

Planning Board Minutes - February 9, 2004

Those present at the February 9, 2004 Planning Board meeting were:

Planning Board Members: Don Roberts – Vice Chairman
Marcel Nadeau
Cindy Patenaude
Rich Berkowitz
Tom Ruchlicki
John Higgins

Planner: Jeff Williams

Town Attorney: Bob Chauvin
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak
Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Roberts called the meeting to order at 7:02 pm.

Mr. Higgins made a motion to approve the January 26, 2004 minutes. Mr. Nadeau seconded. Motion carried.

Public Informational Meeting:

04.107 Oakbrook Commons, Rt 9, Addition to Site Plan – PDD

Mr. Roberts chaired the meeting in Mr. Watts's absence. Mr. Chauvin recused himself from the item. Mr. Roberts opened the Public Informational Meeting at 7:04 pm. Mr. Roberts asked if anyone from the public wished to have the notice read. No one responded. Mr. Dave Borgadous, Northeast Consultants representing Mr. Charles Hoffman, presented a plan showing the location of two new apartment buildings proposed to be placed in the existing Oakbrook Apartment complex. Mr. Borgadous stated the original PDD was granted in 1991, which allowed the construction of 132-units. Presently, there are 128-units existing and the applicant has approached the Town Board for an amendment to the existing PDD to allow an additional (1) 4-unit apartment building for a total of 136-units. Mr. Borgadous stated that commercial land and a mobile home park surrounds the proposed location of the new apartment buildings. Mr. Borgadous stated all public utilities are on-site presently serving the existing apartment buildings. Mr. Roberts asked if anyone from the public wished to speak. No one responded. Mr. Roberts closed the Public Informational Meeting at 7:07pm. Mr. Roberts asked the Board for comments. Mr. Nadeau asked Mr. Hoffman on the status of the emergency road. Mr. Hoffman stated the emergency road has been paved and signed off by NYSDOT. Mr. Roberts stated he visited the site and has no concern with the location or number of units being proposed.

Mr. Nadeau made a motion to pass a positive recommendation to the Town Board to amend the existing PDD from 132-units to 136- total units. Mr. Higgins seconded. Motion carried unanimously.

Public Hearings:

04.108 Fairway Estates PDD, Lot 14A Fairway Drive, Lot Line Adjustment

Mr. Roberts recused himself from this item and Mrs. Jordan took his place. Mr. Nadeau chaired this item. Mr. Nadeau opened the Public Hearing at 7:09pm. Mr. Nadeau asked if anyone from the public wished to have the notice read. No one responded. Mr. Gil VanGuilder presented a lot line adjustment proposal for lot 14A of the Fairway Estates PDD Phase II. The lot line will convey 1,543 SF of land from Lot 14A to the Lands of Tanski (Par 3 course). The cart path was originally placed on Lot 14A to avoid impact to an adjacent wetland. The proposed lot line adjustment is requested to remove a golf cart path of the lands of Lot 14A due to liability concerns from the owner of Lot 14A. Mr. VanGuilder stated that the proposed lot line adjustment would not interfere with the required lot size as described in the PDD legislation. Mr. Nadeau asked if anyone from the public wished to speak. No one responded. Mr. Nadeau closed the Public Hearing at 7:11pm. Mr. Nadeau asked the Board for comment. Mrs. Patenaude made a motion to approve the proposed lot line adjustments as presented. Mr. Higgins seconded. Motion carried unanimously.

Old Business:**02.118 Rolling Hills PDD, Cary Road, Phase I – PDD/GEIS**

Mr. Percy Cotton, representing Mr. Rodney Velente, presented revised plans for Phase I of the proposed Rolling Hills PDD. Mr. Cotton explained they have met with CHA and have revised the Phase I plans to address the concerns and comments of the Town's engineering review. Mr. Cotton continued that the plan shows the off-site water improvements with regards to the mitigation fees, more culvert details, revised catch basin designs and fire hydrant locations. Mr. Cotton explained that the subdivision plans are being created by another consulting firm and will display the lot layout. Mr. Bianchino stated that the revised Phase I plans are complete with some minor comments which can be address either before final approval or during the phasing of the project and sees no problem with granting preliminary approval for Phase I. Mr. Higgins discussed the revisions with Mr. Bianchino and feels the plans are ready for preliminary approval.

Mr. Higgins made a motion to grant preliminary approval for Phase I of the Rolling Hills PDD contingent on the following criteria's: 1. CHA's 1/30/04 comment letter is addressed. 2. The outside water agreement is in place and signed by the applicant. 3. The applicant agrees to extend the water main early in the development of Phase I to protect the existing residents and their shallow wells. 4. The extension of Liebich Lane, from the current end near Sysco to Tabor Road, will occur prior to any CO's are issued for Phase II of the project. 5. The storm water management areas will be reviewed periodically during the development of the project and any issues will be corrected prior to future phases being completed. Mr. Nadeau seconded. Motion carried unanimously.

New Business:**04.112 SW Jewelers, Rome Plaza, Change of Tenant and Sign**

Mr. Stanley Wood, applicant and proprietor of a proposed jewelry shop to be located in the Rome Plaza presented a change of tenant and sign application in front of the Board. Mr. Wood stated it is his intention to create a destination jewelry store, like the ones on Fifth Ave. NYC, in a 1000 SF storefront in Rome Plaza. Mr. Wood stated he has worked for several leading jewelry stores in the area over the last 10 years. Mr. Wood stated there is little modification needed for the store but intends to create a "diamond gallery" to give his customers a special atmosphere while shopping for a diamond. Mr. Roberts asked how many employees and the hours of operation. Mr. Wood stated one (himself) for now and the possibility of two more in the future. Mr. Wood continued that the store would be open Monday through Friday from 11am to 6pm and Saturday Noon to 4pm. Mr. Nadeau asked about the proposed sign. Mr. Roberts stated the sign is to be located above the store and is 3ft by 6ft and is not lighted. Mr. Higgins asked the applicant to use "Halfmoon" in his advertisement. Mr. Berkowitz made a motion to approve the change of tenant and sign application as presented. Mr. Higgins seconded. Motion carried unanimously.

04.113 MyShopAngel, 1524 Route 9, Change of Tenant and Sign

The applicant is proposing to utilize the bottom portion of Dr. Morrison's DDS office building to operate a sale by Internet, phone and FAX business of black leather goods. The applicant stated they are also proposing a 1' by 4' sign to be located on the existing tenant sign near Rt. 9. Mr. Roberts asked what type of merchandise are they selling. The applicant stated black leather goods such as bags, luggage but nothing you can wear. Mr. Berkowitz asked if they were warehousing the merchandise at the location. The applicant stated no, that most of the goods are shipped directly to the customer from the dealer but at times there will be examples and some shipping from the proposed office site. The applicant stated there is no direct contact with their customers and that all services are offered through the Internet, phone or by fax. Mrs. Patenaude asked if there would be embossing performed at the office. The applicant stated no. Mrs. Patenaude asked how many employees there are and how many parking spaces are available. The applicant stated there would be 6 employees to start out with and possibly up to 20 in a year or two. The applicant was not sure how many parking there was but Mr. Address happened to have a site plan for a later agenda item and stated there is 50 parking spaces for the site, which conforms to the Town's standards. Mr. Nadeau made a motion to approve the change of tenant and sign application as presented. Mrs. Patenaude seconded. Motion carried unanimously.

04.114 Raymour & Flanigan, Route 9, Addition to Site Plan & Sign

Mr. Neil Goldberg, CEO of Raymour and Flanigan (R&F), presented the proposed changes to the existing retail furniture store to the Planning Board. Mr. Goldberg stated that the original application had a number of tenants along with the furniture store but over the last 10 years the tenants have been removed and the furniture store now utilizes all of the existing building space. Mr. Goldberg continued that there are three R&F stores in the capitol region and about 43 stores statewide from the Syracuse based business, which was created about 50 years ago. Mr. Goldberg explained that they are in front of the Board to request a 7,500 SF addition to the store, a revision to the signage and an upgrade to the façade of the building. The addition would be placed in the southeast corner of the store, which is obsolete. The addition would allow R&F to spruce the rear of the store, which is now facing the new Lowe's store. Mr. Goldberg

stated that it is R&F desire to upgrade the building façade, in order reflect today's R&F image to the R&F customer and enhance the gateway to the Halfmoon community. The sign package is to re-locate the signage to every elevation of the building and to re-design the existing pylon sign to a monument sign. Mr. Goldberg stated that they are proposing the same area of signage that exists by re-designing and re-locating the signage. Mr. Goldberg continued by stating R&F has been a good neighbor, creates very little traffic and keeps a very neat appearance. Mr. Goldberg stated the existing retail furniture facility is strictly used as a showroom and no storage or shipments of goods occur from the Halfmoon store. Mr. Roberts asked if Advance Auto is included in the upgrade to the façade. Mr. Goldberg stated that Advance Auto has a land lease, which means they are not obligated to the proposed R&F changes. Mr. Goldberg stated they have discussed the idea with the corporate headquarters of Advance Auto but their corporate image may not allow the changes. Mr. Berkowitz stated there is a storm sewer in the rear of the R&F store that back ups during storm event. Mr. Knittel, R&F Design Coordinator, stated he would look into the situation. Mr. Higgins asked Mr. Goldberg if they own the parking lot around the store. Mr. Goldberg stated yes. Mr. Higgins stated they might want to talk with Advance Auto because they are performing maintenance on their customer's cars and there is a lot of garbage in the parking lot from these activities. Mr. Goldberg stated he has talked with their managers and asked them to discourage their customers to perform any maintenance on their vehicles on-site. Mr. Goldberg stated that at times, R&F personnel would collect garbage in the parking lot to keep a clean image. Mrs. Patenaude stated that she has heard "Clifton Park" used in their ads and asked if they could use "Halfmoon". Mr. Goldberg stated he believes they have corrected that situation. Mrs. Patenaude asked if the proposed addition would allow traffic to circulate safely. Mr. Knittel stated yes. Mr. Berkowitz asked if there was enough parking. Mr. Goldberg stated there are 210 existing parking spaces, which does not conform to the Town's regulations. On the other hand, Mr. Goldberg continued, the retail furniture store business does not generate a large amount of parking demand and the existing parking lot is "overkill" to what is actually needed. Mr. Nadeau asked if there was enough green space. Mr. Goldberg stated yes but the majority is in the rear of the store. Mr. Goldberg asked if the Board would like to see added parking land banked, or the green space enlarged by creating landscaped parking islands. Mr. Goldberg stated there are a number of options to re-design the site but wanted to get the Board's comments on what direction to take. Mr. Chauvin suggested that CHA look at the site plan due to the number of compliance issues with the site. Mr. Chauvin suggested reviewing the application in order to obtain a better understanding to what site issues would need to be addressed by seeking a variance before actually sending this application to the ZBA. Mr. Roberts stated that this application would be referred to CHA for review and has been referred to the County. This item was tabled for further review.

04.115 AT&T Wireless, Elizabeth Extension, Co-location

Mrs. Maureen Elwell, attorney representing AT&T, presented a co-location of a 6ft diameter dish to be placed on the existing 180 ft monopole, cell tower on Elizabeth Extension. Mrs. Elwell stated the proposal to place the 6ft diameter dish is to amend an earlier approval from the Planning Board to allow additional 6 antennas to be placed on the cell tower. Mrs. Elwell stated the dish is used to connect cell phones with "land lines" and would improve the service to the area. Mr. Higgins asked if they are proposing on removing the six, previously approved antennas. Mrs. Elwell stated they have not been placed yet. Mrs. Murphy stated that the applicant is seeking an amendment to the February 2003 approval by replacing the six antennas with the dish. Mrs. Patenaude made a motion to approve the amendment to the 2/03 approvals and allow the 6 ft diameter dish to be placed on the existing Elizabeth Extension cell tower. Mr. Nadeau seconded. Motion carried unanimously.

04.116 Chlopecki Subdivision, McBride Road, Major Subdivision

Mr. Gil VanGuilder presented a subdivision plan to create four new lots from an existing 45-acre parcel located on McBride Road. Mr. VanGuilder explained that the parcel is bisected by McBride Road and also has frontage on Johnson Road. Mr. VanGuilder stated there is an existing farmhouse with several outbuildings, which he considered not a new lot. Also, one the new lots, which will be situated across the road from the farmhouse, will remain in the ownership of the applicant and the other three lots will be up for sale. Mr. VanGuilder wanted to ask the Town Attorney if the new lot that was to remain in ownership with the applicant should be a separate parcel or if the existing farmhouse lot and the lot to remain in ownership with the applicant should be known as one lot. Mr. Chauvin stated they would discuss the matter at a later time. Mr. VanGuilder stated all of the lots range from 5 to 16 acres and conforms to the Town's standards for lots with only private utility services. Mr. Higgins stated that the parcel is located within the North Halfmoon GEIS and that the applicant is allowed to create 4-lots without having to pay for the required mitigation fees. Mr. Higgins stated that if any one of the new lots were to be further subdivided then mitigation costs would be in effect. Mrs. Patenaude suggested a note be placed on the plan stating the GEIS requirements in order to keep track of the requirements. Mr. VanGuilder agreed.

Mr. Nadeau made a motion to set a Public Hearing for February 23, 2004 at 7pm. Mrs. Patenaude seconded.

Motion carried unanimously.

04.117 Kevin Hedley Professional Office Building, 1593&1595 Route 9, Commercial Site Plan

Mr. Chris Millington, MillWest Consultants, represented Mr. Kevin Hedley and presented a site plan for a proposed 24,000 SF, two-story professional office building located on Route 9. Mr. Millington stated there are 120 parking spaces provided, a storm water management area, private septic system, the utilization of the existing curb cut and

the green space requirements are met by combining two existing commercial parcels on

Route 9. Mr. Nadeau asked how close is the stream ravine in the rear of the site. Mr. Millington stated they are working on a grading plan but does not feel there will be any negative impacts from the proposed development.

Mr. Nadeau stated he is concerned with run-off to the stream. Mr. Millington stated that they will prepare a storm water

management plan and the proper steps will occur to protect the stream. Mr. Higgins asked if there is a possibility of connecting to the public sewer line. Mr. Bianchino stated he believes the closest sewer line is at the Halfmoon Gas Plus (Mobil) on Sitterly Road. Mr. Millington added that it is about 2/10 of a mile. Mr. Berkowitz asked if the septic

area could be moved from the front of the building. Mr. Bianchino stated that the septic area would be preferably placed in the proposed location due to the stream in the rear of the site. Mr. Nadeau asked if there is a design for the building. Mr. Hedley stated no but would submit one and that they are looking for a brick/glass building style. Mr. Roberts stated that this item has been referred to the Saratoga County Planning Board and would be referred to CHA for engineering review.

This item was tabled for further review.

04.119 McGinn, Smith & Co Inc., 6 Executive Park Drive, Change of Tenant

Mr. Tom Andress, ABD Engineering, presented a change of tenant application for a proposed stockbroker business to be located at Lot 6 of the Halfmoon Executive Park. Mr. Andress explained that Lot 6 has a 9,100 SF office building whereas there will be two tenants occupying the building one being Theraplay which utilizes 2,500 SF of office space and the tenant proposal which will utilize 4,400 SF of office space. There is still 2,200 SF of vacant office space. Mr. Higgins asked how many employees. Mr. Andress stated a maximum of 22 employees. Mr. Higgins stated a 4,400 SF office space is required to have 22 parking spaces and with 22 employees there would not be sufficient parking for customers. Mr. Andress stated the proposed use does not create a lot of customer traffic. Mr. Nadeau asked what would happen if the building is fully occupied but there is not sufficient parking. Mr. Chauvin stated that at the time of the next tenant application for this site and if the review shows there is not sufficient parking for the site, the tenant application would not gain approval.

Mr. Berkowitz made a motion to approve the tenant application as presented. Mr. Ruchlicki seconded. Motion carried unanimously.

04.120 Lot 1 Halfmoon Executive Park, 1 Executive Park Drive, Minor Subdivision

Mr. Tom Andress presented a subdivision proposal to separate two commercial building located on Lot 1 of the Halfmoon Executive Park. Mr. Andress explained the proposed subdivision would create two conforming commercial lots with regards to green space, parking and setback requirements. Mr. Andress continued that there would be a reciprocal easement with regard to the shared access and parking lot aisle. Mr. Chauvin asked for Mrs. Murphy or himself to review the easement language. Mr. Andress agreed. Mr. Polak asked if there was a green area between the two commercial buildings. Mr. Andress stated no that the parking areas link the two sites but both sites conform to the 20% green space requirement each. Mr. Berkowitz asked if the two sites share the dumpster area. Mr. Andress stated that is a possibility and would include that in the easement if necessary. Mr. Roberts asked for CHA to review to see if all necessary zoning requirements are in order prior to setting a Public Hearing.

This item was tabled for further review.

Mrs. Patenaude made a motion adjourn the Planning Board meeting at 8:14 PM. Mr. Berkowitz seconded. Motion carried unanimously.

Respectfully Submitted,

Jeffrey R. Williams
Town Planner