

Town of Halfmoon Planning Board

October 11, 2005 Minutes

Those present at the October 11, 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

Planner: Jeff Williams

Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the October 11, 2005 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the September 26, 2005 Planning Board Minutes. Mr. Berkowitz made a motion to approve the September 26, 2005 Planning Board Minutes with changes. Mr. Roberts seconded. Mr. Nadeau abstained. Motion carried.

Public Hearing:

05.212 Independent Wireless One (Sprint), Stone Quarry Road – Cell Tower Co-Location

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. Paul Lent is representing Sprint Independent Wireless for the cell tower co-location located on Stone Quarry Road. *Mr. Lent stated the following:* They are requesting permission from the Board to co-locate their cell tower antenna on an existing National Grid (Ni-Mo) power pole. Their installation would be installed on a two-pole system below an existing Cingular installation on that site with 3 flush mounted antennas. Their antenna would not protrude further than the existing Cingular antennas. They will occupy approximately a 12 FT. x 16 FT. area in which they will only utilize approximately 9 FT. x 6 FT. of that area for their equipment. Mr. Watts asked if anyone from the Public wished to speak. *Mrs. Ellen Kennedy, of Stone Quarry Road, stated the following:* When the Board approved the first tower; the Board requested that the applicant gate the area. This gate has almost never been closed and at the present time the gate is inoperable and in disrepair. Who is responsible for maintaining the gate and making sure that the gate is always closed? *Mr. Lent stated the following:* The site's maintenance would be the responsibility of National Grid where it relates to security and the access road. They will be more than happy to bring it up with National Grid

and see to it that the gate is taken care of. *Mrs. Murphy stated the following:* The engineers did not review this project as this is a co-location and the application is in conformance with the Board's Cell Tower Legislation. She has reviewed the legislation and it is signed by a certified engineer and stamped accordingly. Mr. Watts closed the Public Hearing at 7:04 pm. Mr. Watts stated the Board would make certain that the gate is fixed and they will follow-up in a week to see that the repair is completed.

Mr. Roberts made a motion to approve Independent Wireless One (Spring) cell tower co-location contingent upon access gate is repaired and operable. Mr. Nadeau seconded. Motion carried.

Old Business:

05.134 Southview Apartments PDD, Route 9/Sitterly Road – Minor Subdivision
(formerly Greene subdivision)

Mr. Gordon Nicholson, of Environmental Design Partnership, is representing Donald C. Greene for the minor subdivision located on Route 9 and Sitterly Road. *Mr. Nicholson stated the following:* Nothing has change with this proposed subdivision application. The Town Board amended the PDD on September 20, 2005 to eliminate 1.87-acres from the PDD and created a C-1 zoned parcel. They see no problem with developing the site consistent with the wellhead protection area. They have no site plan application proposed at this point and they do not have a user. They have proposed this subdivision because Mr. Greene sold the Southview Apartments.

Mr. Berkowitz made a motion to set a Public Hearing for the October 24, 2005 Planning Board Meeting. Mrs. Jordan seconded. Motion carried.

05.185 Sitterly Associates, 5 Corporate Drive – Commercial Site Plan

Mr. Tom Andress, of ABD Engineering, proposed a commercial site plan for vacant lot #5 Corporate Drive. *Mr. Andress stated the following:* This is one of the two lots that are left in Corporate Park. The 28,500 SF building would be a little more than half warehouse and the other half would be for offices. There would be 2 entrances; one from the main parking lot and a secondary entrance from a parking lot and also to access the loading docks. There will be landscaping that would fit in with the rest of the Park. Water and sewer would be direct hook-ups and the facility will use an existing detention basin. They have a total of 81 parking spaces; 46 of the parking spaces would be 10 FT. x 20 FT. and 35 would be 9 FT. x 20 FT. The 81 parking spaces would compensate for the office, the warehouse and the employees. Mr. Higgins asked if the applicant knew who the tenants would be. *Mr. Ed Abele, the applicant, stated the following:* The tenant for half the building would be Anaconda Sports, who are the largest private institutional sporting goods company in the country. Anaconda sells a lot of team equipment. He has been working with Anaconda for a number of months and they would occupy just over half the building. Anaconda will utilize the space as half warehouse and half offices. Mr. Higgins asked if the area to the rear of the facility would handle the amount of truck traffic and be able to maneuver in and out without difficulty. Mr. Andress stated that it was set up so the trucks would have the ability to make the turns in and out of the facility. *Mr. Higgins stated the following:* This was one of the lots that the applicant proposed for potential overflow parking for another use with the Sportplex. Now that Lot #5 of Corporate Park is proposed for a building this lot can no longer be considered for any kind of overflow parking. *Mr. Abele stated the following:* This subject came up at another meeting and he is aware that the proposed lot cannot be used for any overflow parking. There is still a large land area that is vacant that they would like to leave vacant. Mr. Watts asked Mr. Abele if they were

constructing a parking lot for the proposed facility. Mr. Abele stated yes. Mr. Watts asked if they planned on following the Town of Halfmoon's regulations, which would include a top course for this parking lot. Mr. Andress stated they placed a note on the site plan stating the topcoat is an option. Mr. Watts asked whose option would it be. Mr. Andress stated they said it would be the applicant's option. Mr. Watts stated that is not acceptable. Mr. Abele asked if this was a Town requirement. Mr. Watts stated that this was a Town Planning Board requirement as they have had other issues with another parking lot at Corporate Park and the Town is prepared to call on the Letter of Credit as he stated in a letter to Mr. Abele. *Mr. Abele stated the following:* He has received the letter and he is obviously disappointed on the outcome but he does realize that the parking lot has to be paved. They were not aware that this was a code issue otherwise they would not have made the request. If this is required, they will do it. Mr. Watts stated to his knowledge it is not a code issue but it is a standard that the Town has held for any large commercial parking lot for any businesses. Mr. Abele again stated that if this is a requirement on this project for this lot, they would do it. Mr. Roberts made a motion to approve the commercial site plan for Sitterly Associates contingent upon an added note to site plan to show top course pavement will be placed as mandated by the Town. Mr. Higgins seconded. Motion carried.

New Business:

**05.222 Astrological Concepts & Learning Center, 1471 Route 9 (Rome Plaza)
 – Sign**

Ms. Arlene DeAngelus, the applicant, proposed a sign application for her business Astrological Concepts & Learning Center located at 1471 Route 9. Mr. DeAngelus, stated a one-sided sign would be placed above her storefront measuring 2 FT. x 8 FT. with a total area of 16 SF. Mr. Roberts stated he checked on this sign and the sign would be flood lit and he has no problems with the proposed sign.

Mr. Roberts made a motion to approve the sign application for Astrological Concepts & Learning Center. Mrs. Jordan seconded. Motion carried.

**05.223 Mabey's Self-Storage Office/Warehouse, 9 Morris Lane – Change of
 Tenants & Signs**

Mr. Tom Blass, the applicant, proposed 8 change of tenant applications and 5 sign applications for Mabey's Self-Storage Office/Warehouse located on 9 Morris Lane. *Mr. Blass stated the following:* All of the proposed tenants have been tenants of the facility and they were unaware that they needed Planning Board approval for these tenant occupancies. He is now before the Board to bring the site into compliance. All the tenants at this facility are strictly warehousing tenants and they are not retail tenants. All of the tenants are primarily Internet sale suppliers. All of the products come into the warehouse via courier and go out the same way. There are very few customers that would come to the site. One of the applicants, Total Events, who are a supplier of tents, tables, chairs and decorations for special events, is the largest use in this facility. Mr. Watts asked Mr. Williams if this site had adequate parking. Mr. Williams stated yes. Mr. Higgins asked if each of these office/warehouses has their own sanitary facilities. Mr. Blass stated yes. Mr. Higgins asked if the site had Town water. Mr. Blass stated yes. Mrs. Murphy stated that it was her understanding that the applicant has not yet submitted as-builts to the Planning Board. Mr. Blass stated they are having that drawn up. Mrs. Murphy stated that this should be a condition of an approval. Mr. Roberts stated that in the future if the applicant has a new tenant he should come to the Planning Department to obtain a change of tenant application beforehand. Mr. Blass stated that he understood the procedure and he has all of

the Planning Departments paperwork in his files. Mr. Roberts stated for clarification that the Max Wholesale sign dimensions were 5 FT. x 3 FT. and the sign is located on the building. Mr. Blass stated that was correct. Mr. Roberts stated for clarification that the Frontline Inc. sign dimension was not 12 FT. but located 12 FT. up on the building. Mr. Blass stated that was correct. Mr. Roberts stated he checked all 5 of the sign applications and everything is fine. Mr. Roberts made a motion to approve the 8 change of tenant applications and 5 sign applications contingent upon bringing site into compliance and receipt of as-built site plan to be submitted prior to Certificate of Occupancy for last warehouse. Mr. Berkowitz seconded. Motion carried.

05.224 Czajkowski Subdivision, Pruyn Hill Road – Major Subdivision

Ms. Bernadette Czajkowski proposed a major subdivision of Lands of Czajkowski located on Pruyn Hill Road. Ms. Bernadette Czajkowski is representing her mother-in-law who resides in Florida and has given Ms. Czajkowski a signed owner authorization to represent her. Ms. Czajkowski stated that one parcel would be 2-acres and the other parcel would be 1-acre. Mr. Nadeau made a motion to set a Public Hearing for the October 24, 2005 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

05.225 Valvoline Instant Oil Change, 1704 Route 9 – Change of Use

Mr. Ronald Willis, the applicant, proposed a change of use for Valvoline Instant Oil Change located at 1704 Route 9. *Mr. Willis stated the following:* They wish to perform New York State Inspections use to their existing oil changing facility. The inspection service would take approximately 15 to 20 minutes and would go hand-in-hand with the oil changes. Mr. Roberts asked what the procedure would be if a major defect was found in a vehicle such as a failed inspection for brakes. Mr. Willis stated the owner of the vehicle would get a rejection notice and they would have to go to a garage to have the brakes repaired. Mr. Nadeau asked if any vehicles would be serviced for major repairs on-site. Mr. Willis stated they would only do small items such as changing of serpentine belts. Mr. Roberts asked if all work would be done inside the facility. Mr. Willis stated yes. Mr. Higgins asked how many bays they had at this site. Mr. Willis stated 2. Mr. Higgins asked if windshields were repaired at this site. Mr. Willis stated yes, windshields were repaired at this site. Mr. Higgins stated the Board wished to reiterate that there would be no repairs allowed outside of the 2 bays with no overnight parking. Mr. Willis stated that he understood.

Mrs. Jordan made a motion to approve the change of use application for Valvoline Instant Oil Change contingent upon no major repair work performed on vehicles and no work performed outside of the bay area. Mr. Higgins seconded. Motion carried.

05.226 Strohmaier Subdivision, 266 Lower Newtown Road – Minor Subdivision

Mr. Dave Flanders, of Dave Flanders and Associates, proposed a minor subdivision for Lands of Strohmaier located at 266 Lower Newtown Road. *Mr. Flanders stated the following:* The applicant's parcel of land is located on the southerly side of Lower Newtown Road. The parcel of land to be subdivided is just under an acre with an existing single-family residence. The applicant wishes to convey a 40 FT. wide strip of land in the rear of the property to Walter and Lillian Herald who are own a parcel of land behind the Strohmaier's. The Herald's currently own a parcel that is approximately 22,000 SF with an existing one-story wood frame residence and a couple of garages. The Herald's have access to this property over the adjoining lands by way of an ingress/egress easement. Previously there was a subdivision that conveyed a 50 FT. x 95 FT. parcel of land to the Herald's. The additional strip of land to be conveyed to the Herald's

would bring the parcel up to size. Mrs. Florence Strohmaier is currently in a nursing home and is preparing to sell her property. The Herald's have no plans for the conveyed strip of land, it will just be added to their existing parcel. Mr. Higgins asked if the existing access was located on the Williamson's property. Mr. Flanders stated the existing driveway was an easement granted on the Williamson and Kuscsik property when the original parcel was conveyed prior to the zoning requirements. Mr. Ruchlicki asked if the Herald property would now be accessed by the piece of land that is to be conveyed. Mr. Flanders stated the access to the Herald's property would be over an existing driveway on the adjoining lands of Williamson and Kuscsik. Mr. Higgins asked if the piece of land to be conveyed by Strohmaier would be annexed onto the Herald property to become all one parcel. Mr. Flanders stated that was correct and the total lot area of the Herald property would now be approximately 28,000 SF. Mrs. Murphy stated that Mr. Flanders had mentioned that the subdivision was being done to make the Herald property a conforming lot, and wanted to make it clear that this lot would still be a sub-standard lot. Mr. Flanders stated he misspoke as he meant that the subdivision was to increase the lot size. Mr. Watts stated that the Board would like Mrs. Murphy to do some research relative to the issue of the size of the lot and the lot being non-conforming so this information would be available for the Public Hearing. Mrs. Murphy stated that she would research this issue. Mr. Flanders stated that he has a copy of the previously subdivision map that was approved by the Planning Board. Mr. Roberts made a motion to set a Public Hearing for the October 24, 2005 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

05.227 Famous Footwear, 54 Crossing Blvd. – Sign

Mr. Rick Marshall, of Marshall Sign Co., proposed a sign application for Famous Footwear. *Mr. Marshall stated the following:* The applicant proposes to install an 18-inch high by 8-foot wide sign on the blank area of the existing pylon sign located in Halfmoon. Mr. Roberts stated he looked at this and has no problem with the proposed sign application.

Mr. Roberts made a motion to approve the sign application for Famous Footwear. Mr. Berkowitz seconded. Motion carried.

05.228 Kapenos Subdivision, 53 Werner Road – Major Subdivision

Mr. Greg Bold is representing Mr. Joseph Kapenos who wishes to subdivide a parcel of land off of his property located at 53 Werner Road. *Mr. Bold stated the following:* The proposed subdivision would create a single ½-acre lot to be conveyed to other family members for the purpose of constructing a single-family home in the future. There is a consideration for an unnamed developer to construct a major subdivision in the lands that adjoin the rear of this property between Werner Road and Vosburgh Road. The proposed subdivision meets all the lot requirements for area and setbacks. Mr. Watts asked Mr. Nadeau to review this application. Mr. Nadeau stated that he would.

Mr. Roberts made a motion to set a Public Hearing for the October 24, 2005 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

05.229 Hayner Subdivision, 65 Hayner Road – Minor Subdivision

Mr. Craig Hayner, the applicant, proposed a minor subdivision of Lands of Hayner located at 65 Hayner Road. *Mr. Hayner stated the following:* The proposed subdivision is for an access road along the corner of the property. They are currently in negotiations with Abele Builders to convey a 60 FT. piece of land. The proposed subdivision would change the lot lines to the existing residential lot for future plans. Mr. Nadeau asked if this 60 FT. swath of land would be conveyed to the future owners. Mr. Hayner stated yes, or if the deal falls through, it would still

be an opportunity for them to build in the rear of the parcel, as the parcel is landlocked. Mr. Higgins asked if this swath of land would be intended for a Town road sometime in the future. Mr. Hayner stated if the Abele's do purchase this parcel, there may be a possibility it may become an emergency access road, a bike path or for utility use. Mr. Nadeau asked Mr. Bianchino should this other development happen, is the size satisfactory or would they require a larger area? *Mr. Bianchino stated the following:* The size would be fine but there is some concern with the alignment with the way it comes in. As Mr. Hayner mentioned, the emergency access, utilities and trail would be perfect. This would work for a road but the question would be the angle in which the road would come in if it were to be a subdivision road. Mr. Hayner stated that there is a sight distance quick study but he was not in possession of this study. Mr. Nadeau stated he has concern regarding whether the area is large enough to do the subdivision. Mrs. Murphy stated that the action before the Board is to create a lot and convey it to the large parcel in the rear. Mr. Hayner stated that the subdivision would allow them access to the large parcel in the rear and he was unsure of where the proposed subdivided land was to be conveyed. Mrs. Murphy stated the applicant could not create a non-conforming lot and the proposed subdivided lands would need to be attached to a conforming parcel in order for the Board to grant an approval for this subdivision.

This item was adjourned for the applicant to decide which parcel of the proposed subdivided land will be conveyed to.

05.230 Ciepiela Subdivision, 128 Johnson Road – Major Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed a subdivision of Lands of Ciepiela located at 128 Johnson Road. *Mr. VanGuilder stated the following:* The purpose of this application is to subdivide a 6-acre parcel out of the existing 114-acre parcel on the south side of Johnson Road. This is a major subdivision application because of activity of subdivisions on this parcel over the years. He has a list of all of the conveyances by Edward Ciepiela that have occurred over a period of time. The 6-acre lot would contain all the existing farm buildings and the remaining land of 108-acres would be a vacant parcel. Mr. Nadeau asked if the Board could officially state that this would be the last time the property owner could subdivide the property. Mr. VanGuilder stated no, as the remaining lands could become a major subdivision and a comprehensive plan could be submitted in the future. Mr. Williams asked what the 26 FT. wide piece of land between the farm stand and the neighboring parcel would be used for. Mr. VanGuilder stated that this could be used for an access and would help with alignment at Staniak Road and any future road. Mr. Dean Taylor, of Leyland Development, stated that the 26 FT. piece of land was in the contract with Mr. Edward Ciepiela to allow some flexibility in where the road comes in so everything would line up properly. Mr. Higgins asked if the McCadden parcel would go back into the 108-acres. Mr. Taylor stated that was correct. Mr. Nadeau asked if this property line would give them enough area to make a straight access with Staniak Road on the future project. Mr. Taylor stated yes. Mr. Taylor stated they are looking at all options and Creighton-Manning has done a traffic study so there would be some flexibility in choosing the most appropriate access on Johnson Road.

Mr. Nadeau made a motion to set a Public Hearing for the October 24, 2005 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

05.231 Coreno Subdivision, 95 Ushers Road – Minor Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed a minor subdivision of Lands of Coreno located at 95 Ushers Road. *Mr. VanGuilder stated the following:* Mr. Coreno owns a total of 73.3-acres on both sides of Ushers Road just east of Coons Crossing Road. The parcels

are divided by railroad tracks, Ushers Road and Saratoga County Sewer District's main trunk line. There is an existing residence on the property and there is a 1.35-acre parcel on one side of the County Sewer District lands attaching to it an additional 2.73-acre parcel for a total of 4.08-acres with the existing residence. There are farm buildings on lot #2 that is the 2.07-acre parcel and a 20 FT. strip of land connects with approximately 20-acres of land behind the property. This property is located in the Light Industrial/Commercial zone. Because the existing residence has been on the property for many years, he believes it would be considered a pre-existing non-conforming use. In the future the applicant plans on gaining a variance to build a single-family residence on another parcel of their land. Mr. Nadeau asked if this property was located near a landscaping business. Mr. VanGuilder stated yes. Mr. VanGuilder stated he has informed the applicant that they would have to obtain a use variance should they decide to build a residence on that lot. Mr. Higgins asked if the road frontage on lot #1 was 150 FT. total. Mr. VanGuilder stated yes. Mr. Higgins asked where the septic is located. Mr. VanGuilder stated the existing septic is close to the existing home and the applicant indicated to him that they would be replacing the septic system.

Mr. Nadeau made a motion to set a Public Hearing for the October 24, 2005 Planning Board Meeting. Mrs. Jordan seconded. Motion carried.

05.232 Fairways of Halfmoon, 17 Johnson Road – Addition to Site Plan

Mr. Bruce Tanski, the applicant, wishes to construct a 200 SF addition to the pro-shop in the same location as the existing deck. *Mr. Tanski stated the following:* There would be no increase in traffic; no decrease in green space and everything else would remain the same. The proposed structure would have the same rooflines and same siding. Mr. Roberts asked if the proposed addition would go any further than the existing deck. Mr. Tanski stated no. Mr. Tanski stated the existing stairs would be used to enter the new addition and when people exited the pro-shop they would either go out down the stairs or through the clubhouse to the golf course.

Mrs. Jordan made a motion to approve Fairways of Halfmoon addition to site plan. Mr. Roberts seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the October 11, 2005 Planning Board Meeting at 7:55 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary