

Town of Halfmoon Planning Board

Meeting Minutes – January 9, 2012

Those present at the January 9, 2012 Planning Board meeting were:

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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the January 9, 2012 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the December 12, 2011 Planning Board Minutes. Mr. Roberts made a motion to approve the December 12, 2011 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Ruchlicki abstained due to his absence from the December 12, 2011 Planning Board meeting.

Public Hearing:

11.142 PH Country Dollar Plaza/Rayvas, Inc., 217 & 225 Guideboard Road – Lot Line Adjustment

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. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here tonight for a lot line adjustment between Lands of the Country Dollar Plaza Inc. and Lands of Rayvas, Inc. It is located at 217 & 225 Guideboard Road. The proposal is to annex ½-acre of the Rayvas parcel to Lands of the Country Dollar Plaza. The reason for this lot line adjustment is to have all improvements associated with the proposed Gil's Garage on one parcel and this was stipulated by the Town of Halfmoon Planning Board. Mr. Watts asked if anyone from the public wished to speak. Ms. Jacqueline Beninati, of 3100 Hayner Heights Drive, stated the following: The property would butt up against my property. Would the fencing be placed on my property? I spoke with a gentleman from the Planning Department last week and he said it was going to be a 6 FT fence but the property slopes to a minimum of 7.5 FT to 8.0 FT. The only way you could buffer my property is if you put the fence on top of my property and not butting up because the 6 FT fence would be moot. Mr. Rabideau stated the following: The fence is

proposed to be on the property line. I'm not sure as far as the elevation looking up or down. Ms. Beninati stated the elevation goes down. Mr. Rabideau stated basically it goes up and then down and it has been set up to be a 6 FT fence. Mr. Watts stated we are at the lot line adjustment now and then you have to come back in for the site plan. Mr. Rabideau stated the site plan has already been approved. Mr. Watts stated the following: The site plan was approved contingent upon the lot line adjustment. So you just want a buffer on your property where it's 6 FT in reality, not where it is on a lower piece of property. Ms. Beninati stated there really is no need for a 6 FT fence because you couldn't see it anyway. Mr. Watts stated so it's not going to block anything for you in other words. Ms. Beninati stated right; it's not going to block anything. Mr. Ruchlicki stated so you would be looking right over the top of the fence. Ms. Beninati stated right. Mr. Higgins asked where is the chain link fence now? Ms. Beninati stated it is not a chain link fence; it's a large dog enclosure. Mr. Watts asked what's a possible solution? Do you just want it blocked or do you want an 8 FT or 10 FT fence? Ms. Beninati stated I came tonight to find out where it was going and how high it would be to block the back of it. Mr. Rabideau stated we could propose to do some evergreen screening in lieu of a fence. Mr. Watts asked how tall would the trees be? Mr. Rabideau stated effectively to do the job. Ms. Beninati stated the following: You would be losing money putting a 6 FT fence unless it was sitting on my property itself. You could stop by my house to see exactly what would work to buffer my property. Mr. Watts stated the following: I understand the concern. How long is this fence and does it run onto other properties also or just that one property? Mr. Rabideau stated just Ms. Beninati's property. Mr. Paul Danei, of Gil's Garage stated the following: It says 175 FT on the site plan. I will do whatever Ms. Beninati wants. If she wants a fence, I'll do a fence. If she wants evergreens, I'll do evergreens. Mr. Watts stated if the fence were on Ms. Beninati's property, would that provide the buffer that you're looking for? Ms. Beninati stated the following: I guess it would be. But all I was questioning was the fact that the embankment goes down a minimum of 7.5 FT or possibly 8 FT. So, if they are going to put in a 6 FT fence, it's moot. It would have to sit up to block anything. Mr. Watts stated the following: What if the fence was placed on your property? I'm just thinking of possible solutions and if you put the 6 FT fence on Ms. Beninati's property then it would be her fence. Mrs. Murphy stated we can't do that but they could agree to do that. Mr. Watts stated so they could put the fence on your property and then that would give you the buffer that you want but then it's your fence and you have to maintain it. Ms. Beninati stated that is understandable. Mr. Watts stated we will leave it as the two landowners work together to work out the screening and if you have a problem, get back to us. Mr. Berkowitz asked can you see the building from your property now? Mr. Beninati stated yes. Mr. Berkowitz asked what other building do you want to hide or are you concerned about looking at the cars or do you not want to see the building? Mr. Beninati stated the following: It has nothing to do with that. It was the fact that this was all put together and I wasn't notified until after it was put together. Then when I heard about a 6 FT fence, there is no way a 6 FT fence is going to do anything. You always worry about your property values. Mr. Berkowitz stated the following: But if you just want to hide any cars that might be in the back, they can put the fence on their property and you wouldn't have to worry about it. If you don't want to see the building then they would have to do something. Ms. Beninati stated it has nothing to do with the building; I'm talking about the incline going down. Mr. Watts stated why don't the two of you work it out and then get back to us. Mr. Gerard Zachmann, of 3001 Hayner Heights Drive, stated the following: I live across the street. Regarding this embankment; if the top of the embankment is on their property, why don't they put the fence on top of the embankment on their property instead of Ms. Beninati's property? Mr. Ruchlicki stated I think it is the other way around. Mr. Zachmann stated or put evergreens on the top of the embankment that would eventually grow up as a natural buffer and it would block the whole area. Mr. Watts stated that was suggested also. Ms. Karen

Tremblay, of 2800 Hayner Heights Drive, stated the following: I live directly across the street from Ms. Beninati. Number 1 – nobody even sent anything to me about this so I was happy that Ms. Beninati mentioned this to me. Already tonight you guys have mentioned 217, 245, 225. I want to know what parcels you're actually talking about because what you have here and what has been stated verbally are two different parcels. I want to be sure that we are talking about the same thing. Mr. Rabideau stated the two parcels are 217 and 225 Guideboard Road. Ms. Tremblay stated I just wanted to verify that it was 217 and 225 and that it's going to become one parcel. Mrs. Zepko stated it would not become one parcel because this is a lot line adjustment. Ms. Tremblay stated because I look out directly to Ms. Beninati's house, I'd rather see something in an evergreen or a natural buffer rather than a chain link fence because I don't feel like Ms. Beninati needs to fix or care for the fence. Mr. Watts closed the public hearing at 7:12 pm. Mrs. Murphy stated the following: Here's the oddity; the Board has already approved the site plan contingent upon this application for the lot line adjustment going through. Because you weren't aware that in a change of tenant that there is no requirement for notification to the neighbors, which is normal, so you weren't aware of the concerns at that time. So, while you would normally do this as part of a condition on the site plan approval, you're now doing it as part of the lot line adjustment. This is kind of like a contingent to be contingent but it would be upon a satisfactory resolution of the screening issue and if either party isn't satisfied, they can come back and notify the Board so the can re-hear the issue and make a definitive determination.

Mr. Berkowitz made a motion to approve the Country Dollar Plaza/Rayvas, Inc. lot line adjustment condition on the applicant and the neighboring parcel, that share the rear boundary line, coming into an agreement of either stockade fencing or evergreen plantings for a buffer and the appropriate location of the buffer. Mr. Ouimet seconded. Motion carried.

New Business:

11.141 NB Homestead Funding, 1407 Route 9 (Nine North) – Sign

Ms. Daniela Bigalli, of Homestead Funding, stated the following: We are proposing to remove the existing "Carlson Group" sign from the upper tier on Building #1 of the Nine North office complex and replace it with a Homestead Funding sign. The sign would be non-lighted, one sided and 22.5 SF in area (2 FT x 11.25 FT). I have submitted a rendition of what the sign would look like.

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

12.001 NB Gadget Guys, 1603 Route 9 (Towne Center Plaza) – Change of Tenant & Sign

Mr. Matt Cameron, the applicant, stated the following: I am the owner of Gadget Guys. We are proposing to occupy 900 SF of tenant space in the Towne Center Plaza. The tenant space was previously occupied by Genetix. All we would be doing is changing out their lighted sign on the building and on the sign by Route 9. We are proposing to operate a computer and cell phone repair shop. Mr. Watts asked how many employees would you have? Mr. Cameron stated at this time I would be the only employee. Mr. Watts stated this is a cell phone and a computer repair and sales. Mr. Cameron stated that is correct. Mr. Watts stated when you advertise please say that you are located in Halfmoon. Mr. Cameron stated yes sir.

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

Sign- Gadget Guys:

Sign Size: 9 SF

Sided: ☒ one-sided ☐ Two-sided

Sign Dimensions: 2 ft x 4.5 ft

Location of Sign: Over entryway

Lighted: ☒ Internal ☐ Flood

Mr. Roberts made a motion to approve the change of tenant and sign application for the Gadget Guys. Mr. Ruchlicki seconded. Motion carried.

12.003 NB Halfmoon Xtra Mart, 1588 Route 9 – Sign

Mr. Parker Fennelly, of Consulting and Design, LLC, stated the following: We are the consulting firm for the Drake Petroleum Xtra Mart in upstate New York. The Halfmoon Xtra Mart is located at the corner of Sitterly Road and Route 9. This store was recently switched over from a Mobil Mart to an Xtra Mart. The sign panels on the 2 freestanding signs are just going to be switched out from Green Mountain Coffee and ATM to say Xtra Mart and Deli Joe's. There would be no change in the sign lighting, no change in the size and no change in location. On one side of the freestanding sign it's slightly smaller than the one on the Route 9 side but there would be no changes at all to the location or the lighting. The sign on the building is going to be changed from the Mobil Mart to the Xtra Mart. I believe Mr. Williams has already reviewed the application and we would have roughly 251 SF that we're proposing and according to the regulations we are allowed up to 259 SF. The license from the installer has already been submitted as well as his insurance information. Mr. Roberts stated the following: I have reviewed this and the application looks good. For the signage itself; have they increased the brightness through time? Mr. Fennelly stated no. Mr. Roberts asked do they have plans on increasing the brightness? Mr. Fennelly stated no, no plans whatsoever. Mr. Roberts stated we don't want it any brighter than it already is.

Mr. Roberts made a motion to approve the sign application for the Halfmoon Xtra Mart. Mr. Nadeau seconded. Motion carried.

Old Business:

08.038 OB Swatling Falls PDD, 162 Upper Newtown Road – Major Subdivision/PDD

Mr. Jason Dell, of Lansing Engineering, stated the following: I'm on behalf of the applicants for Swatling Falls. The project has been before this Board on multiple occasions. The proposal is for a 94-lot subdivision located along Upper Newtown Road. Since the last meeting and since the last time we were before this Board we made the revisions that were requested. The landscaped berm in the upper corner between the closest duplex and the nearest neighbor has been included with the site plans. A note has been added to the plans pertaining to waste and the waste removal from the property. The plans have also been reviewed and approved by the New York State Department of Health (NYSDOH), the New York State Department of Environmental Conservation (NYSDEC), and the Saratoga County Sewer District (SCSD#1). We have also received a sign-off from CHA pertaining to the project plans and to our knowledge the water district agreement has been signed. So, at this point we ask the Board to grant the project a final approval. Mr. Higgins asked on the 7-acre estate lot; how is that going to be served for water and sewer? Mr. Dell stated the following: I'm fairly certain that it's under construction right now and they have a temporary curb cut that is going to be coming out to the road. I believe it currently has a septic system that is going to be servicing that estate lot but that is all in the works right now. Mr. Higgins asked when the sewer gets all hooked up would that estate lot eventually hook into the sewer? Mr. Dell stated that is

correct. Mr. Higgins stated the following: Okay. Is the water going to be Town water? Mr. Dell stated yes, to the best of my knowledge it is Town water. Mr. Higgins asked could we get a note put on the drawings to that effect before they are stamped? Mr. Dell stated yes. Mrs. Murphy stated and obviously you'll have to submit the septic plan, etc. for review before going forward. Mr. Dell stated correct.

Mr. Berkowitz made a motion to grant final approval for the subdivision and site plan application for Swatling Falls. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the January 9, 2012 Planning Board Meeting at 7:20 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary

