

Town of Halfmoon Planning Board

October 14, 2008 Minutes

Those present at the October 14, 2008 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: Walt Polak

CHA Representative: Mike Bianchino

Due to audio recording difficulties, the October 14, 2008 Planning Board Meeting Minutes were not recorded. The following meeting minutes were transcribed exclusively from notes taken by the Planning Department during the meeting.

Mr. Watts opened the October 14, 2008 Planning Board Meeting at 7:03 pm. Mr. Watts asked the Planning Board Members if they had reviewed the September 22, 2008 Planning Board Minutes. Mr. Roberts made a motion to approve the September 22, 2008 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

Public Informational Meeting:

08.088 PIM Fellows Road PDD, Fellows Road – Amendment to PDD

Mr. Roberts recused himself from this item. Mr. Watts opened the Public Informational Meeting at 7:05 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Jason Dell, of Lansing Engineering, stated the following: The applicant is here tonight to discuss the amendment to the Fellows Road PDD to allow the applicant to place apartment buildings in an area that has been previously approved for townhouse units. The area is on the west side of Fellows Road just south of McDonald's Creek. Mr. Dell explained that the proposed change would consist of replacing 24 townhouse units with 55 apartment units. Mr. Dell stated the applicant is proposing to provide a sewer line up Gauthier Drive and also a \$400 per unit to be used by the Town as they see fit. Mr. Watts asked if anyone from the public wished to speak. Mr. John Hickok, 43 Fellows Road, stated the following: I live directly across from the proposed development. I have a concern with the proposed development changing from 24 townhouse units to 55 apartment units. I am also concerned

with changing the characteristic of the area and the probability that our property value will depreciate. What is the total number of units for the entire project? I also have concern with the additional traffic. After much discussion and review amongst the Board it was determined that the original Fellows Road PDD was approved for a total of 355 units, the final stamped plans were for 331 total units and with tonight's proposal the total units would be 352 units. Ms. Kathleen Glazebrook, 38 Fellows Road, stated there are 55 apartment units being proposed with 2-4 people per apartment, which could mean an additional 200 people using Fellows Road. Mr. Tanski stated there are usually only 1-2 people per apartment so there would only be 1/2 of what she mentioned. Mr. Tanski stated that there was a traffic study performed and that he is re-aligning Fellows Road that will improve the road. Ms. Glazebrook asked if all of the proposed development was out of the required 100 FT buffer of the creek. Mr. Tanski stated he was unsure of the 100 FT buffer but if needed, he would go through required reviews and permits from the agency with jurisdiction. Ms. Glazebrook asked if the proposed sewer line would go up Gauthier Drive on the same side as the waterline. Mr. Tanski stated no, the Town requires the separation of the two services. Ms. Glazebrook stated that the other side of Gauthier Drive has a swamp and that the sewer line would need to be placed on solid ground. Mr. Tanski stated the sewer line could be placed through wetlands as long as it properly engineered. Ms. Glazebrook asked who pays for the sewer and if she would be charged a sewer rate if she did not hook up to it. Mr. Tanski stated the tie-in to the sewer would be provided and it would be up to the individual homeowner to pay the cost to connect the sewer to their house. A grinder pump would cost about \$4,000, which would be 1/2 the cost of replacing a septic system. The charge of service is up to Saratoga County Sewer District #1 and if you are already in a sewer district you already pay the rate. Ms. Carol Stevens, 6 Gauthier Drive, asked the Board if this project has already been approved, if the applicant is in front of the Board for an amendment to the prior approval and if there was public benefit being provided from the development. Mr. Watts stated yes. Mr. George Yetto, 9 Gauthier Drive, stated the proposed changes will be directly behind his house and he would like the developer to provide a stockade fence for privacy and to keep people from wandering over to his property. Mr. Tanski stated that he does not have any problem with providing a 6 FT high white vinyl stockade fence on his property that would expand the length of the rear neighboring properties along Gauthier Drive. Mr. Yetto asked how far would the proposed apartment buildings be from his home. Mr. Tanski stated between 100 – 200 FT. Mr. Yetto stated he does not see Gauthier Drive extended into the site because it is nice to have a dead end road to allow kids and people to walk on it safely. Mr. Tanski stated there is no proposal to connect to Gauthier Drive. Mr. Polak stated it is very doubtful that Gauthier Drive would be extended in the future due to the large extent of wetlands. Mr. Robert Murray, 40 Fellows Road, asked if the sewer line would help the drainage. Mr. Tanski stated no, the sanitary sewer is a closed system. Mr. David Brun, Fellows Road, asked when the Fellows Road re-alignment would occur. Mr. Tanski stated once the engineering is finished and he feels it will happen during the spring of 2009. Mr. Brun stated that he and Debbie Fellows has property near the current apartment development and asked if it was possible to have a privacy fence installed to buffer his home. Mr. Tanski stated that he does not have a problem with providing a fence. Mr. Watts asked if anyone else wished to speak. No one responded. Mr. Watts closed the Public Informational Meeting at 7:29 PM. Mr. Watts asked for comments from the Board. Mr. Higgins asked when the new Fellows Road re-alignment occurs, it has been stated that a traffic light is near the threshold to be placed and asked what the status of the traffic light was. Mr. Tanski stated that the threshold has not been met. Mr. Bianchino stated that the Comprehensive Plan for the Town calls for a future connector road from Werner Road/Route 146 intersection that would lead to a future cross-

town road. During the proposed hospital application, it has been mentioned that a traffic light may be warranted there. Mr. Blanchino stated that a traffic light at the Fellows Road/Rt 146 new intersection was discussed and would need to take a look at what was discussed during that time. Mr. Higgins asked if Mr. Tanski would be required to pay for the light. Mr. Tanski stated at the time of the original Fellows Road development was being reviewed the traffic study stated a traffic light was not warranted and therefore he was not required to pay anything. Mr. Tanski stated with the public benefit package already offered for the PDD, the cost of the light would be too much. Mr. Higgins stated he has a strong concern on the number of proposed apartment units utilizing a single access and also the additional traffic. Mr. Tanski stated he is under the total allowed density per the PDD and that he is making road improvements to make travel on Fellows Road safer. Mr. Tanski stated that he would not be looking for any additional CO's until the Fellows Road re-alignment is completed. Mr. Higgins asked if the proposed changes must be placed on the site plan. Mrs. Murphy stated all changes would need to be placed on the site plan including all recommendations from the Planning Board before it was passed along to the Town Board.

This item was tabled for the applicant to provide specific information on the proposed and approved unit numbers, information on the wetland buffer and the proposed fence buffer.

Public Hearing:

08.095 PH Allco Inc., LLC, Routes 4 & 32 – Major Subdivision-Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:17 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Brian Ragone, of Environmental Design Partnership, stated the following: The applicant wishes to add 1.03-acres to an existing 4.05-acre parcel in order to make the lot more developable. The proposal is to create a 5.08-acre parcel in the Allco Light Industrial Park. Mr. Watts asked if any one from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:49 pm. Mr. Watts asked for comments from the Board. Mr. Higgins asked what the status was on the access road and the rest of the 22 vacant acres. Mr. Niles stated due to the wetland delineation performed several years ago, it is unlikely the road will be extended any further into the parcel unless the wetland regulations change. Mr. Nadeau asked how much of the vacant 22-acres is developable. Mr. Ragone stated there is an existing curb cut off of Routes 4 & 32 that could support an access road where it appears that 2-3 more lots could be created. Mr. Nadeau asked about the access road and its easements. Mr. Niles stated there are easements established that allows each business parcel to cross over each others property and it is working out well amongst the existing development.

Mr. Roberts made a motion to approve the major subdivision/lot line adjustment for Allco Inc., LLC. Mr. Nadeau seconded. Motion carried

New Business:

08.058 NB The Home Depot, 4 Halfmoon Crossing Blvd. – Addition to Site Plan

Mr. Sean Martin, of McCarthy Kerekes, LLC, stated the following: Home Depot is proposing to modify the site plan to include additional outside storage and display areas. The proposed areas would be located along the rear of the building, to the east of the Garden Center, and in the parking area at the front of the Garden Center. Two of these areas, the ones to the front and to the east of the Garden Center would be for seasonal storage and display. Home Depot

recognizes that it is necessary to return on an annual basis to gain approval for the seasonal display areas, as that was the agreement that was made when the previous store manager came before this Board last year for a change to the site plan. The proposed area to the rear of the building would be for the temporary storage of pallets, mostly for the lumber area, that are too large or cumbersome to be moved into the store during business hours and for the temporary storage of recyclable materials such as plastic, cardboard, and pallets. Mr. Ouimet asked what was meant by temporary storage, as it appears that the intent is to use the areas permanently and rotate the inventory that is to be stored there. Mr. Martin stated that the areas would be used as a staging area for merchandise that would be stored for no longer than a week at time and moved into the store, as space is available. The areas would be for permanent use in this fashion. Mr. Watts asked what "Seasonal Tent Event" meant on the proposal. Mr. Martin stated that it was similar to the store in Wilton in that they have an event every year during which a vendor erects a 90 FT x 30 FT tent and displays merchandise in an area of the parking lot. Mr. Berkowitz stated this would essentially add square footage to the site, as 2,700 additional SF would be available for sales. Mr. Martin stated they are also proposing to add markings along the outer curb to the eastern ingress/egress. This is a change to what was approved last year that had called for the removal and cross hatching of an existing parking space and the removal of four feet of the curb. Home Depot now believes that the re-striping would best help this area as it would force trucks to take a wider turn into the site. Mr. Martin stated he sat and observed cars and trucks entering and exiting the site and it is not the cars that are running over the curb. I feels that a reduction in the curb would simply allow for cars to go faster through the site. Mr. Ruchlicki stated that he has been in and out of the site on many occasions and he does not feel that simply re-striping the curbing would help this problem. After a lengthy discussion regarding the ingress/egress, the Board asked the applicant to have their engineers review possible solutions for this area. Mr. Berkowitz asked what was the square footage of the proposed storage areas and what was the square footage of the building. Mr. Martin stated that the square footage of the structure was approximately 130,000 SF but he had not calculated the total square footage of the proposed outside storage areas. Mr. Higgins asked if the previously approved display areas shown on the site plan in the front of store were seasonal or permanent. Mrs. Zepko stated that the display areas at the front of the store were approved as permanent storage for year-round merchandise such as lawnmowers, grills, and snow blowers and did was not included in the annual seasonal approval.

This item was tabled and the Board asked the applicant for more information on the "tent sale area", a better description on a temporary storage area and information on curb and access improvement to the site.

08.100 NB The Mutual Fund Store, 1581 Route 9 (Rekucki Plaza) – Sign

Mr. Tom Wheeler, of A.J. Signs, stated the following: The applicant is proposing to place a 3 FT x 7 FT internally lit sign over the storefront. They are also proposing to replace a tenant panel sign in the existing freestanding sign that will be 8.53 SF and double sided.

Mr. Roberts made a motion to approve the sign application for The Mutual Fund Store. Mr. Nadeau seconded. Motion carried.

08.101 NB Rolling Hills Walking Trails, Rolling Hills Subdivision – Modification to Site Plan

Mr. Robert Walsh, of Charlew Construction, stated the following: Charlew Construction was not the original applicant for the Rolling Hills PDD during the planning process but purchased the development after the project gained final approval. The project currently has a section of the trail system placed along existing utility easements. Mr. Walsh stated there is a portion of the trail system that traverses four private lots via access easements. This portion of the trail that traverses in the rear of Lots 9 & 11 and between Lots 13 & 15 to Robin Hill has caused problems with selling off these lots due to the easement and liability issues. Mr. Walsh stated that every time a prospective buyer has contacted the insurance the insurance company their response was very negative and the attorney then recommends that they not go to contract on any lot with a trail on it. Mr. Walsh stated we have lost 2-3 sales due to this. The Board asked if the trail would still be utilized as the same original intent of the trail system. Mr. Walsh stated that existing trail system offers the community the benefit of a trail and allows the same area to be traveled by using the existing road system in the Rolling Hills development. Mr. Watts stated he walked the existing trail earlier in the month and it was in good shape. Mr. Higgins asked if the Town Attorney had reviewed the easements concerning the public trails. Mr. Walsh stated they would be submitted for the Town Attorney's review. Mr. Higgins stated that he has noticed a lot of people using the trail.

Mr. Bertkowitz made a motion to approve the Modification to Site Plan for the Rolling Hills Walking Trails conditioned on the Town's Attorney review and acceptance. Mr. Higgins seconded. Motion carried.

08.102 NB Piluso Inc., 6 Halfmoon Executive Park Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: We are proposing to utilize 2,400 SF of office space at 6 Halfmoon Executive Park Drive for an Internet Marketing Company. All customer interaction occurs via the phone and Internet with no visits to this location. There would be 13 employees. Mr. Roberts asked what the company marketed. Mr. Andress stated that he could supply that information.

Mr. Roberts made a motion to approve the change of tenant application for Piluso Inc. contingent upon the applicant provides specific information on what the company markets via the Internet. Mr. Higgins seconded. Motion carried.

08.103 NB Logan Studios, LLC, 1581 Route 9 (Rekucki Plaza) – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: The applicant wishes to gain approval for a change of tenant for the Rekucki Plaza on Route 9 on the rear lower level. The proposed use is a studio for private dance and music lessons. They will be moving from their current location north of Exit 10 in Clifton Park. There are two (2) full-time staff and independent instructors would use the 6-7 study rooms for one-on-one instruction of students for either dance or music. Students are usually dropped off and picked up.

Mr. Berkowitz made a motion to approve the change of tenant application for Logan Studios, LLC. Mr. Ouimet seconded. Motion carried.

Old Business:**05.221 OB Klersy Subdivision, Farm to Market Road – Major Subdivision/GEIS**

The Town Attorney excused herself from the meeting due to illness. Mr. Joe Bianchine, of ABD Engineering, stated the following: The applicant wishes to create a conventional subdivision off of Farm to Market Road consisting of the following: The parcel is 90.34-acres and is zoned Agricultural/Residential. There is a proposal of 49 single-family lots with 4,944 linear feet of proposed road to be dedicated to the Town. From the existing 90-acre parcel, 52.32-acres will be developable, 29.20-acres will be designated as open space and the remaining 8.82-acres will be for infrastructure. The total acreage of constrained lands, that being wetland or steep slope, is 36.78 acres that will be tied into the open space or in some cases on the private lots. There is a single curb cut proposed off of Farm to Market Road with future proposed connections to the Lands of Tribley and to a current proposal of the Arlington Heights Phase II project which will lead to the Arlington Heights PDD access off of Farm to Market road. In the meantime, the applicant is proposing a temporary secondary emergency access road off of Angle Lane until one of the future connections are made. Mr. Bianchine stated municipal water will be provided by connecting to the existing main on Farm to Market Road and the project will also loop the system to Arlington Heights. There will also be municipal sewer being provided and are currently looking at sharing a pump station with the proposed Arlington Heights Phase II project. The applicant stated that a HOA would maintain the common open space. The applicant stated the project has provided a 100 FT no cut buffer along Farm to Market Road in accordance with the NHGEIS. Mr. Bianchine stated that the proposal consisted of 4 residential lots fronting on Angle Lane that do not conform to the NHGEIS Findings and would require the applicant to provide further SEQR information to allow the Board to consider these 4 lots. Mr. Bianchine stated that the applicant wishes to continue the review of the interior lots and at a future date would bring in the Angle Lane lots for consideration. Mr. Watts stated that he does not remember any mention of an HOA before and the applicant would need to provide the specific language creating the HOA for the Town Attorney review. Mr. Watts stated the concern with HOA's is that they remain in effect and do not diminish and cause the Town to become responsible for once then HOA lands. Mr. Higgins stated if the Angle Lane lots were not to be considered, the applicant would need to revise the application and site plan so that the Angle Lane lots were not represented. Mr. Watts asked about the sewer service and that it appeared to be a private sewer corporation and raised a concern of whether or not it would be increasing the size of the private corporation. Mr. Watts stated it is a concern with private sewer corporations and if they go bankrupt it becomes the Town's responsibility and he does not want to add to that possibility. Mr. Bianchine stated the following: The proposed sewer connection would be to the Central Halfmoon Sewer Corporation that feeds into a line along Farm to Market Road and heads west into the Town of Clifton Park. The County has been in the process of acquiring the sewer line in the Central Halfmoon Sewer Corporation and believes the County is a couple of easements away from the acquisition. The Town Attorney would know more about where the County is in the process. The Board raised concerns about the size of development that is to be served by a single access. The applicant stated there are future connections and there is also a secondary emergency access road being provided.

This item was tabled for the applicant to provide information on the proposed Homeowner's Association (HOA), the single access issue and whether or not the applicant will remove the proposed 4-lots on Angle Lane.

08.057 OB Grosky Office Building, 436-438 Route 146 – Commercial Site Plan

Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: Mr. Grosky is proposing to construct a 15,800 SF, two-story building with a single curb cut on Route 146 and is proposing 79 parking spaces. The applicant has provided a revised site plan showing forty-five 10 FT x 20 FT parking spaces (57%) and thirty 9 FT x 20 FT spaces (37%) and 4 handicap parking spaces. Among the total 79 parking spaces provided, the applicant is proposing to landbank eight 9 FT x 20 FT parking spaces in the front row to the immediate right of the access to the site. An on-site stormwater treatment area is provided and the site has 40.6% greenspace including the basin. The site is surrounded by the D&R Village MHP to the south, an existing residence to the east, a Law Office to the west and Route 146 with existing residences across the road to the north. The applicant is proposing a 6 FT vinyl stockade fence to buffer the existing MHP, as well as a row of maple trees between the site and the existing residential structure to the east and ornamental trees in front of the site. Mr. Higgins stated that he felt that the building may be too large for the site and that he believed the applicant should landbank some additional parking spaces in the front along Route 146. Mr. Berkowitz stated that they should also consider moving the dumpster location forward and removing two spaces there as well.

Mr. Higgins made a motion to approve the commercial site plan for the Grosky Office Building contingent upon the applicant landbanking the entire front row of parking (15 spaces) and re-locating the dumpster forward and landbanking an additional four parking spaces in the new dumpster location. Mr. Roberts seconded. Motion carried.

08.066 OB Halfmoon Family Dental, 1456 Vischer Ferry Road – Addition to Site Plan

Dr. Gary Swalsky, the applicant, stated the following: I am before the Board to add 5 parking spots to my existing 16-space parking lot for a total of 21 parking spots for additional patient parking. Since I have been in operation, there are times where the existing 16-space parking lot is inadequate. The plan has been revised to address the comments from CHA and they have issued an October 2, 2008 letter stating additional information on the septic system has alleviated any concern in the area and that a parking space has been added to the southeastern corner of the lot that would required a retaining wall and needs to be reviewed by the building department. There has been an occurrence of drainage problems during the construction and the initial operation of the site, which the Town's Code Enforcement office has been involved with rectifying the problem. The Code Enforcement office has issued a June 5, 2008 letter stating they are responsible to maintain the site's drainage pattern year round as it is represented on the approved site plan and as indicated in the September 2006 Stormwater Management Plan for the site. The Code Enforcement office does not feel that the proposed addition to the parking area will add to the drainage issue. The Director of Building and Code has reviewed the proposed retaining wall in order to place one of the five proposed parking spaces and has stated that it would not involve a building permit and has no other concerns over the matter.

Mr. Roberts made a motion to approve the addition to site plan application for Halfmoon Family Dental. The Board reiterated that it is the applicant's sole responsibility to maintain the drainage system in order to provide positive flow of stormwater as designed. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the October 14, 2008 Planning Board Meeting at 9:47 pm. Mr. Roberts seconded. Motion carried.

Respectfully submitted,
Jeffrey R. Williams, Senior Town Planner
Lindsay Zepko, Town Planner
Milly Pascuzzi, Planning Department Secretary