

Town of Halfmoon Planning Board**February 26, 2007 Minutes**

Those present at the February 26, 2007 Planning Board meeting were:

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

Alternate

Planning Board Members: Bob Beck
Jerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the February 26, 2007 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the February 12, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the February 12, 2007 Planning Board Minutes. Mr. Higgins seconded. Motion carried. Mr. Ruchlicki and Mr. Ouimet abstained due to their absence from the February 12, 2007 Planning Board Meeting.

New Business:

07.015 NB Nuance - A Boutique Salon, 1383 Vischer Ferry Road – Signs

Ms. Holly Garofano, the applicant, presented the sign application for Nuance – A Boutique Salon. Mr. Watts thanked the applicant for advertising her business in the PennySaver as being located in Halfmoon. Ms. Garofano stated she would like to replace the face on the existing freestanding sign of the former tenant, Maxim Engineering. The existing freestanding two-sided sign is 3 FT x 4 FT, 8 FT high and is internally lit. The second sign would be one-sided; 1 FT x 6 FT and wall mounted on the building. Mr. Roberts asked if the building wall mounted sign would be lit. Ms. Garofano stated no. Mr. Roberts asked if the freestanding sign would have the same lighting as the previous sign and asked if the sign would have any neon. Mr. Garofano stated there would be no neon and it would have the same lighting as the previous freestanding sign.

Mr. Roberts made a motion to approve the sign application for Nuance – A Boutique Salon contingent upon the applicant obtaining a Building Permit for the sign. Mr. Nadeau seconded. Motion carried.

07.016 NB Beth Thayer, CPA, 57 Spice Mill Blvd. – In-Home Occupation

Mrs. Beth Thayer, the applicant, stated the following: I am a CPA and would like to do accounting work out of my home. Most of my clients will not be coming to my home as I would pick up the work from the clients or it would be done through the mail. I would have a few scheduled appointments at my home but the majority of my business would not involve people coming to my house. Mr. Nadeau stated on-street parking is not allowed. Mrs. Thayer stated the following: We have a 2-car garage and our driveway is 20 FT x 100 FT. If I do have scheduled appointments come to my home, I will try not to have more than one person at my home at a time. Also, I will not have any employees.

Mr. Nadeau made a motion to set a Public Hearing for the March 12, 2007 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

07.018 NB Christopher Subdivision, 139 Cemetery Road – Minor Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder & Associates, stated the following: This property lies at the southeast corner of Cemetery Road and Vosburgh Road. The property consists of 2 existing lots. Rose Christopher is the owner of one lot and Rose and Lauren Christopher jointly own the second lot. The proposal is to subdivide the rear portion of Lot #1 and Lot #2 to create a third lot which would be 28,803 SF. There would be 15,453 SF subdivided from Lot #1 and 13,350 SF subdivided from Lot #2. Also, Lot #2 would convey a 124 SF area at the front corner of the parcel to the Town that currently encroaches on the right-of-way. All three lots would be connected to public water and public sewer. Mr. Nadeau asked where the sewer connection was located. Mr. VanGuilder stated there was a sewer manhole at the intersection of Cemetery Road and Vosburgh Road and the proposal is to bring the sewer down along Cemetery Road to tie-in to the manhole. Mr. Higgins asked if the sewer was a force main or gravity. Mr. VanGuilder stated he thinks the gravity would work because the area is flat and the manhole is deep. Mr. Higgins asked if there was a well shown on the corner house. Mr. VanGuilder stated they did not see where that well was. Mr. Higgins stated the well was in the rear of the house. Mr. VanGuilder stated it was his understanding that the two existing houses and the proposed new lot would be connected to public water and public sewer. Mr. Nadeau stated the proposed connections to the public water and public sewer would have to be made part of the subdivision because you are saying that Lot #1 could use its own system. Mr. VanGuilder stated that Lot #1 is over 40,000 SF so it would not require a connection. Mr. Nadeau stated we do not want their system to be near the well. Mr. VanGuilder stated he would verify the utility information prior to the Public Hearing.

Mr. Nadeau made a motion to set a Public Hearing for the March 12, 2007 Planning Board Meeting and Mr. VanGuilder would need to submit the utility information prior to the Public Hearing on the proposed subdivision. Mr. Higgins seconded. Motion carried.

07.019 NB Prospect Meadows - Lot #72, 35 & 37 Summerfield Circle – Lot Line Adjustment

Mr. Gil VanGuilder, of Gilbert VanGuilder & Associates, stated the following: This lot line adjustment involves the Department of Health (DOH) Lot #72 and Lots #35 and #37 Summerfield Circle in the Farm to Market PDD. After a review of the conditions on the DOH Lot #72, the wetlands have expanded since the subdivision was originally created. Lot #72 did

look like it would be environmentally feasible to construct the trail system that was proposed during the Farm to Market PDD. Also, sidewalks within the subdivision take the place of the trail which are pedestrian friendly and allow connectivity within the neighborhood so it has been decided that this land should be transferred back from the Town of Halfmoon to the individual adjacent lot owners. Most of the land transfer of 1.12-acres would go to DOH Lot #72 which would increase Lot #72 to 12.61-acres. Where the trail was going to connect with Summerfield Circle, the lot lines have been moved to the center of the trail. This action will convey 3,993 SF of land to Lot #35 to create a 31,445 SF lot and 3,987 SF of land will be conveyed to Lot #37 to create a 27,690 SF lot. This would put the land back into private ownership because of the lack of feasibility for the trail. Mr. Roberts asked where the Town stood with this proposal. Mr. Williams stated the following: In July the Town looked at the idea of dissolving the area where the trail was to be placed because of the environmental sensitivity to the area. The Town did approve a plan to allow the existing sidewalks within the Prospect Meadows development to be deemed as a trail system in order to keep the flow to the southern part of the Summit Hills development. Now there is a piece of land that is dedicated to the Town that has no importance to the Town at this point because there is no trail to be placed on it. It would be better if that area was dissolved and retained by Lot #72. Mrs. Murphy asked Mr. Williams if he had visited the site. Mr. Williams stated yes. Mrs. Murphy asked if there was any wildlife present. Mr. Williams stated yes, muskrats. Mr. Watts asked regarding the connectivity of the trails and would these trails connect to other subdivisions. Mr. Williams stated yes. Mr. VanGuilder stated the trail would connect to the Smith Road PDD that is located immediately to the south that has an expansive trail system that now connects up to land that the Town has been in negotiations with on acquiring north of Vosburgh Road. Mr. Watts asked the width of a Town trail and the width of the sidewalk and how would this work with people wanting to travel the trails on bicycles. Mr. Williams stated if people are riding bikes, they could utilize the roadway rather than the bikes being on the sidewalk. Mr. VanGuilder stated there is a connection that could be utilized in the future to other lands on the north end of Summerfield Circle. Mrs. Wormuth stated the following: Currently the Town doesn't have a standard for trails that are adopted so they vary from project to project depending on the utilization both in the width of the trail and the substance of the trail. I know that the Town has a committee that is going to look at the maintenance, the dedication, the consistency and the construction of the trails. I know that Mr. Williams had met with our Trails Committee and the Trails Committee has taken this up, as I have seen their notes, on several different occasions and with this specific instance. Mr. Nadeau asked Mr. Watts if he had concerns that we are sending these people on the trail through the residential areas. Mr. Watts stated the following: Yes, and whether or not it would be conducive to somebody who decides to ride a bicycle. If this is the wish of the Trails Committee where you can go for 8, 10 or 12 miles on these trails, I am curious as to how that all ties in and if that was thought out. I think it would be good if Mrs. Henrietta O'Grady, Chair – Trails Advisory Committee, to our Public Hearing. Mr. Williams stated back in July Mrs. O'Grady was involved with utilizing those trails and her committee did recommend them. Mr. Watts stated he would like Mrs. O'Grady invited to the Public Hearing because I want to make sure that this is all cohesive. Mrs. Wormuth stated they have talked about the nature of trails in the Town so not every trail needs to be an 8 FT wide paved trail that can handle bicycles and/or other traffic. Some of this is purposely meant just to be pedestrian nature trails and kept natural. Mr. Nadeau asked if the people who bought their homes in this development were aware that this now becomes a trail system in front of their homes. Mrs. Wormuth stated that anyone would have access to these public sidewalks that are maintained by the Homeowner's Association (HOA) but there was nothing that ever prohibited

anyone from walking through there or being in the development. Mrs. Murphy stated from the Town's prospective, I would prefer that the HOA's own what we are opening to the public and all that goes with that as compared to having it be Town property. Mr. Higgins asked if this area would now become incorporated into the no cut buffer area. Mr. VanGuilder stated yes, it would have all the same restrictions that this area now has. Mr. Higgins asked if the sanitary sewer easement was just an easement and there is nothing in it right now, is this correct. Mr. Magoolaghan, of Belmonte Builders, stated I don't believe so. Mr. Higgins stated this was for a future easement that they asked for if and when they ever put the sewer line through to Johnson Road. Mr. VanGuilder state correct and this was dedicated to the Saratoga County Sewer District and this will remain intact.

Mr. Roberts made a motion to set a Public Hearing for the March 12, 2007 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

07.020 NB Sushi-Na-Ra, 1683 Route 9 (St. John Plaza) – Change of Tenant/Use

Mr. Jim Reeks, of Bast Hatfield, stated the following: I am before the Board for a tenant change for Sushi-Na-Ra. The applicant wishes to expand the use of an additional 1,882 SF. Sushi-Na-Ra has had a very successful business and this is why the applicant is seeking to expand the space. Mr. Watts asked Mr. Williams and Mrs. Zepko if they would have adequate parking available. Mrs. Zepko stated we had asked Mr. Tom Pratico, of Bast Hatfield, to review the parking on-site and to add some land banked parking which he did do on the current site plan that we received and yes, there would be adequate parking spaces available. Mr. Watts asked if they made some changes in the traffic pattern of the plaza for turning and moving around the site. Mrs. Zepko stated yes, and they also re-arranged the handicap accesses. Mr. Reeks stated after the request, we did change the handicap around making it closer to the front doors. Mrs. Zepko asked Mr. Reeks if he had a copy of the revised site plan. Mr. Reeks stated yes. Mrs. Zepko stated there were 2 parking spaces that we also would like included in the land-banked parking and 2 parking spaces to be eliminated to allow access through another portion of the parking area. Mr. Reeks stated they would remove the 2 parking spaces and asked if they should crosshatch those spaces and paint "no parking" on the spaces. Mrs. Zepko stated yes. Mr. Watts stated the following: I know the applicants have made adjustments to what we looked at originally and we did do a careful study of the parking arrangements in the facility. I am glad to see that Sushi-Na-Ra is doing well at the St. John Plaza. Mr. Roberts asked if Tae Kwan Do was closed on Saturdays. Ms. Kathy St. Lucia, of Bast Hatfield, stated yes as she personally spoke to the owner of this business. Mr. Reeks stated Tae Kwan Do is closed on both Saturdays and Sundays. Mr. Higgins stated for the record that the previously display area in the parking lot for Rainbow Direct, who have vacated the plaza, has now been reverted back to a parking area. Mr. Reeks stated that what Mr. Higgins stated is correct as the play sets have been removed and is now being used for parking.

Mr. Berkowitz made a motion to approve the change of tenant/use application for Sushi-Na-Ra contingent upon the applicant is required to remove 2 parking spaces near the Resnick Building to improve accessibility to the site. Mr. Roberts seconded. Motion carried.

Old Business:

06.214 OB Landmark Square, 21, 23 & 25 Old Route 146 – Concept-Commercial Site Plan

Mr. Ed Esposito, of Monarch Design Group LLC, is representing Ms. Linda Kakulski for her commercial site plan application for Landmark Square. Mr. Esposito stated the following: We

have submitted new plans to CHA. We are before the Board to update the site plans and would like to get a referral to CHA for technical review. Mr. Watts asked when the new plans were submitted to CHA. Mr. Esposito stated the following: This project had been looked at conceptually, a traffic study was done and also we have tested the soils on the property. At this time we would like to redefine the project. The main issue is keeping phase utilities, phase roads, land banked parking and I would be happy to go over the statistics. The parking available is 84 spaces but in order to remain cost feasible we are looking to land bank 31 spaces in the rear of the site. Mr. Williams stated to me that he had received a comment from the Saratoga County Sewer District. We are offering to look at the planning for stormwater for the back land but not really build it at this time. We are looking for the walk network that was presented but not really build it all at once. So there are notes on the site plan that call for Phase I and Phase II. I would like to ask the Board once again to keep this in mind that in order to remain cost feasible for this project in the renovation of the 3 existing buildings that we are proposing a phase development. Along with the prior approval there would be a very expensive loop road and we cannot do this at this point. We are asking for consideration for the site approval to continue on its path. We have looked at the technical design for the stormwater, the lighting and the pavement and landscaping to get Ms. Kakulski, the applicant, going to have a successful renovation for this project. In essence it is the same project but we are looking to inform the Board that we did do a traffic study and we had Creighton-Manning look to see if there were any concerns with having one driveway for the 3 buildings. Creighton-Manning stated yes, it could work with one driveway. After one building is renovated, then we could do the water and sewer as planned, continue in the three development process and come back to the Town to make this a Planned Development District (PDD). Mr. Watts asked if the applicant was before the Board to receive a referral to CHA. Mr. Esposito stated the following: Yes, I thought we did do this a couple of months ago but there was some discrepancy in what materials went to CHA. I would just like to make sure that we get CHA's technical comments back on the plan submittals with the traffic study, the lighting plan and the soil disturbance to begin the process for this project. Mr. Higgins asked if the Planning Board approved a 3-lot subdivision for this parcel. Mr. Nadeau stated yes there was a subdivision of each house on its own lot. Mr. Higgins asked if these 3 lots could now be combined to be one complete package. Ms. Kakulski stated the following: The 3 lots have different ownership; the hotel is in a LLC on one parcel and the two houses were not allowed to be divided so they are on another parcel. Mrs. Wormuth stated an owner authorization form would be required for all of this to be presented and looked at as one piece if the parcel is owned by different people. Mr. Williams stated he did not realize the parcels were listed under different ownerships and asked Ms. Kakulski if she was involved with all the ownerships. Ms. Kakulski stated yes, but my two sons are part owners of the hotel but not the two houses. Mrs. Murphy asked Ms. Kakulski if she was an authorized signatory for the LLC. Ms. Kakulski stated yes. Mr. Williams stated the following: The last time we met in October, Mr. Esposito reintroduced Phase I of project. At the conclusion of the presentation the Board had asked Mr. Esposito to generate more detailed information prior to this Board referring the project to CHA. They have now given us more detailed plans, a traffic study and a few technical reports. They are before the Board tonight to reintroduce everything and get a referral to CHA. Mr. Watts asked when the detailed plans, traffic study and technical reports were received. Mr. Williams stated this information was received prior to the February 12, 2007 Planning Board meeting and the applicant requested to be withdrawn from that meeting. Mrs. Wormuth stated the plans were stamped as received by the Planning Department on January 29, 2007. Mr. Nadeau stated the following: I have a concern with the traffic at full build out as there could be 80+ cars coming in and out of the

site. At the traffic signal intersections when there is a right light it would take nothing to back the traffic up way beyond the driveway and this should be looked at very carefully. With the new restaurant complex coming in there will be additional traffic at the intersections. Mr. Berkowitz asked if the traffic would exit at the Route 9 intersection or the Route 236 intersection. Mr. Esposito stated the following: The 2000 approval with Mr. Percy Cotton had a NYSDOT curb cut. The level of service for the 84 cars would be 19 trips in the AM and 34 trips in the evening for the peak hours. This was all reasonable for the one driveway exiting with the existence of these 3 buildings. The Board had asked us to look at the Tanski Development when we were previously before the Planning Board and the Creighton-Manning study did look at this for Phase I of the project. Mr. Berkowitz asked if the NYSDOT curb cut was for 2 of the buildings. Mr. Esposito stated it was for the 3 buildings. Mr. Berkowitz asked what would be developed first for this project. Mr. Esposito stated the following: They would develop the 2 colonial buildings first and then the hotel. Mrs. Wormuth stated Phase I of this project was for all 3 of the buildings and Phase 2 of the project was development of the rear vacant land. Mrs. Murphy stated Mr. Esposito referenced a PDD and asked what PDD he was referring to. Mr. Esposito stated the following: This is a 2-acre site and we are offering a closer look at the rear vacant land for proposed development where there is 19-acres. In the future we are looking at a PDD for the acreage in the rear of the site that would be Phase II of the project. At this time we are proposing Phase I with the renovation of the existing buildings. Mrs. Wormuth asked which parcel was the acreage in the back attached to. Ms. Kakulski stated the hotel was on one parcel, the 2 houses are on another parcel and the rear vacant acreage is another parcel. Mr. Berkowitz asked if there were 3 subdivisions on the whole property. Ms. Kakulski stated yes. Mrs. Murphy asked if there were 3 lots or 4 lots. Ms. Kakulski stated 3 lots. Mr. Watts stated there were some clarifications that are needed and asked Mr. Bianchino if he understood where this project stood. Mr. Bianchino stated yes.

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

Mr. Ruchlicki made a motion to adjourn the February 26, 2007 Planning Board Meeting at 7:34 pm. Mr. Roberts seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary