

## **Town of Halfmoon Planning Board**

### **Meeting Minutes – September 24, 2012**

Those present at the September 24, 2012 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman  
Don Roberts – Vice Chairman  
Rich Berkowitz  
Marcel Nadeau  
John Ouimet

**Director of Planning:** Jeff Williams  
**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the September 24, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the September 10, 2012 Planning Board Minutes. Mr. Roberts made a motion to approve the September 10, 2012 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

#### **New Business:**

##### **12.077 NB Hess Corporation, 1513 Crescent-Vischer Ferry Road – Sign**

Mr. David Raber, of Northeast Petroleum Technologies, Inc., stated the following: We are contractors for the Hess Corporation. We are proposing to change the signage at the existing Hess Station located on 1513 Crescent-Vischer Ferry Road. Currently Hess sells Mountain Top coffee and now they are selling Dunkin Donut coffee. For sign #1 we are proposing to a 15.25 SF one-sided, internally lit Dunkin Donuts Express sign to replace the Godfather Pizza sign with the same square footage to be wall-mounted over the western end of the front façade of the building. We are also proposing to replace sign #2, which is the Blimpie sign with a combined Godfather Pizza/Blimpie sign to be wall-mounted over the eastern end of the front façade of the building. Sign #3 would be for the Dunkin Donuts Express sign that would be 18.76 SF to replace the Godfather Pizza and Blimpie panels that would also have the same square footage. Mr. Watts asked would this proposal change your employee count? Mr. Raber stated no. Mr. Roberts stated the following: Even though this sounds like a lot of signage, the new proposed signage would still conform to Town Code. For the lighting of these new proposed signs; would it be any different or brighter from what is currently there? Mr. Raber stated no, all the lighting would stay the same.

#### **For the record: The Planning Department's write-up for the sign(s) is as follows:**

Hess Corporation, 1513 Crescent Vischer Ferry Rd- Sign

**Zoning:** C-1, Commercial

**Sign #1-Dunkin Donuts Express**

**Sign Size:** 15.25 SF

**Sided:** ☒ **one-sided** ☐ **Two-sided**

**Location of Sign:** wall-mounted over western end of front façade of building

**Lighted:** ☒ **Internal** ☐ **Flood**

**Brief Description:** To replace Godfather Pizza sign-same square-footage

Sign #2 Godfather Pizza/Blimpie Subs and Salads

**Sign Size:** 15.25 SF

**Sided:** ☒ **one-sided** ☐ **Two-sided**

**Location of Sign:** wall-mounted over eastern end of front façade of building

**Lighted:** ☒ **Internal** ☐ **Flood**

**Brief Description:** To replace Blimpie sign with combined Godfather Pizza/Blimpie sign-same square footage

Sign #3-Dunkin Donuts Express

**Sign Size:** 18.76 SF

**Sided:** ☐ **one-sided** ☒ **Two-sided**

**Location of Sign:** on free-standing sign

**Lighted:** ☒ **Internal** ☐ **Flood**

**Brief Description:** To replace Godfather Pizza and Blimpie panels-same square footage

Mr. Roberts made a motion to approve the sign application for the Hess Corporation. Mr. Nadeau seconded. Motion carried.

**12.083 NB Zach Stone Barber, 222 Guideboard Road (222 Plaza) – Change of Tenant**

No representative was present for this application; therefore, no action was taken on this item.

**12.084 NB Iroquois Healthcare Association, Inc., 15 Executive Park Drive – Sign**

Ms. Mary Beth Durocher, of Iroquois Healthcare Association, Inc., stated the following: We are proposing to put a sign up for the building we are moving to located at 15 Executive Park Drive. We have relocated from 17 Executive Park Drive.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**

**Location:** Halfmoon Executive Park

**Zoning:** Commercial (C-1)

**Size of Building:** 6,330 SF

\*The applicant gained a change of tenant approval on August 13, 2012 to utilize the former Pal's Day Care site for its health advocacy business.

Sign

**Sign Dimensions:** 3ft x 6 ft

**Sign Area:** 18 SF \*

**Sided:** ☐ **one-sided** ☒ **Two-sided** \* "15" – the address # will be on back side of sign

**Total Height:** 6 ft

**Location of Sign:** front entrance of the site

**Lighted:** ☐ **Internal** ☒ **Flood**

Mr. Roberts made a motion to approve the sign application for Iroquois Healthcare Association, Inc. Mr. Berkowitz seconded. Motion carried.

**12.085 NB      Coreno Subdivision, 90 Ushers Road – Lot Line Adjustment**

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: We are representing Mr. William Coreno in his request for a lot line adjustment between two parcels of land. The parcel is located on the south side of Ushers Road about a ½-mile east of the intersection of English and Ushers Road. The lot line adjustment is between a 1-acre lot and the contiguous 19.8-acre parcel, which is located directly in the back. Mr. Coreno is proposing to take ½-acre in the front portion of the 19.8-acre parcel and combine it with the 1-acre parcel in the front to make it a 1.5-acre parcel to make it a conforming lot for the Light Industrial/Commercial (LI-C) zone. There still would be access to the 19.8-acre parcel in the back.

Mr. Berkowitz made a motion to set a public hearing for the October 9, 2012 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

**12.086 NB      Empire Ambulance Service, 14 Corporate Drive – Change of Tenant & Sign**

Mr. Tom Andress, of ABD Engineering, stated the following: This is located in the Abele Office Industrial Park at 14 Corporate Drive. Empire Ambulance Service is proposing to operate its administrative office at that location. There wouldn't be any ambulances there and they would utilize 3,416 SF of office space previously occupied by an insurance company. We did a summary and there is a lot of extra parking there. They would have 10 employees and the hours of operation would be 8:00 am to 5:00 pm Monday through Friday. Our summary shows the site has approximately 57 employees with 76 parking spaces available. The applicant wishes to replace the tenant panel on the existing monument sign and we have provided a picture of the existing sign. Mr. Watts asked where is the applicant currently located. Mr. Andress stated I don't know. Mrs. Murphy stated I believe they are currently located in Troy. Mr. Watts stated so there wouldn't be any ambulances parked there and there wouldn't be any repair done at that site. Mr. Andress stated correct, this would just be their administrative office. Mr. Watts stated please tell them to advertise that they are located in Halfmoon. Mr. Andress stated okay.

***For the record: The Planning Department's write-up for the sign(s) is as follows:***

**Sign – Empire Ambulance Service**

**Sign Size:** 1.16 SF

**Sign Dimensions:** 3.5 in. x 4ft

**Sided:** ☒ one-sided    ☐ Two-sided

**Location of Sign:** at entrance of site

**Lighted:** ☐ Internal    ☒ Flood

Mr. Ouimet made a motion to approve the change of tenant application for Empire Ambulance Service. Mr. Roberts seconded. Motion carried.

Mr. Ouimet made a motion to approve the sign application for Empire Ambulance Service. Mr. Roberts seconded. Motion carried.

**12.087 NB      Schnable-Lachel Engineering, P.C., 28 Corporate Drive – Change of Tenant & Sign**

Mr. Tom Andress, of ABD Engineering, stated the following: The applicant wishes to operate an engineering consultant office from the existing building located at 28 Corporate Drive. This would

be a satellite office and the applicant would occupy 1,742 SF of office space with 3 employees and the hours of operation would be 8:00 am to 5:00 pm Monday through Friday. The applicant is proposing to replace the tenant panel on the existing monument sign.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**

Sign – Schnable-Lachel Engineering, PC

**Sign Dimensions:** 3.5 in. x 4ft

**Sided:** ☒ one-sided ☐ Two-sided

**Location of Sign:** at entrance of site

**Lighted:** ☐ Internal ☒ Flood

Mr. Ouimet made a motion to approve the change of tenant application for Schnable-Lachel Engineering, P.C. Mr. Nadeau seconded. Motion carried.

Mr. Ouimet made a motion to approve the sign application for Schnable-Lachel Engineering, P.C. Mr. Nadeau seconded. Motion carried.

**12.088 NB Kathy Marchione for New York State Senate, 1707 Route 9 (Shoppes of Halfmoon) – Change of Tenant & Sign**

Mr. Bruce Tanski, the applicant, stated the following: I currently have Mrs. Kathy Marchione occupying one of my units at the Shoppes of Halfmoon. I would like to apologize to the Planning Board because I didn't come here sooner and I take full responsibility for that. At the current time there is only one full-time employee and the hours of operation are Monday through Saturday 8:00 am to 8:00 pm. Mr. Watts asked is there was adequate parking at the site? Ms. Zepko stated yes.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**

**Sign**

**Location:** over entry to suite

**Sign Size:** 2 ft x 8 ft = 16 SF

**Sided:** ☒ one-sided ☐ Two-sided

**Lighted:** ☒ Internal ☐ Flood

Mr. Nadeau made a motion to approve the change of tenant application for Kathy Marchione for New York State Senate. Mr. Berkowitz seconded. Motion carried.

Mr. Nadeau made a motion to approve the sign application for Kathy Marchione for New York State Senate. Mr. Berkowitz seconded. Motion carried.

**12.089 NB Phillips Home Solutions/Thermal Industries Windows & Doors, 1549 Route 9 (Wal-Mart) – Change of Tenant**

Mr. Ouimet recused himself from this item. Mr. Robert Doherty, of Thermal Industries Windows & Doors, stated the following: Thermal Industries is requesting to occupy a space inside the Wal-Mart location. We manufacture vinyl replacement windows. Our largest client, Phillips Home Solutions is going to be occupying the space. We are the leaseholder and Phillips is the sub-lease holder. Mr. Jim Phillips, of Phillips Home Solutions, stated the following: Wal-Mart requested that we be in our display 50 hours a week with an average of 2 employees during that time. Mr. Watts asked would there be any storage of the product? Mr. Phillips stated we would just have displays.

Mr. Berkowitz made a motion to approve the change of tenant application for Phillips Home Solutions/Thermal Industries Windows & Doors. Mr. Roberts seconded. Motion carried.

**Old Business:**

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

Mr. Scott Lansing, of Lansing Engineering, stated the following: I'm here tonight for the Princeton Heights project. It has been quite some time since the Board has last seen this project. I believe the last time we were before the Board was about 2007 or 2008. Our ultimate goal for this evening is for a referral to CHA for advancement on the preliminary engineering. The overall site is approximately 39.5-acres. The property is located on the eastside of Interstate 87 and the parcel is zoned Residential (R-1), which is for single-family and two-family residential. Approximately 32.6-acres is woods and brush shown in the aerial photo. The aerial photo is a great representation of what the existing conditions are on the site. The topography is rolling and generally slopes from west towards the east. The proposed conditions are a conventional single-family residential subdivision. All the lots are proposed to meet the R-1 zoning requirements, which are 20,000 SF in size and they would have 100 FT of frontage across the front of the lots with 50 FT front yard setback, a 10 FT and 15 FT side yard setback and a 30 FT rear yard setback. We are proposing the extension of Princeton Street that was a part of the last application submitted to the Board. The primary difference from the last application until now is the secondary access point that comes out onto Manchester Drive. There is public water available that would be extended throughout the parcel with connections on both Manchester Drive and Princeton Street. We are proposing to connect to the existing sanitary sewer on Manchester Drive where there is a gravity network in that area. Stormwater would be managed on-site. I would like to note that in my review of the past meeting minutes and comments from CHA and the Board were primarily related to the secondary access point and the applicant has worked hard to provide that secondary access point. In my opinion, that is the biggest change since the last time we were before the Board. Mr. Nadeau stated the your narrative states that you have proposed 51 lots and on the map I'm showing 52 lots. Mr. Lansing stated I apologize but it should be 51 lots but I would have to double-check that. Mr. Ouimet asked how wide are the proposed new roadways? Mr. Lansing stated the new roadways would be to Town standards; so it would be a 60 FT right-of-way with the 28 FT carriageway with 2 FT wings on each side so that would be 32 FT overall. Mr. Ouimet asked do you have any idea how wide the existing roads that this project would dump into are; such as Manchester Drive? Mr. Lansing stated the following: I believe Princeton Street is 33 FT and I will have to check on Manchester Drive. Based off the aerial, it looks a little narrower than Princeton Street but I will definitely double-check that. Mr. Ouimet asked what about New Castle Road? Mr. Lansing stated I will check that one as well. Mr. Ouimet stated when you were last here in 2007, how many lots were you proposing at that time? Mr. Lansing stated 47 lots at that time. Mr. Ouimet asked where are the additional lots. Mr. Lansing showed the Board where the additional lots were located on the plans. Mr. Ouimet asked has a traffic study been done? Mr. Lansing stated the following: It has not been updated but we wanted to present this to the Board in this conceptual form. There was a traffic study done back in 2007 that will obviously have to be updated. Mr. Ouimet stated the following: I have a couple of issues that I want to put on the records so that the developer is aware of some of the hurdles that he or she is going to face. I'm concerned about the density of this project and the reason why I'm concerned about the density is because this project would empty into an existing road structure that is, in my opinion, sub-standard. It may have been standard in the 1960's when the subdivision was approved and built but in my estimation it is substandard to take additional traffic especially from 51/52 houses or 47 houses for that matter. I'm also concerned about the traffic study and I know Mr. Lansing has said

that it hasn't been updated. I believe it needs to be updated and it needs to take into consideration the 2 apartment proposals on Stone Quarry Road, the Halfmoon Village and Yacht Club that has been approved by the Town Board. It needs to take into consideration whatever configuration Linden Village proposal ultimately takes. Also, it needs to take into consideration the project that Mr. Zdrahal has proposed that connects through Ellsworth Landing/Timberwick that ultimately feeds both ends of Woodin Road near this project and I don't think the 2007 traffic study did any of that. Mr. Lansing stated I agree. Mr. Ouimet stated the following: Those are my concerns. You are putting a lot more traffic through those little subdivision streets and the last time I was there, they're awful narrow. Mr. Nadeau stated the following: I agree with Mr. Ouimet. I know one of the reasons was that that there was only one entrance and I don't know if your proposed second entrance alleviates much of the concerns that the neighbors had on Princeton Street, because again, they are almost substandard roads. What are you doing to possibly correct that or make it any different than you had before? Mr. Lansing stated the following: As far as the secondary access point, I feel we meet the concerns that the Board and the public had as far as an emergency access to the residents. But I do understand your concern about the outside streets that we're connecting to and that is something that hopefully the traffic study will address. I'm sorry, I'm not a traffic engineer and it's not something that I could address. Mr. Nadeau asked do you have any projections, percentage wise, which direction they are going to go? Mr. Lansing stated I don't and I would have to leave that to the traffic engineers. Mr. Watts asked where do these roads feed into? Mr. Lansing stated the following: They go out and then they go out to Woodin Road. So, basically the whole subdivision connects out to Woodin Road. There is something like a boulevard in one area. So, as far as distribution, I'll take a guess at 50% would go out one way and make their way to Woodin Road and maybe the other 50% would go the other way. Mr. Nadeau stated I don't think it matters whatever direction they go in because we have that stacking problem at Woodin Road now, so that's not a great situation. Mr. Watts stated so they would go out to Woodin Road. Mr. Ouimet stated the following: They are going to Woodin Road through an existing subdivision. So, they have no direct access to Woodin Road or to Dunsbach Road or anything other than the two internal roads that I mentioned earlier. Mr. Roberts stated the following: I agree with Mr. Ouimet and Mr. Nadeau. I think those roads in North Wood are much too narrow to accommodate what they are planning here. Mr. Watts stated if my memory serves correctly; that was brought up back in 2007 too with feeding into substandard roads. Mr. Lansing stated the following: I believe it was and I believe it was discussed in the traffic study. I'm sure a resolution was made. Mr. Watts stated I think that was still kind of out there back in 2007. Mr. Bianchino stated the following: I remember that we did have that discussion but I don't recall how it was resolved or if it was resolved. I will go back and look through my notes. Mr. Berkowitz stated there is also a blind hill in that area that you would have to go over. Mr. Nadeau stated the following: I think that second entrance is definitely needed but I don't know if it is a cure-all to your project. I think even though with that second entrance; I don't know if it still solves a great problem going through Princeton Street. Also, I feel the density is too heavy. Mr. Ouimet stated the following: At the last public hearing that we had with the 2007 project review, the public raised a lot questions and a lot of issues about there concern over the loss of natural wildlife habitat. I don't know if the developer has done anything to look at that concern or tried to address that concern in any way or if he is proposing anything that specifically addresses that particular issue. If my recollection is correct, that was a lot of the publics concern of the project with the extension of Princeton Street for this subdivision. Also, I brought up the issue of the roads in North Wood back in 2007. So, if you go back and look at the record of the public hearing, you will see that that issue was raised before. Mr. Williams asked could we get the deeds to the McLagan property for our attorney to review? Mr. Lansing stated yes. Mr. Watts

stated the following: At this point, I'll refer this proposal to CHA. I think that you'll want to think about the concerns that were raised too as to where we want to go with that. So, review those because the last time this proposal was before the Board was 5 years ago. Mr. Lansing stated the following: I would like to make one clarification regarding the number of proposed lots. I apologize that there was a typo in our narrative and there are 52 lots proposed for this project.

This item was tabled and referred to CHA for their technical review.

**12.060 OB      CGM Construction Planned Development District (Equipment Storage Garage), 87 Button Road – Commercial Site Plan/PDD**

Mr. Chris G. Marchand, of CGM Construction, stated the following: At the last meeting the Board requested some additional information, which we have forward to the Board. I hope we have answered all your questions. Again, because we have had no opposition and the neighbors have come out and spoke in favor of it, even with an expanded notification for the public hearing. Hopefully the Board sees it the way we do and will grant a positive recommendation back to the Town Board. One mistake or misinformation that I did have was regarding the public benefit that I didn't quite understand that situation and obviously we will do whatever we have to do or whatever the Board deems fit for this project if we are granted it. Mr. Roberts stated the following: I'm still concerned because we are talking about a 1.8-acre site here and a Planned Development District (PDD) calls for a 10-acres. I know I've said it before but I'm concerned about setting a precedent here by approving this. I just don't think we should go in that direction. Mr. Nadeau stated the following: As the applicant was saying, there are a lot of commercial uses in the area. I took an approximate calculation count and I counted 5 business and 11 residences. Does Mrs. Murphy know if the Town Board has any intentions of changing that to commercial? Mrs. Murphy stated I haven't heard any proposals to change that area of Town and that was not part of the Comprehensive Plan recommendations. Mr. Ouimet stated the following: At the last discussion that we had about this proposal, I expressed concern with the entire proposal. I wasn't at all convinced at that time whether the proposal actually met the intent of the PDD legislation. So, I've listened to the applicant, I've listened to the public and to the people who spoke at the public informational meeting and I've reviewed again and again the provisions of Article XI of the Town's Zoning Laws and I can't get to the point to where I can recommend that this project go forward. I want to be specific as to why. I looked at the criteria that's found in Section 165-53 of the Town's zoning code and it said in order for us to approve this as a PDD, we have to find 5 things. We have to find that #1 – the choice of housing environments is appropriate for this particular parcel. I went down to Button Road and I looked at it and there are some older commercial operations on the road and they are low intense operations. There are a couple of mines but those mines have a finite life whether it's in 10 years or 10 minutes and they could cease mining operations at any point. As Mr. Nadeau has said, there are a number of private residences. We heard from one or two of the owners of the private residences but there are a lot more residences than that. I looked at the zoning code and the zoning code clearly says that this is residentially zoned. I tried to figure out if there was some way that the use proposed by the applicant can somehow fit into this neighbor and quite honestly, I have not been able to do that. The second requirement of the PDD legislation requires that there be more useable openspace or recreation areas or opportunities created. That there be more convenient locations of accessory commercial and service uses and I can't find where the applicant is proposing any accessory use of anything that is in the neighborhood. I could see where you could support a commercial operation to support the building of a neighborhood development. But I don't see that and it's not being proposed here. Another requirement is that the development pattern in such a way to preserve outstanding topography and

other characteristics of the land. I don't see anything shown by applicant that this proposal does that. That it is an efficient use of land. I don't see that. It is a use of land that isn't currently used but it's a commercial use in a residential zone without any kind of nexus to the residents. Does it preserve the rural character of the Town, is it consistent with density, is it harmonious with the neighborhood, does it meet the objectives of the Town Zoning Ordinance? I don't find that the applicant has met any of those requirements. So, I just cannot support the application. I don't know what the rest of the Board feels about it but I'm going to make a motion that we make a negative report to the Town Board basically denying this application. Mr. Roberts stated I will second that motion. Mr. Watts stated the following: Mr. Ruchlicki was able to attend tonight's meeting but he sent me an email stating the following: "My comment on the subject development; even with all the public comments in support of the proposal, I personally have concern in making a positive approval based upon what I feel would in effect be spot zoning. Please relay this to the other Board members in my absence. Mr. Berkowitz stated the following: I don't necessarily disagree with the project; I just disagree with how we have to go about it. It's a PDD that is less than 10-acres as my fellow Board members have said.

The Planning Board gave an unfavorable report for the proposed creation of a Planned Development District (PDD) stating that the applicant failed to meet the minimum criteria for the proposed PDD as outline in Article XI – Section 165-53 A. & B. in the Town's Zoning Laws.  
Planning Board Vote: 5 – Aye, 0 – Nay. Motion carried.

Mr. Nadeau made a motion to adjourn the September 24, 2012 Planning Board Meeting at 7:36 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary