

## **Town of Halfmoon Planning Board**

### **December 12, 2005 Minutes**

Those present at the December 12, 2005 Planning Board meeting were:

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

***Alternate***

**Planning Board Member:** Daphne Jordan  
Bob Beck

**Planner:** Jeff Williams

**Deputy Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Mindy Wormuth

**CHA Representative:** Mike Bianchino

---

Mr. Watts opened the December 12, 2005 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they have reviewed the November 28, 2005 Planning Board Minutes. Mr. Roberts made a motion to approve the November 28, 2005 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

**Public Hearings:**

**05.250 PH Dudek Subdivision, 81 Devitt Road – Major Subdivision**

Mr. Watts opened the Public Hearing at 7:03 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Chris Dudek, the applicant, stated the following:* The proposed subdivision involves 3 parcels of land. He wishes to subdivide an existing 7.11-acre parcel into two portions and convey each newly created parcel to two existing parcels owned by himself and his sister and brother-in-law, Paul and Renee Danei. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:04 pm. Mr. Nadeau stated that he has reviewed the proposed subdivision and did not have any issues with this application.

Mr. Roberts made a motion to approve the Dudek Major Subdivision. Mr. Berkowitz seconded. Motion carried.

**05.254 PH Joyce Tucker, Licensed Massage Therapist, 259 Lower Newtown Road - In-Home Occupation & Sign**

Mr. Watts opened the Public Hearing at 7:05 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Ms. Joyce Tucker, the applicant, stated the*

*following:* She is a licensed massage therapist wishing to offer services out of her home. Primarily here services include Swedish massage, deep tissue massage and hot stone therapy. She also offers several spa treatments including hand therapy, mud wraps and salt flows. Appointments are scheduled by telephone and she does not take walk-in customers and the appointments are offered in lengths of 30 minutes, 1 hour and 1-1/2 hours. Her driveway can accommodate up to five cars; however, she expects only 1 car to be in the driveway at a time so she does not believe that traffic would be an issue. She anticipates only 5 to 10 appointments per week. Her treatment room is located in the basement of her home, which is accessible by an outside entrance. She also proposes a sign that would be 1 ft. x 2 ft. sign to be located at the end of her driveway. The sign would be red with white lettering and would be located 15 ft. from the road to the right of her driveway. Mr. Watts asked if anyone from the Public wished to speak. Mrs. Victoria Majewski, 261 Lower Newtown Road, stated Ms. Tucker's home is located to the rear of the property it would be hard to find her residence without a sign and she has no objections to the sign. Mr. Watts closed the Public Hearing at 7:07 pm. Mrs. Murphy stated that pursuant to our sign legislation in Section 1001 the sign that the applicant is proposing would be in compliance with the Town's sign ordinance. Mr. Roberts asked if the proposed sign would be lit. Ms. Tucker stated yes, flood lit. Mr. Roberts stated to make sure that the floodlight does not shine into the roadway. Mr. Roberts made a motion to approve Joyce Tucker; Licensed Massage Therapist In-Home Occupation and sign applications contingent upon the sign lighting would not shine into the road. Mr. Nadeau seconded. Motion carried.

**Old Business:**

**02.118 OB     Rolling Hills PDD Phase II & III, Cary Road – Major Subdivision/  
PDD/GEIS**

Mr. Percy Cotton, of Percy B. Cotton Engineering, proposed Rolling Hills PDD Phase II & III. *Mr. Cotton stated the following:* He is before the Board to represent Valente Materials Group Phase II & III of the Rolling Hills PDD. Phase I has been granted preliminary approval. Phase II is proposed to have 45 lots on 40.9-acres of land. Phase III is proposed to have 38 lots on 38.7-acres with 2 lots in Phase III being homestead lots. Water and sewer will serve the project. Phase I has water running from Farm-to-Market Road to Cary road and partway to Tabor Road. The agreement that was made was before any C.O.'s are issued for Phase II, the water line will be completed down Liebich Lane and loop with the water line servicing SYSCO and the Liebich Lane road extension would be finished prior to C.O.'s issued for Phase II and III of the subdivision. The sewer will run by gravity through an easement and follow Liebich Lane to the existing sewer line at SYSCO. Storm water management will be on-site and would flow by gravity to the detention basins. Mr. Higgins asked if Liebich Lane would tie into Tabor Road and then Tabor Road would tie into Cary Road. Mr. Cotton stated yes. Mr. Higgins asked if the water line along Cary Road up to the intersection of Johnson Road and Tabor Road would be installed very early in the project due to the fact that there are several homes along Cary Road that do not have deep wells. Mr. Cotton stated that was correct and this would be done under Phase I of the project. Mr. Higgins asked if this would be done before much of the excavation is done in Phase I because this would interrupt the resident's wells. Mr. Cotton stated yes, this was agreed upon early on in the project. Mr. Higgins asked if Liebich Lane would be extended prior to any C.O.'s issued in Phase II of the project. Mr. Cotton stated that was correct. Mr. Richlicki asked Mr. Cotton to point out where the division is located on the site between the Residential and Light Industrial/Commercial area. Mr. Cotton showed where the division would be on the plans and stated a site plan would be submitted in the future. Mr. Ruchlicki asked if

mining would occur on the westerly side of the Residential area. Mr. Cotton stated no. Mr. Nadeau stated that there were discussions early on in the project and asked what the status was with the Stiles property as there was concern with drainage on his property. Mr. Cotton stated he is not aware of the status at this time but he is aware that Mr. Stiles had some concerns with the water draining onto his property.

Mr. Berkowitz made a motion to set a Public Hearing for the January 9, 2006 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

#### **04.142 OB    Cardin Acres PDD, Plant Road – Major Subdivision/PDD**

Mr. Berkowitz and Mr. Nadeau recused themselves from this item. Mrs. Jordan and Mr. Beck will sit in for Mr. Berkowitz and Mr. Nadeau for this item. Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed the Cardin Acre Major Subdivision/PDD. *Mr. VanGuilder stated the following:* At the Public Hearing a few different issues arose regarding screening for adjacent homeowners. *Mr. VanGuilder showed 3 photographs to the Board:*

**Photo #1** – shows an existing home located across from the proposed access road on Plant Road. At the current time there are existing tall pine trees on the front lawn of this home, however, they have been pruned. They are proposing a dense planting of shrubs that would be 24 to 26 inches in height (before growth) across the front of the home and this would help alleviate vehicle headlights from shining onto the existing home.

**Photo #2** – shows an area where the proposed detention basin will be placed adjacent to the Neubeck's property. They propose to plant 5 to 7 ft. high spruce trees along the property line to act as a screen to the detention basin and access road. The photo shows that the Neubeck's have been maintaining in common the Cardin's lawn area.

**Photo #3** – shows the lot on the corner of Cardin Drive and Chateau Drive. The owner of this property had asked for some screening and a possible berm. The property owner mentioned to the Board that his property line was only about 2.5-ft. off of his shed. The property owner's swing set is currently about 20 ft. on to the Cardin property. So if a berm or plantings were to be put in through that area, the swing set would have to be moved as the buffering would need to be planted in that 20 ft. strip. It appears that the property owner has removed existing vegetation on the Cardin property in that area.

*Mr. VanGuilder stated the following:* They are open to suggestion from the Board as to what the Board would like them do along that area where the property has used the Cardin property as their lawn area. There are existing plantings that would screen any vehicle headlights turning at that intersection. There was discussion about placement of a stop sign at the intersection to keep people from traveling at a high rate of speed. The applicant has agreed to install a stop sign at the intersection. *Mr. Bianchino stated the following:* There is an existing stop sign in one location and the plan calls for a second stop sign. He suggested that if they are going to have 2 stop signs, they might as well make it a 3-way stop. Mr. VanGuilder agreed with Mr. Bianchino. *Mr. VanGuilder stated the following:* There was discussion about an existing drainage problem at Cardin Drive and Plant Road. They have looked at this area and it appears that the grades are favorable but it is about 570 ft. away from any drainage improvements that they were going to be working on. The new Cardin development process will not contribute to the existing storm water at that intersection. The Cardin PDD will make a substantial contribution of money to the Town of Halfmoon and maybe some of the money could be used to mitigate the existing drainage problem. Again, they are open to any suggestion the Board may have. *Mr. Watts stated the following:* Mr. Bianchino has reviewed this drainage problem and it was his conclusion that this development would not have any impact upon this drainage problem. The drainage problem is an issue as there are other issues

in other locations in the Town and this is an issue for the Town Board to resolve on the suggestion that was made relative to utilization of the mitigated funds towards this issue. *Mr. Bianchino stated the following:* All of their comments have been adequately addressed. SEQR has already been granted a NEG DEC. *Mrs. Murphy stated the following for the Board's information:* She was given deed covenant and restrictions with approval from the DOH and by she based on the concerns that the Board expressed with regards to wetlands, no-cut, etc. The restrictions and covenants that are being proposed by the applicant's attorney satisfy the legal requirements both from the Town and from the State. Mr. Higgins asked if the proposed plantings and the hedge would be on the roadside (Photo #1). Mr. VanGuilder stated yes. Mr. Higgins asked if the plantings would be in the Town right-of-way. Mr. VanGuilfers stated they would make sure that the plantings are not in the Town right-of-way. Mr. Higgins asked if they had talked to the homeowner to see if they were satisfied with the proposed plantings. Mr. VanGuilder stated they had not talked to the homeowner as the planting plan was just prepared today but they will work with the landowner to make sure this is satisfactory. Mr. Higgins asked if the road would be higher on the right hand side where the new road was coming in (Photo #3) and if so, wouldn't that cause a drainage problem if a berm were built on the left hand side. Mr. VanGuilder stated yes, this could be another concern that it could cause a drainage problem in the landowner's rear yard. Mr. Watts stated that this does not seem practicable. Mr. VanGuilder agreed.

Mr. Roberts made a motion to grant preliminary approval for Cardin Acres PDD contingent upon the applicant will continue to work on the screening/buffering issues. Mr. Ruchlicki seconded. Motion carried.

#### **05.138 OB Arlington Heights, Farm to Market Road – Major Subdivision/PDD**

Mr. Ruchlicki recused himself from this item. *Mr. Gordon Nicholson, of Environmental Design Partnership, stated the following:* The last time this application appeared before the Board at the October 24, 2005 Planning Board meeting, the Board suggested that they get together with CHA and discuss some of the details relative to the boulevard entrance and the main road through the project. CHA suggested they meet with Mr. Lee Buck, Highway Department, and the boulevard entrance is acceptable to the Highway Department if the applicant agrees to plow a small triangular section at the end of the road. Vertical curbing is acceptable if they use the slip form construction method of construction. They have indicated the houses in some of the lots against the easement would be a standard home that Mr. Belmonte proposes to build. This house has been built recently in Prospect Meadows and has been sized to accommodate the building footprint that the applicant intends to construct and with a typical swimming pool. Since the October 24, 2005 meeting the applicant has a contract to purchase the rear portion of the Tribley parcel. They are proposing to put a cul-de-sac, storm water management and a pump station. Mrs. Murphy was interested in the easement that they will have on the Tribley parcel and there is a description of it on the plans and they will be making an application for the Tribley Subdivision at some point in the future. They felt that it was important to show the Board that Belmonte Builders has control of this and they feel it is also important in the context of linkage for roads through Arlington Heights to Tribley and the proposed Klersy Subdivision as well as the common utility infrastructure. CHA has agreed with their office that the open space is passive and in the context and promotes the GEIS for preserving the farmland along the edge of Farm-to-Market Road. They have illustrated a no-cut buffer along the property line and they also changed the future right-of-way to 60 ft. to accommodate without any of the road details that Belmonte had been proposing for access through Ruchlicki, which means a standard Town road cross-section can be constructed there. Depending on what happens with the wetlands

and layout on Tribley and Klersy, they may also be using lot #27 for access at some point in the future. Mr. Bianchino stated he has met with Mr. Nicholson and they went through all the Board's comments and they have adequately addressed all the Board's and CHA's comments. Mr. Higgins asked if the applicant was responsible for plowing a Town road. *Mr. Gerry Magoolahan, of Belmonte Builders, stated the following:* Yes, it would be a Town road, however, like Prospect Meadows, this project will have a Home Owner's Association. There are two issues with the boulevard entrance; the width of driving lanes will go 4 ft. beyond what is required so each side will be 16 ft. wide. Also, when the Town plow comes by and goes around the center section, they will be a big triangle of snow and the Town would have to send additional manpower and trucks to clean around those. They have agreed to make this the responsibility of the HOA's and they have already adapted this with Prospect Meadows, which currently exist. *Mr. Higgins stated the following:* For the record that one of the adjacent homeowners was concerned about people dumping clippings and leaves on their property that was brought up at the Public Hearing. Will all of the lots will be part of the Homeowners Maintenance Association. *Mr. Magoolahan stated the following:* Yes, this is correct. The Homeowners in Prospect Meadows do not maintain their own yard and the HOA's for Prospect Meadows and for Arlington Heights will maintain all yards and will dispose of all waste appropriately.

Mr. Berkowitz made a motion to pass a positive recommendation to the Town Board. Mrs. Jordan seconded. Motion carried.

#### **05.241 OB Betts Subdivision, Betts Lane – Major Subdivision**

Mr. Brian Holbritter, of Brian R. Holbritter P.L.S., stated the following: The last time they were before the Board, the Board decided they would need to appear before the Zoning Board for a variance for an additional flag lot. They have meet with the Zoning Board and they were issued the zoning variance. They are back before the Board with their proposal to create one 12-acre parcel, a 1.52-acre flag lot and also a small 0.15-acre strip would be annexed onto the existing parcel of Lands of William and Teresa Betts. With the Zoning Boards assistance, they put together a proposed plot plan for Lands of Leo and Darlene Betts parcel which is the 1.52-acre flag lot that shows the proposed layout of the improvements.

Mr. Roberts made a motion to set a Public Hearing for the January 9, 2006 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

#### **New Business:**

#### **05.252 NB Walgreen Drug Store, 1476 Route 9 – Concept - Commercial Site Plan**

Mr. Rob Spiak, of Bohler Engineering, is representing Mr. Tom Burke for a proposed Walgreen Drug Store at the intersection of Route 9 across from Route 236. *Mr. Spiak stated the following:* They propose a 14,550 SF Walgreen retail drug store with a drive-thru. They are proposing to line-up with the existing traffic signal located at the intersection and there would be considerable work involved at this intersection. They are proposing an exit only curb cut onto Route 9 to facility the truck deliveries to this property. There would be parking in the front and rear of the store. Mr. Burke is also working with the adjacent commercial properties to open up opportunities for them to be able to access the property with the traffic signal. They are before the Board to receive some concept feedback and to be referred to CHA for additional comments to move forward with this project. *Mr. Watts stated the following:* With new projects on Route 9, the Board is trying to have the buildings constructed as close as possible to the roadway and have the parking to the rear of the site. This is something the Board would

like them to consider so there would be more streetscapes along Route 9. Another consideration the Board would like them to think about is the actual need for parking spaces as similar situated businesses tend to not fill up their parking lots and it could be conceivable that they may land bank some of those parking spaces to provide more green space to achieve a better look. The architectural rendering of the building is another very important item the Board considers. Mr. Nadeau stated he would like Mr. Spiak to show the green space in front of the building. Mr. Spiak stated there was a limited area of green space in front of the building. Mr. Nadeau stated the Board is looking for more green space in the front of the building. Mr. Roberts asked if they have looked at the possibility of having to modify the roadway in that area. Mr. Spiak stated when they get involved with the DOT on this project, the DOT will probably ask for some modifications to Route 9. Mr. Nadeau stated with the heavy traffic traveling north on Route 9 the DOT might want to have a turning lane into the site. Mr. Bianchino stated that he believes that the DOT has already re-stripped the center medium in that section of Route 9 so this might be able to accommodate turning lanes. Mr. Watts asked Mr. Spiak if they wanted to rework this project before it is referred to CHA for concept review. Mr. Spiak stated that it would make sense to rework the plan to address some of the Board's concerns. Mr. Ruchlicki asked for more input on the adjoining parcels.

This item was tabled for the applicant to revise the plans and to address the Planning Board's comments on land banking parking, green space up front and less parking in the front.

#### **05.253 NB     Tironi Subdivision, Upper Newtown Road – Major Subdivision**

Mr. Dave Flanders, of David Flanders and Associates, proposed a major subdivision of Lands of Carl and Margaret Tironi. Mr. Flanders stated the following: The Tironi property is located on the southerly side of Upper Newtown Road, which consist of approximately 17-acres. Approximately 40% of the land lies east of the former Champlain Canal and currently are Lands of the City of Mechanicville. The balance of the property has frontage on Routes 4 & 32. The proposal is to create 4 new building lots on the southerly side of Upper Newtown Road. Each lot would have an individual driveway for a single-family residence. The lots will eventually tie-in to a future water main. Currently the lots have been sized for wells and septic systems. Each lot would be in access of 40,000 SF. Between the two middle lots they propose a 60 ft. wide strip of land for a future roadway for possible access to the balance of the property line west of the canal lands. The plans show a substantial ditch along Upper Newtown Road and they have submitted the plans to the County. Percolation tests have been performed on the property, but due to the existing conditions, it is their recommendation that raised septic systems would be required on each of the lots as they encountered groundwater anywhere from 3 to 4 ft. in depth. Mr. Nadeau asked if there was access on the west side of the properties. Mr. Flanders stated no the property adjoins what used to be the canal lands and there is access off of Dubois Lane. Mr. Watts asked if this parcel was zoned Agricultural/Residential. Mr. Flanders stated yes. Mr. Watts asked what was planned for the use of these lots. Mr. Flanders stated single-family residences. Mrs. Murphy stated the applicant should be aware that the setback for the proposed future right-of-way for an access road is going to impact on the setback requirements of the adjoining lots. Mr. Flanders stated it would be 50 ft. setback. Mr. Bianchino and Mrs. Murphy stated the 50 ft. setback would need to be shown on the map. Mr. Higgins asked if this parcel was near the canal that is used for landfill. *Mr. Flanders stated the following:* There is some construction debris, i.e. – concrete and power poles that have been stored on the property and he has talked with the Tironi's and he expressed his concern with the debris that has been used for fill. The Tironi's told Mr.

Flanders that they would remove the debris to the original ground. Mr. Higgins stated he was concerned about the suitability of installing a well if the property had a landfill nearby. Mr. Nadeau asked if there were any lots with trailers and trucks on it. *Mr. Flanders stated the following:* No, there were no trailers or trucks that he was aware of. There is an existing driveway that accesses the property with fields in the rear of the property. There is an existing residence that comes off of Dubois Lane that sits up rather high and it is the only house that you come to before Dubois Lane and then there is a 20-acre field and a patch of woods and he knows there are no trailers there.

Mr. Nadeau made a motion to set a Public Hearing for the January 9, 2006 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

**05.255 NB Provantage Funding/Saratoga Closing Services, 20 Solar Drive – Change of Tenant & Sign**

*Mr. Robert Hayes, principal owner of Provantage Funding/Saratoga Closing Services, stated the following:* He is the owner of the building located at 20 Solar Drive for the proposed applications. They are before the Board for a change of tenancy as well as an approval of the change of content of the signs that currently exist at this site. Mr. Watts asked Mr. Williams if he had reviewed this project. Mr. Williams stated he did a site visit and noted that there were an adequate amount of parking spaces and Mr. Roberts has reviewed the signage. Mr. Roberts stated the applicant would just be replacing the signage that already exists. Mr. Roberts asked the applicant how the sign would be lit. Mr. Hayes stated flood lit. Mr. Higgins stated that there was a concern by adjacent property owners with cars being parked along Solar Drive, which infringes the ability of cars driving by and could the applicant mention to his other tenants to have their customers to utilize the parking lots rather than parking on the road. Mr. Hayes stated yes.

Mr. Roberts made a motion to approve Provantage Funding/Saratoga Closing Services change of tenant and sign applications. Mr. Berkowitz seconded. Motion carried.

**05.256 NB Dr. Graham, 21 Halfmoon Executive Park Drive – Change of Tenant & Sign**

Mr. Lyle Chambers, property manager of Connelly Realty Services, is representing 21 Executive Park Drive for a change of tenancy and sign applications for Dr. Graham's chiropractic practice. *Mr. Chambers stated the following:* Dr. Graham is proposing to move from his established nearby medical office on Route 9 and utilize 2,220 SF of office space at 21 Executive Park Drive. Dr. Graham is also requesting an approval for a sign at this location. Mr. Roberts asked if the new signage would replace the existing signage. Mr. Chambers states yes. Mr. Roberts asked Mr. Chambers how the sign would be sit. Mr. Chambers stated the sign has a ground fixture that is pre-existing.

Mr. Berkowitz made a motion to approve Dr. Graham's change of tenant and sign applications. Mr. Roberts seconded. Motion carried.

**05.257 NB Farmview, Harris Road & Farmview Road - Sign**

The applicant was not present and no action was taken on this item.

**05.258 NB Dr. Purcell, 1520 Route 9 – Change of Tenant & Sign**

Mr. Charles Baron represented Dr. Purcell for a change of tenant and sign applications. *Mr. Baron stated the following:* The current use of the building located at 1520 Route 9 is a medical office once utilized by the previous applicant, Dr. Graham. Dr. Purcell would utilize the

first floor of this building to operate his medical practice. They propose to install new carpeting and paint with no structural changes. Mr. Roberts asked if the existing "Northpark" sign would remain as the signage. *Mr. Baron stated the following:* They would like to keep the "Northpark" sign but the existing sign has no lettering on it noting what businesses were in the building. They propose to add a tenant sign between the "Northpark" signage and the street right-of-way. There is approximately 12 ft. between the street right-of-way and the "Northpark" sign. Mr. Nadeau asked if the new signage could be incorporated into the "Northpark" sign. Mr. Baron stated there is some space on the sign and a sign probably could be attached to it but they would like to have a stand-alone directory sign directly in front of the existing sign. Mr. Roberts asked if the proposed sign would be neon lit. Mr. Baron stated no, the sign would be internally lit. Mr. Higgins stated if Dr. Purcell's practice would utilize a majority of the parking spaces, it might limit the application for the vacant second floor. Mr. Baron stated the parking lot has 34 spaces and he feels there would be adequate parking for the entire building. Mr. Watts asked Mr. Baron to notify Dr. Purcell to advertise his business as being located in Halfmoon. Mr. Baron stated he would.

Mr. Roberts made a motion to approve Dr. Purcell's change of tenant and sign applications contingent upon the sign will not be placed in the Route 9 right-of-way. Mr. Berkowitz seconded. Motion carried.

Mr. Berkowitz made a motion to adjourn the December 12, 2005 Planning Board meeting at 8:02 pm. Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi,  
Planning Board Secretary