of Crescent Ace Hardware and I wanted to

resolve all of the other outstanding issues at the property before I brought this proposal to you. Mr. Watts stated the following: What we can do is that we can give an approval and then I will personally go to look at this site with Mr. Williams and Mrs. Zepko. We will go take a look at the site and then you'll agree to make whatever cleanups might need to be done. Mr. Koval stated absolutely.

Mr. Roberts made a motion to approve the addition to site plan application for Adirondack Basement Systems condition on a site visit is performed by the Planning Department and any necessary issues are addressed with regards to the site. Mr. Nadeau seconded. Motion carried.

10.093 NB Ideal Body Personal Training Studio, 381 Hudson River Road – Sign

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

10.094 Gordon Subdivision, 50 Vosburgh Road – Major Subdivision/Amendment

Mr. Kenneth Gordon, the applicant, stated the following: I am the previous owner of 50 Vosburgh Road and I'm requesting to have the setback amended. Mr. Watts stated could you explain to us why you need the amendment. Mr. Gordon stated the following: I already had the plans done for the home and they have been stamped and submitted to the Building Department. The plans were done for a 100 FT setback and I was told that the setback is different than the 100 FT. I am here trying to amend the 100 FT setback. Mr. Watts stated so what you're trying to do is that originally there was a 100 FT setback on the plan that Mr. Ivan Zdrahal prepared for the subdivision. Mr. Gordon stated that is correct. Mr. Watts stated and now you want to put the house at the 70 FT setback? Mr. Gordon stated the following: At 60 or 62 FT. We had the plans drawn up at that and we had it all rectified. Mr. Watts stated the setbacks in that area along that particular stretch of road average 50 FT. Mr. Gordon stated yes, the setbacks all up and down Vosburgh Road varies and we're not looking to change any appearances. Mr. Williams stated the following: This lot that was created had wetlands around the parameter of the rear of the land. Mr. Gordon flagged out the wetlands so he knew where he would be able to build the home. We discussed that this would lessen the impact on the wetlands. A conventional subdivision within the Town's A/R zoning district requires a minimum of a 50 FT setback. Mr. Watts asked Mrs. Murphy if it was appropriate for the Board to approve this change? Mrs. Murphy stated yes, the Board is well within its authority to approve this modification and you're not modifying the subdivision itself (the subdivision approval) you're just changing a setback line so there is no need for a public hearing.

Mr. Roberts made a motion to approve the major subdivision/amendment application for the Gordon Subdivision condition on the amended front yard setback is filed with Saratoga County. Mr. Berkowitz seconded. Motion carried.

Old Business:

09.025 OB Falcon Trace of Halfmoon PDD, Fellows Road – Multi-Family/PDD

&

10.083 NB Falcon Trace of Halfmoon PDD, Fellows Road – Sign

Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm here tonight for the Falcon Trace of Halfmoon Planned Development District (PDD). I think the Board is very familiar with the project and we have been working with the Board for quite some time. I would be more than happy to go through the details if any of the Board members request me to. Just to keep things short; we have been before the Board and have received the PDD approval, preliminary site plan approval and we have also submitted plans and reports to the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Health (NYSDOH) and the Saratoga County Sewer District and we have received feedback from those agencies and we have supplied that feedback to CHA for them to review. Based on the comments from the agencies and CHA's final review of the plans, they have deemed the final signoff for the project. We are here tonight to request the Board's consideration for final approval of the project

conditioned on obtaining the stamps from the various agencies being the NYSDEC, NYSDOH and the Saratoga County Sewer District. We are also here tonight for Board's consideration on a sign. We do have a small rendering of the sign, which has been submitted to the Board members. The sign is approximately 3 FT high by 6 FT wide. The highest point on the sign is about 5-½ to 6 FT high. Mr. Watts asked Mr. Bianchino if he had reviewed everything. Mr. Bianchino stated the following: Yes, we have looked at the final set of both plans and all of the comments that we had at preliminary have been addressed. We did have some issues but all of those issues have been worked out. The only thing that we said was outstanding is the water district extension agreement and gaining final stamp approvals from the other agencies prior to the Town stamping the final plans. Mr. Watts asked in your best estimate do you have any idea of when you will receive the other agencies signoffs? Mr. Lansing stated the following: They have all of the comment responses. They did supply us with comments and we supplied them back our responses. We are just waiting for them to review those last responses that were technical in nature. We expect to have them ready for signoff at any moment. Mr. Roberts stated in regards to the sign; will it be lit by floodlights? Mr. Lansing stated yes, it would be up lighting. Mr. Roberts stated please make sure that the floodlights do not shine out into the highway and that the sign is on private property. Mr. Lansing stated yes.

Mr. Nadeau made a motion to approve the Falcon Trace of Halfmoon PDD Multi-Family/PDD condition on the applicant fulfilling the requirements for the Water Extension Agreement and gaining all approvals from the other agencies prior to the Town stamping the final plans. Mr. Ruchlicki seconded. Motion carried.

Mr. Nadeau made a motion to approve the sign application for Falcon Trace of Halfmoon PDD. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the October 25, 2010 Planning Board Meeting at 7:34 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary