

## **Town of Halfmoon Planning Board**

### **September 24, 2007 Minutes**

Those present at the September 24, 2007 Planning Board meeting were:

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

***Alternate***

**Planning Board Members:** Bob Beck

**Senior Planner:** Jeff Williams  
**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Paul Hotaling

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the September 24, 2007 Planning Board Meeting at 7:00 pm.

*The Planning Board had a moment of silence for Sgt. Taylor Alexander Parker who passed away after a tragic automobile accident Saturday night. Taylor is the son of Mrs. Regina Parker, Town Board Member for the Town of Halfmoon.*

Mr. Watts asked the Planning Board Members if they had reviewed the September 10, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the September 10, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Mr. Beck replaced Mr. Berkowitz in his absence.

**Public Hearing:**

**07.087 PH Bethel Subdivision, 46 Plank 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. Mr. Lyn Sipperly, of L. Sipperly and Associates, stated the following: I am here to present the Bethel proposed 3-lot subdivision. The parcel of land is at the southeast corner of Plank Road and Stone Quarry Road. The parcel is 2.52-acres. The parcel has 392 FT of frontage on Plank Road and 280 FT frontage on Stone Quarry Road. The applicant is proposing to subdivide the property into 3 lots. Each lot would be in conformance with the Residential (R-1) zoning for the property. There is an existing residence on the property, which is shown as Lot #2 on the plans. The existing residence has Town

water and has its own individual septic system, which was constructed in 2006. Proposed Lot #1 would front on Stone Quarry Road with 125 FT of frontage and would have an area of 30,027 SF. Lot #1 is proposed to have Town water and proposed connection to public sewer. Lot #1 is proposing a grinder pump, which would connect to an existing manhole on Brigantine Drive. The proposed Lot #3 would be located on the southerly side of the property, which would have 150 FT of frontage with 40,000+ SF of area. Lot #3 is proposed to have Town water. The water would come off of Stone Quarry Road down through an easement between Lots #2 and #3. The septic system on Lot #3 is proposed to be on-site. The applicant is proposing to relocate the driveway on Lot #2 with the existing home. Lot #2 is serviced by public water and has an existing on-site septic system. Again, all the lots would conform to the zoning ordinance for the R-1 zone. Mr. Watts asked if anyone from the public wished to speak. Mr. Michael Davey, of 18 Stone Quarry Road, stated the following: My home is directly across from proposed Lot #1. Originally when I heard about this subdivision I thought all the lots would front on Plank Road. This is a big concern for me because I just purchased my home 3 years ago and I was told this lot would never be able to be subdivided. When I had a problem with my septic system, I was told I could not put a grinder pump in and pump it into the system because this was all part of the Rivercrest Development. It would be beautiful if they could bring the sewer line down here. I don't mind a nice home going up but I notice that the house would be located closer to Stone Quarry Road and it is all woods in there, there is a pond and there is a wetland issue. I don't know if there is a different way to place the 2 proposed homes to leave some of the trees and the woods. Ms. Susan DeVito stated the following: I live on the corner of Stone Quarry Road and Plank Road. Are these houses already sold on this property? Mr. Sipperly stated no. Where the houses are located on the plans is this where the homes are supposed to be built and nowhere else on that property. Mr. Sipperly stated no, this is just to give the Board an idea on how the houses could be situated on the lots. Ms. DeVito asked if the existing home could be torn down. Mr. Sipperly stated they are not going to tear that house down. Ms. DeVito stated but if the property is sold and that house does get torn down can they build a house anywhere they want to? Mr. Sipperly stated yes, but it would have to be according to the setback lines. Ms. DeVito asked what are the setbacks for that property. Mr. Sipperly stated the front yard setback is 50 FT off of each road. Ms. DeVito asked what about the pond. Mr. Sipperly stated they would work around the pond. Ms. DeVito stated the following: That pond is all swamp in one area. I live right across the street from the pond and I have so many water problems. Is this going to affect any of my water problems? Mr. Sipperly stated it shouldn't, but I will look into it. Ms. DeVito stated the following: We have had so many water problems we had to have a drywell put in. When it is raining I have had the Town come by to put sand bags at the end of my driveway because I had water pouring into my driveway, then into my garage, which then comes into my home. After the rain stops, the Town will come by and pick up the sand bags. The Town has said that they were going to put a drywell in. I have called the Town six times within a month and never once have I ever had a phone call from one person from the Highway Department. Once the land is subdivided what stops them from doing what they want? What stops them from tearing down the existing house and building another home somewhere else on the property? Mrs. Murphy stated just so you are clear, they could do that now without doing the subdivision. Ms. DeVito asked could they tear this house down and build it anywhere on this property? Mrs. Murphy stated anywhere except within the wetland area and they would have to meet the building setback requirements. Ms. DeVito stated the following: I don't see anything on the plans where it says they can't do anything in those areas. Also, there is a sewer line right down the street and we were told that there was no way that we could hook up to that septic system because at

Rivercrest it was at full capacity and it would have cost us tens of thousands of dollars to have it brought up from down below. I have had the people from the sewer district look at this and they told us that it was impossible because of the cost. If they can bring the sewer up to one of the lots, why can't they bring it to other people in the area? Mr. Watts stated the following: It is a matter of who is paying for it and the County's Sewer District is not going to pay for it. There are various opportunities to do things depending on cost and other issues. The concerns that Mrs. Devito has raised will be addressed. Mrs. Devito stated that this subdivision would benefit no one in the area except for the people who are selling the property. This subdivision would create more traffic, it would strip the land and it would take away privacy. Are the proposed homes going to be single-family homes? Mr. Sipperly stated the proposed homes would be single-family homes. Ms. Joan Shultis, of 3 Brigantine Drive, stated the following: My property abuts the property exactly where the existing house is located. I already have a drainage issue and I do not want any more water problems. If they take trees down, it may make the water problem worse. My property sits lower than that property. I would like to have the existing buffering between my home and this property to remain for my privacy. Mr. Paul Calo, of 5 Brigantine Drive, stated the following: My main concern is they can put the houses up wherever they want and I like my privacy. One of the reasons why I bought my house was because of all the wooded area behind my property. I would like the natural buffer to remain. Are they going to remove all the woods? Mr. Sipperly stated I don't know that but I wouldn't think so because the owner would probably appreciate the woods on their property also. Mrs. Devito asked if the applicant does not have people who are already purchasing this property, how could they say that the buffer would stay there and our privacy is not going to be taken away. Mr. Watts stated the following: This is a public hearing to hear the concerns of the residents. When I close the public hearing, the Board members may have certain questions. The applicant has heard the concerns of the residents. Mr. Watts closed the Public Hearing at 7:18 pm. Mr. Nadeau stated I looked at this property and I suggest that on Lot #3 they keep the driveway toward the southern part of the property because there is a crest in the road. Mr. Sipperly stated okay. Mr. Nadeau further stated Lot #1 has a low spot and asked what type of drainage would be in that area. Mr. Sipperly stated the following: The existing topography kind of flows to one corner of the property. What we are proposing is to minimize the development to the rear of the properties to maintain the natural buffer. In the rear of Lot #1 and Lot #3 there are some wetland areas along with vegetation and this would prevent us from going into that area to remove the vegetation. Mr. Nadeau stated the following: This Board does not have any control over the new homeowners clearing the property. Anyone that owns a piece of property that wants to cut a tree down on their property, that is their option. The original owner could say they are not going to cut down any trees or do anything but the next owner can do what they want within the Town ordinance because it is their property. Mr. Davey stated maybe what the Town needs to do is put in a sewer system on Stone Quarry Road so we can drain the water that is going to obviously come over to adjoining properties once this land is developed. Mr. Nadeau asked Mrs. Devito if the water from this property currently runs off on to her property. Mrs. Devito stated yes, it pours onto my property. Mr. Watts asked Mr. Bianchino if he was aware of any issues relative to the drainage in that area. Mr. Bianchino stated the following: We did not have any discussion with the Town's Highway Department. However, when we were reviewing the proposal on the opposite corner, we knew there was a lot of existing wetland areas and drainage that came across that property. We did know that there was drainage in that area and it was just a matter of trying to get it out. Mr. Watts asked what the other proposal was that Mr. Bianchino was referring to. Mr. Bianchino stated the proposed project was called Halfmoon Development PDD. Mr. Williams stated this

project was proposed and then retracted. Mr. Nadeau stated the developer was going to make some corrections. Mr. Watts stated the following: The developers were going to make some corrections but the corrections that were asked of them were of such a nature that it made the project financially impractical. I understand your water issues and the Planning Board is very cognoscente of those in any of our current developments in the Town. Our engineers review these issues so people are not subjected to those difficulties. Unfortunately people have purchased properties in areas that are wet and this happens all over the place. There probably were some positives to that previous proposed development and hopefully whoever comes in there for the next development will be able help out to some degree. The people who live in this neighborhood want water; sewer and they want the drainage corrected. I understand all of that, but unless it is a development of some significant size then it is very difficult for the person who wants to go into a particular project to do those things. Mr. Davey asked what kind of heating are they using for these houses. Mr. Sipperly stated this hasn't been determined yet as it is too early in the process. Mrs. Devito asked if the applicant was going to tell these people that there are water issues. Mr. Sipperly stated we would know where the water table is and would make sure where to construct the house. Mr. Nadeau asked if there were designated wetlands on this site or are you just referring to a wet area. Mr. Sipperly stated we are just referring to a wet area. Mr. Nadeau stated we need to find out if the wet areas are actually wetlands. Mr. Sipperly stated we are in the process of having that delineated. Mr. Ruchlicki asked if the existing house was on a septic and a leach field and if the leach field was located near the pond. Mr. Sipperly stated yes. Mr. Ruchlicki asked if there was any problem with that. Mr. Sipperly stated I don't believe so because that was a design that was approved by the Building Department in 2006 and was reconstructed last August. Mrs. Deviot asked what the proposed completion date was for the construction of the new homes. Mr. Sipperly stated I don't know. Mrs. Devito asked if they had people who are looking at these lots to the point where if this proposal is approved the lots are sold. Mr. Sipperly stated I couldn't answer that because I don't know. Mr. Davey asked if the applicant was buying the property to split it up. Mr. Sipperly stated yes, the applicant is buying the property to make improvements to the existing home and also to sell 2 lots. Mr. Watts stated the following: I am going to defer action on this proposal tonight. The Planning Board has heard the public's concerns and we will refer this application to CHA for review. Mr. Sipperly stated I would like to meet with the residents and learn more about the problems.

This item was tabled and referred to CHA for their review and for the applicant to respond to drainage, wetland and buffering concerns.

**New Business:**

**07.093 NB      Grace Fellowship Church, 1 Enterprise Ave. – Commercial Site Plan/Amendment to PDD**

Mr. Tom Andress, of ABD Engineers, stated the following: I am here tonight representing Grace Fellowship Church. The proposal we have before you tonight is a referral from the Town Board for a PDD amendment. The proposed site is the old Halfmoon SAAB Site in the NYSEG Park and the SEDC PDD. The applicants are proposing to convert the old SAAB building for a church for Grace Fellowship. At this point we are looking to keep the building the way it is, generally keep the site the way it is and change a few islands in the parking lot to accommodate a better parking pattern. The current parking pattern is set up for a car dealership with the unloading of car carriers. We are proposing to do interior renovations. We have supplied the Board with packets. One packet has the first and second floor proposed plans. The workshop portion of the building would become the sanctuary. The car display area

would be the open greeting area and the prior offices in the rear of the building would be converted into the fellowship services area for Sunday school. There is an existing small mezzanine area that SAAB used for tire storage that we are proposing to convert to a small balcony area. We are looking at approximately a total of 350 seats. The existing parking does meet the requirement of 1 parking area for 3 seats. We did have some discussions with the Town Board in reference to parking and there was concern with a few of the Town Board Members that pointed out the Easter service needing more than the required parking. Grace Fellowship has its main facility down in Colonie where they purchased a shopping center. Grace Fellowship has a large organization and they would like to move to Saratoga County to have a second location. The new proposed site would take some of the demand off of the Colonie facility. They would only be staffed by 3 to 4 people and the activities during the week would be very minimal. There would be some evening activities for the fellowship and meetings held by the administrative staff. Services would be held on the weekend. Currently they hold their services on Saturday and two services on Sunday at their main facility. At this time for this proposed site they are looking at two services on Sunday and eventually a service on Saturday. The proposed public benefit for this project is to allow non-profit organizations to utilize space in the building for meetings. Outside the site would remain the same except for some islands that would be changed. We are before the Board for a recommendation to the Town Board for the use of the SAAB building for the Grace Fellowship Church. Mr. Nadeau asked regarding the café. Mr. Address stated the following: The café is an area that they have that is only open during the service time and immediately after so if people want to get coffee or something like that it would be available for the membership. The café would not be open to the public. They would charge the members for items available at the café. Mr. Higgins asked about the outside gathering area. Mr. Address stated currently there are doors that were set up at the SAAB site for driving the cars in and out and they would like to use this area after the service to have the opportunity to sit in the lounge in the main inside gathering area and on nice days they could open these doors so the people could go to the outside gathering area. Mr. Nadeau asked how close the existing homes were to this building. Mr. Address stated there is one in the corner and there is a commercial use at another corner. Mr. Nadeau asked if the gathering area would hold around 100 people. Mr. Address stated no, there wouldn't be 100 people but it was a large gathering area. Mr. Higgins stated I have concern about the traffic on Route 146 going by and seeing a big group of people and I don't know whether it would cause a traffic problem on Route 146. Mr. Address stated the following: The large group of people would only be there on the weekend. Also we are going to try to create a barrier with some type of a hedge so it does close it in a little bit to make it a defined space. I don't think you are going to see a lot of people out there and you are not going to be able to put 100 people out there. A group may gather out there during a wedding. I don't think there would be any real issue with people driving by any more than people driving by looking at the cars in the dealership lot. Mr. Higgins asked what size the parking spaces would be. Mr. Address stated we did have some initial discussions with the Planning Staff and we feel the 9 FT X 20 FT parking spaces would be adequate. Mr. Higgins asked about the future expansion. Mr. Address stated the following: When we were before the Town Board; we presented the application with the potential that we could eventually expand. The Town Board told us that we came to them to ask for the use as a church. They are not defining a number and the Planning Board will be looking at the specific site plan. The expansion may be 10 years down the road, 20 years down the road or it may never happen. The applicants may decide to go up to Wilton or go down to Bethlehem for another facility as opposed to expanding this site. Mr. Nadeau asked if the parking lot would accommodate the parking if they had a future expansion. Mr. Address stated the following:

We would have to go through that when we do it. At the time we do the future expansion, I don't know where the expansion is going to be or how it is going to be done. Mr. Nadeau stated when we do our review we need to know what the ultimate build-out is going to be. Mr. Andress stated the following: We don't know that. In this instance the site plan we are asking for is based upon our conversations with the Town Board for the approval of just this site. If we come back to this Board in 5, 10 or 20 years, whoever is on the Board at that time, would make the determinations that we can do an expansion and the expansion would work. If it doesn't, the church would accept that decision. Mr. Nadeau stated this Board's action would only be on what is presented to us now, not for any future expansion. This item was tabled and referred to CHA.

**07.095 NB      Russell/Meyer Subdivision, Lot #18 & Lot #20 Raylinsky Lane – Lot Line Adjustment**

Mr. Gil VanGuilder, of Gilbert VanGuilder & Associates, stated the following: The proposed lot line adjustment involves 2 lots that were approved as a subdivision in 2001. The situation is that these are family members who wish to make the lot line adjustment where there are some fruit trees located on the lot. They would like to adjust the lot line approximately 22.5 FT to the south making Lot #18 31,659 SF and increasing Lot #20 to 39,348 SF. The amount of land to be transferred would 4,419 SF. Both lots are on public water and private septic. The septic systems are indicated and they won't be affected. One of the things that controlled how much we moved the lot line was that there is an existing shed and we have maintained the required 10 FT side yard setback off that shed. Everything shown on the map is in compliance with the current zoning of these two parcels.

Mr. Nadeau made a motion to schedule a Public Hearing for the October 9, 2007 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

**07.096 NB      Faulkner Subdivision, 145 Fellows Road – Minor Subdivision**

This item was removed from the agenda by request of the applicant's consultant, Mr. Gil VanGuilder, who was present at the meeting.

**07.097 NB      Thomas D. Rupert Insurance, 308 Grooms Road – Concept-Commercial Site Plan**

Mr. Gil VanGuilder, of Gilbert VanGuilder & Associates, stated the following: This property consists of 1.08-acres of land located on the southerly side of Grooms Road and lies in the Professional Office/Residential (PO/R) zone. Mr. Rupert, the applicant, is under contract to purchase the property. There is an existing single-family dwelling on the property that would be torn down and a new 2,000 SF building would be constructed. Mr. Rupert proposes to use the new 2,000 SF building for his insurance office. The building would be constructed in approximately the same location as the existing single-family dwelling. The parking configuration shown on the plans accommodates the parking required for the off-street parking regulations. We also added a potential additional 3 spaces along the side of the garage if they are needed in the future. There is public water available on the site and there is an existing septic area, which is under consideration by a professional engineer that Mr. Rupert hired to look at the septic system to see if it is adequate. If it is not, they will design another septic system that would be built in the same location. The site's vegetation is shown on the plans and it will be opened up slightly in front but Mr. Rupert is cognoscente of the fact that he wants to maintain some of the existing vegetation. There is an existing duplex near the rear of the site and Mr. Rupert intends to maintain a buffer in that area. All of the existing vegetation in

the rear would be maintained for privacy. In the parking consideration, 2 spaces were shown for the garage and the applicant does intend to use the garage for parking and also for lawn and maintenance equipment. The garage would be resided and a cultured stone treatment would be put on the front that would match the front of the proposed building. Mr. Roberts asked where the new driveway would be. Mr. VanGuilder stated the following: The driveway would be located 20 FT or so west of the existing driveway. The driveway would all be contained on the property and it will go along the parameter parallel to the property line and the parking configuration would be toward the building. On the final site plan Mr. Rupert and I discussed moving the handicap space down closer to the main entrance. The building would be slab on grade so it will be handicap accessible and they would not require any type of handicap ramp. Mr. Watts asked what was in the rear of the property. Mr. VanGuilder stated the following: The property backs up against the Timberwick Subdivision. There is a knoll that is approximately 4 to 5 FT higher than the proposed finished elevation and the vegetation between the properties would remain. Mr. Ouimet asked if there was a drainage stream in the rear of the property. Mr. VanGuilder stated there is a stream along the back of the lots and the stream runs parallel with Grooms Road and that stream would not be interrupted or changed in any way. Mr. Higgins asked if the PO/R legislation mentions putting the parking at the rear of the site if possible. Mr. Williams stated the legislation states the side or rear of the building. Mr. VanGuilder stated we are intending to comply with that legislation. Mr. Higgins stated but you say they want to make the entrance in the front on the roadside. Mr. VanGuilder stated that would just be a pedestrian entrance where there would be a sidewalk and the parking would be along the side of the building and would be behind the front setback line. Mr. Higgins asked if it would be easier to have the entrance on the side of the building where all the parking is located. Mr. VanGuilder stated the total width of the building is about 40 FT and it is only about 40 FT to the entrance from the parking area but we will take Mr. Higgins suggestion into consideration. Mr. Nadeau asked if the Ellsworth property next-door was a residence and asked what type of buffering there was near that property. Mr. VanGuilder stated right now there is no buffer as the Ellsworth's just recently cleared out all the trees along the side of their house. Mr. Bianchino asked if the new driveway would be 15 to 16 FT from the Ellsworth residence. Mr. VanGuilder stated yes, that is correct.

This item was tabled and referred to CHA.

**07.098 NB      World Wide Gas Turbine Products Inc., 1595 Route 9 – Change of Tenant**

Mr. Kevin Hedley, the landlord of the property, and Mr. Tony Campana, the proposed tenant, were present for the World Wide Gas Turbine Products Inc. change of tenant application. Mr. Hedley stated the following: Mr. Campana wishes to utilize the former Kevin Hedley Office building to operate an office for a gas turbine supplier business. Mr. Campana stated the following: All my customers are overseas where I sell my gas turbine parts. I have 4 employees and 3 part-time employees in the evening. All of the heavy equipment would be shipped to our warehouse in Troy. Mr. Watts asked if this would just be an office type operation. Mr. Campana stated yes. Mr. Roberts asked if they would have any type of storage of parts at the 1595 Route 9 location. Mr. Campana stated smaller parts. Mr. Roberts asked if there would be any outside storage. Mr. Campana stated there would be nothing stored outside. Mr. Watts asked if the applicant had a sign application. Mr. Hedley stated no, they would need to come back before the Board with a sign application. Mr. Watts asked the applicant to please advertise as being located in Halfmoon. Mr. Campana stated yes I will.

Mr. Roberts made a motion to approve the change of tenant application for World Wide Gas Turbine Products Inc. Mr. Nadeau seconded. Motion carried.

**Old Business:**

**06.185 OB      Princeton Heights, Princeton Road – Major Subdivision**

Mr. Gerry Magoolaghan, of Belmonte Builders, stated the following: At our last meeting there was a question regarding something found in Phase I relative to the New York State Office of Parks Recreation and Historic Preservation (NYSOPRHP). We have submitted to NYSOPRHP an avoidance plan to the archeological sensitive areas and also submitted this to CHA and the Town for their review. We are before the Board to set a public hearing based on that plan. If NYSOPRHP comes back and says this is a significant find, we do want to avoid the sensitive areas and we do have a plan that works where we can still complete the proposed subdivision as planned and avoid the area entirely. Mr. Bianchino stated the following: We reviewed the archeological study and the areas were fairly minor. They did submit a plan and it does address the concerns that were raised by their archeologist. So, NYSOPRHP should be fine with it.

Mr. Roberts made a motion to schedule a Public Hearing for the October 9, 2007 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

**07.061 OB      Halfmoon Family Dental, 1456 Vischer Ferry Road – Sign**

Dr. Gary Swalsky, the applicant, stated the following: I would like to place a 5 FT tall free-standing sign in the front of the building with a total area of 20 SF (double-sided). Mr. Watts asked Dr. Swalsky if he went to the Zoning Board of Appeals for a variance approval. Dr. Swalsky stated yes. Mr. Roberts asked if the sign would be lighted. Dr. Swalsky stated the sign would be externally lit with a floodlight. Mr. Roberts asked the applicant to make sure that the floodlights do not shine into the roadway. Dr. Swalsky stated okay. Mr. Roberts asked how far the sign would be set back from the roadway. Dr. Swalsky stated at least 15 FT that is required. Mr. Roberts stated we had concern with one of the neighbors and we wanted to make sure the proposed sign did not block their sight distance as they come out of their driveway. Dr. Swalsky stated we are going to be improving the sight distance because we are taking out all the shrubbery and trees that are currently blocking the view and the sign would be far enough away from the neighbor's driveway so it won't block their sight distance.

Mr. Roberts made a motion to approve the sign application for Halfmoon Family Dental contingent upon the sign not being placed in the right-of-way, lights will not shine in the roadway and the applicant will obtain a building permit for the sign. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the September 24, 2007 Planning Board meeting at 8:05 pm. Mr. Roberts seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi,  
Planning Board Secretary