

## Planning Board Minutes - February 24, 2003

Those present at the February 24, 2003 Planning Board meeting were:

Planning Board Members: Steve Watts - Chairman  
Marcel Nadeau  
Cindy Patenaude  
Rich Berkowitz  
Tom Ruchlicki  
John Higgins

Secretary: Tara Anuszewski

Town Attorney: Bob Chauvin

Deputy Town Attorney: Lyn Murphy

CHA Representative: Michael Bianchino

Liaison: Walter Polak

Planner: Jeffrey Williams

Mr. Watts called the meeting to order at 7:10 pm

Mr. Nadeau made a motion to approve the February 10, 2003 minutes. Mr. Higgins seconded. Motion carried.

Public Hearings:

03.112 Fairway Estates, Raylinsky Lane, Lot Line Adjustment. Mr. Chauvin recused himself. Mr. Watts opened the public hearing at 7:11 pm and asked if anyone wanted the notice read. No one responded. Mr. Gil VanGuilder was present and stated Mr. Tanski would like the Board to consider a lot line adjustment in the Fairway Estates Subdivision. Mr. VanGuilder stated it involves lots 32,34 and the remaining lands that have been retained for a golf course that is being built as part of the overall project. The only area that is being affected is a strip of land that was initially being considered as an access to the golf course that is now being deleted. There are several other accesses to the golf course. Mr. VanGuilder stated the purpose of the request was that the units as constructed on lot 36 were much higher in elevation than the plan that existed on lot 34. In order to transition that grade difference without having to get into retaining walls and possible long-term maintenance issues for the purchasers, Mr. Tanski decided to slide the units down. The unit on lot 34 ended up in the old access area but everything else worked out with the grading and it made the situation a lot better. Mr. VanGuilder stated no other changes are being proposed. There will not be any lots added or set back changes. Mr. Watts asked if anyone from the public wished to speak. Mrs. Teri Russell of 30 Raylinsky Lane asked how this would affect her view. Mr. VanGuilder stated the units are being moved 30 feet along Raylinsky Lane and they will not be closer or further away from her property. Mr. Watts asked if anyone else wished to speak. Mr. Mike Stiles of Route 9 asked if this change was acceptable with the PDD. Mr. VanGuilder stated they did ask Counsel to review the PDD legislation to see if the Town Board needed any change in the resolution and Mrs. Murphy did review that but because of the minor nature of the change no change is needed to the resolution. Mrs. Murphy stated she believes what Mr. Stiles is referring to is at the last meeting there was a question as to whether or not there was a mandate that the golf course remain public because the applicant is saying he wanted to make it private. Mrs. Murphy stated she did look at the legislation and there is no mandate that the golf course remain public. If the Board wants to consider this then consider it on the condition that the golf course be made private and make it part of the approval. Mr. Watts asked if anyone else wished to speak. No one responded. Mr. Watts closed the public hearing at 7:16 pm and asked if anyone from the Board had any comments. Mr. Nadeau asked if they make it part of the approval and should Mr. Tanski decide to make it public will it be the Board's control to review it. Mrs. Murphy stated there is no language in the PDD which mandates it be a public or a private course. Mr. Higgins stated he believes when it was originally proposed that strip of land was the main access for people to pay the fees at the main course and then driving over. Mr. Tanski responded no, the main access was always behind building #32. Mr. Higgins asked if it was a private course would the fee payment still be done at the public course

or would they have to set up another location. Mr. Tanski responded the way he is trying to structure it would be they would pay privately on a yearly basis. Mr. Watts asked where would they control who was on the golf course. Mr. Tanski stated there is no control except for the rangers that go around and check the badges, if you do not have a badge you will be asked to leave. Mr. Watts asked if there would be any facilities. Mr. Tanski responded no. Mr. Watts asked where the people on the course went to the rest room. Mr. Tanski responded in their own town houses. Mr. Watts asked if there was still an issue with the sewer. Mrs. Murphy stated there has been an issue with regards to sewer. The County was waiting for some additional information from the applicant. The applicant has provided them with all of the necessary information and it is the County's intent to take over the sewer possibly on Wednesday (2-26-03) but she would ask the Board if it gets approved to make it contingent upon the conditions as set forth in the letter dated February 24, 2003 that was provided to the Board. Mr. Watts asked if anyone had any other comments.

Mr. Berkowitz made a motion to approve the lot line adjustment as presented contingent upon the sewer situation being resolved and the note stating it is a private course. Mr. Nadeau seconded. Motion carried.

#### Old Business:

01.186 Plant Road Plaza, 1525 Route 9, Commercial Site Plan. Mr. Chauvin recused himself. Mr. Zareh Altounian was present and stated this proposal is for a small mall. Mr. Altounian stated this was previously before the Board so he will go over the revisions. Mr. Watts asked if they had a letter from CHA. Mr. Altounian responded not yet. Mr. Watts asked Mr. Bianchino if he sent them the letter. Mr. Bianchino responded no but they have the last letter. Mr. Watts asked to go over the revisions. Mr. Altounian stated the changes that have been made were they have added the curb to the Miracle Shop property, which will be 2 feet wide by 52 feet long. They have to go to DOT and get the permit approval for the drainage and curb cuts. They will be keeping one curb cut and eliminating the second one, which is closest to the intersection. Mr. Altounian stated they would like to eliminate two parking spaces because of a safety issue. They are still under the number required. Mr. Altounian stated the various comments CHA had have been addressed. Mr. Bianchino stated the issues that were raised in the letter that hasn't been given to the applicant was regarding the loading area in the back behind the building. Mr. Bianchino also stated a comment that was raised earlier about the width of the curb cut on Plant road and that there is not a lot of area for maneuvering and they were concerned about trucks backing up onto Plant Road. They also had a concern with the location of the dumpster that close to Plant Road and how it would be screened. Mr. Nadeau asked if these were issues that have not been addressed. Mr. Bianchino stated yes they are issues that have not been addressed from before. Mr. Watts asked if anyone from the Board had any comments. Mr. Nadeau stated CHA's comments need to be addressed. Mr. Nadeau also commented that whomever the other tenants are they will need to come in for approval to make sure the particular use would fit that area. Mr. Higgins is concerned with the parking. Mr. Watts stated he would like to get the responses from the CHA letter and table this.

02.238 Halfmoon Self Storage, 862 Hudson River Road, Addition to Site Plan. Mr. Dave Flanders was present and stated since the last meeting the plan has been completed to a point, which shows the proposed drainage and storm sewer system. Mr. Flanders stated the plans have been submitted to Mr. Bianchino for his review. They have also added additional plantings on both sides of the property for screening, a retaining wall and the proposed lighting. Mr. Higgins stated he and Mrs. Patenaude met with the applicant and they discussed the site. Mr. Higgins stated at the rear of the site there was an existing easement for a railroad spur and has now been relinquished back to the applicant so it is no longer in existence. There was another easement on the south side of the property for the utility company to bring in the service to this site plus the existing cell tower. Mr. Higgins stated there was a question regarding the driveway in the front of the site. The presently approved driveway accesses goes through another business on the south side of the property and the applicant felt it was better for his business to create an easement going down on the eastern side of the site into the existing easement. Mr. Higgins stated the applicant proposed to utilize the existing office in the body shop for the self-storage also. Mrs. Patenaude stated the only other thing that was discussed was screening the parking on the side of the building. Mr. Flanders stated they would add screening to the map. Mr. Higgins stated the site is not in compliance with the original site plan but when the weather is better he will bring the plantings up into conformance. Mrs. Patenaude informed the applicant that if the plantings that went in late in the season do not take they would have to be replaced to keep the site into compliance. Mrs. Patenaude would like to make sure that all of the plantings are shown on the final stamped plans. Mr. Nadeau asked where they were on the blacktop issue. Mr. Batchelder responded Mr. Niles would blacktop past his driveway. Mr. Watts asked if anyone else had any comments. Mr. Higgins asked Mr. Bianchino if he reviewed the lighting plan. Mr. Bianchino responded yes.

Mrs. Patenaude made a motion to approve the application as presented contingent upon the changes being

added to the final map. Mr. Nadeau seconded. Motion carried.

#### New Business:

03.117 Dunkin Donuts, 1530 Route 9, Commercial Site Plan. Mr. Paul Avery of Oak Engineers and Mr. Greg Nolan were present. Mr. Avery stated they are proposing a 2,400 square foot Dunkin Donuts store at 1530 Route 9. There will be approximately 20 seats with a drive thru. The site plan proposes 2-way circulation in the front part of the site with one way flow around the rear of the site for the drive thru window. They do conform to the zoning requirements of 30% of open space and they do meet the set back requirements. The storm water management will consist of series of catch basins routing to two storm water structures at the rear of the site. Mr. Avery stated although the site is less than an acre they would be required to comply with the DEC storm water policy. Mr. Avery stated they have done that. Mr. Avery stated that the nature of the business speaks for itself. Mr. Avery also added that this site is an existing non-conformance as far as frontage. Mr. Avery stated the minimum frontage is 150 feet and they have 120 feet. Mr. Avery stated there would be building mounted lighting. There will be one dumpster and be located at the rear of the site and it will be a screened in enclosure. Mr. Nadeau asked if they had any idea of a traffic pattern or any numbers of anticipated customers. Mr. Greg Nolan responded he is not quite sure of the traffic counts but they have allowed for a 22-car stack on site. Mr. Nolan stated there is some data that Dunkin Donuts Corporate put out that he could submit to the Board if they would like. Mr. Watts responded yes. Mr. Nolan will provide the Board with that information. Mr. Polak asked where the connection to the sewer was. Mr. Nolan responded they are not connecting now because of the moratorium. They will be proposing a septic system area but it has not been fully designed. Mr. Higgins asked when they would hope to tie into the County Sewer. Mr. Nolan responded once it is available. Mr. Watts commented that the bank building was approved for a holding system instead of a septic system. Mr. Bianchino responded the bank has a significantly lesser flow but the Board made provisions for them to install a septic system. Mr. Nadeau stated that is something the Board would have to look closely at. Mr. Nolan stated the system they are proposing would be subject to Department of Health review. Mr. Nadeau asked if they would consider a one way in and one way out of the site instead of two-way traffic at both entrances. Mr. Nolan stated they would be receptive to that. Mr. Berkowitz asked where they accepted deliveries. Mr. Nolan responded in the rear of the building and it would be at off peak hours during the slow times and it would be twice a week. Mr. Avery stated the driveway is 24 feet wide in other words it is a full escape lane. Mr. Avery stated even if a delivery truck came in and parked the whole driving lane would be useable. Mr. Berkowitz asked if they would be delivering the donuts or actually producing them on site. Mr. Nolan responded it would be a satellite location and they would be delivered twice a day. The paper goods would be delivered twice a week. Mr. Berkowitz asked how big the trucks were. Mr. Nolan responded the twice a week deliveries would be an 18-wheeler and the daily deliveries would be a box truck. Mr. Berkowitz asked if they would need a wider entrance to get an 18-wheeler in. Mr. Avery responded they are 24 feet and would be wide enough. Mr. Berkowitz is concerned about the crossing of traffic. Mr. Polak stated the driveway has to be wide enough to come out of the site so it is not blocking Route 9 traffic. Mr. Avery stated there were some issues with respect to abutting the residential use and he has spoken to Mr. Williams about that. Mr. Avery stated they are well over 50 feet from the residences. Mr. Watts is concerned with the frontage and would like the Attorney to review that issue to see if a variance is needed. Mr. Higgins asked what the hours of operation were. Mr. Nolan responded whatever the local ordinances were but would like to be open 5 am until 10 pm. Mr. Higgins is also concerned with the dumpster location. Mr. Watts referred this to CHA and the Town Attorneys for their review.

03.118 Creative Dance Arts, 1673 Route 9 – Health Plex, Sign. Ms. Lori Fitzsick was present and stated they are proposing a 4 x 8 panel sign to the existing Health Plex sign. Mr. Watts asked if she operated this site. Ms. Fitzsick responded Patty Moore was the director. Mrs. Patenaude asked how when they came in for their original approval. Ms. Fitzsick responded they have been in Health Plex for four years. Mr. Watts asked if Planning Board approval was given back then. Ms. Fitzsick responded that she does not know. Mr. Nadeau would like Mr. Roberts to review the sign because of past signage issues. Mr. Watts stated Mr. Roberts would review this application. Mr. Chauvin asked Ms. Fitzsick if Ms. Moore has proof of Planning Board approval if he could have a copy of it. Mr. Watts stated this item would be tabled.

03.119 Smartwatt Inc., 12 Corporate Drive, Change of Tenant. Mr. Tom Address was present and stated at the last meeting they received approval for a change of tenant for this location and this is for an additional tenant. Mr. Address stated it is an energy company with 7 employees in an 1,800 square foot area. Mr. Address stated there is 1,500 – 1,700 square feet remaining for a small tenant and that would finish the building. Mr. Nadeau asked what the nature of the business was. Mr. Address responded energy audits. Mr. Higgins asked if there was sufficient parking. Mr. Address responded yes. Mr. Watts asked if anyone had any other questions.

Mr. Nadeau made a motion to approve the application as presented. Mrs. Patenaude seconded. Motion carried.

03.120 Finally Free Electrolysis, 2 Hayner Heights Drive, Change of Use & Tenant. Mr. Shawn Francis was present and stated his wife owns Finally Free Electrolysis and it is currently located on Route 9 across from Walmart. Mr. Francis stated the current building has two rental units. One is currently the Printing Outlet and the other is at the rear of the building and is empty. Mr. Nadeau asked Mr. Williams if parking was an issue. Mr. Williams responded they are ok. Mr. Francis stated it is hard to see the spaces now with the snow but believes there are 14 spaces with 1 handicap space. Mr. Francis stated they work by appointment and the Printing Outlet is basically in and out so he feels parking is adequate. Mr. Watts asked if anyone had any other questions. Mr. Francis will apply for the sign at a later date.

Mrs. Patenaude made a motion to approve the application as presented. Mr. Nadeau seconded. Motion carried.

03.121 AT&T, Elizabeth Street, Co-Location on an existing Cell Tower. Mr. Doug Dimitroff was present and stated they are representing AT&T for a co-location on a cell tower. Mr. Ben Campbell was also present. Mr. Dimitroff stated there is no coverage in or around Halfmoon. They are proposing a co-location on the Nextel Tower on Elizabeth Street. The tower is a 180-foot monopole and AT&T would like to locate the antennas at approximately 168 feet. In addition to the six antennas there would be a 10 x 17 foot housing area at the base of the tower for all of the mechanics. They have included the radio propagation maps. Mr. Campbell stated he could answer any questions the board had. Mr. Higgins asked if they would be tying into the existing utilities. Mr. Campbell responded yes. Mrs. Patenaude stated she looked at the file and did not see any problems and also stated the Board does encourage co-location.

Mrs. Patenaude made a motion to approve the Neg Dec. Mr. Berkowitz seconded. Motion carried.

Mrs. Patenaude made a motion to approve the application for co-location as presented. Mr. Berkowitz seconded. Motion carried.

03.122 ABC Nursery School, 13 Old Route 146, Change to Existing Site Plan. Mr. Scott Lansing was present and stated they are proposing a modification to the existing access. Mr. Lansing stated there have been several accidents in the vicinity of this location. Mr. Lansing stated they are proposing a one-way access through the Clifton Court Apartments out to Old Route 146. Mr. Nadeau asked what the traffic issue is now. Mr. Lansing stated there is some traffic congestion at peak hours at pick up and drop off. They are proposing this change to have a stacking area. Mr. Lansing stated there is an existing fence line at the property line and with the proposal they would be adding a gate that would be open during business hours and closed off business hours to eliminate any traffic not associated with the school. Mr. Tanski added the fence they are removing was not part of the site plan he elected to add it himself. Ms. Manchester of ABC was present and stated the drop off and pick up hours are 9 am and 2:30 pm. Ms. Manchester is concerned with the safety of the children. Mr. Nadeau asked about the signage. Mr. Watts stated there would be a directional sign on Mr. Tanski's property. Mrs. Murphy stated it is not considered an off premises sign it is a directional sign. Mr. Watts asked if they would need the sign. Ms. Manchester stated they do not need a sign.

Mr. Berkowitz made a motion to approve the change to the site plan as presented. Mr. Nadeau seconded. Motion carried.

Mr. Watts asked if anyone had anything else for the Board. Mrs. Patenaude made a motion to adjourn at 8:25 pm. Mr. Nadeau seconded. Motion carried.

The next Planning Board meeting will be March 10, 2003.

Respectfully Submitted

Tara Anuszewski, Secretary  
Town of Halfmoon Planning Board