

## **Town of Halfmoon Planning Board**

### **November 14, 2011 Minutes**

Those present at the November 14, 2011 Planning Board meeting were:

**Planning Board Members:** Steve Watts – 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:** Walt Polak

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Mr. Watts opened the November 14, 2011 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the October 24, 2011 Planning Board Minutes. Mr. Ouimet made a motion to approve the October 24, 2011 Planning Board Minutes. Mr. Higgins seconded. Motion carried. Mr. Berkowitz abstained due to his absence from the October 24, 2011 Planning Board Meeting.

#### **Public Hearing:**

#### **11.120 PH Dormie Avenue Lot Line Adjustment, 16 & 18 Dormie Avenue – Major Subdivision**

Mr. Watts opened the Public Hearing at 7:00 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 representing the Fairways of Halfmoon, LLC for a proposed lot line adjustment between Lot #16 and Lot #18 Dormie Avenue. The original lot line layout for Lot #16; the common line is the dash line shown on the map. Lot #16 will lose 3,041 SF and Lot #18 will gain 3,041 SF. Lot #16 would be for a proposed single-family residence. There is an existing water retention area on this lot and the line was created to match that. This would meet all of the zoning requirements. Lot #16 for the single-family home would follow a proposed grading plan, which has been set up for Phase III that will be coming before the Board at some point in time. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:01 pm. Mr. Higgins asked if the existing stormwater retention area was on Lot #18? Mr. Rabideau stated that is correct. Mr. Higgins asked so somewhere down the road would that be turned over to the Town? Mr. Rabideau stated that is correct; that area and a portion of land in the rear would be connected with this and then it would be dedicated to the Town. Mr. Ouimet asked is Lot #18 a building lot? Mr. Rabideau stated it used to be but not anymore. Mr. Ouimet stated so it won't be developed. Mr. Rabideau stated that is correct. Mr.

Higgins asked how much of the lot would the stormwater retention take up? Mr. Rabideau stated it pretty much takes up all of the lot between the retention area and the berm that goes around it.

Mr. Ouimet made a motion to approve the major subdivision application for Lots 16 & 18 Dormie Avenue. Mr. Berkowitz seconded. Motion carried.

**New Business:**

**11.117 NB Aleta Kennedy Subdivision, 84 Guideboard Road – Minor Subdivision**

Ms. Aleta Kennedy, the applicant, stated the following: I reside at 86 Guideboard Road. Currently there is a pre-existing building and I would like to turn that into a one-family residence. Mr. Watts asked is your request for a subdivision of the property? Ms. Kennedy stated the following: Right; I was told that I had to subdivide it because the residence had to be on its own lot. The building has been there 11-years and I just want to convert it into a residence. Mr. Watts stated so what you're doing is you're subdividing a 9-acre parcel that currently has a single-family home with 3 accessory structures; right? Ms. Kennedy stated right. Mr. Watts stated that would leave one lot as a 6.57-acre vacant parcel with one of the accessory structures on it, which you intend to convert to a single-family home. Ms. Kennedy stated that is correct. Mr. Watts stated at Lot 86 you would have a 1.04-acre parcel that will have the remaining single-family home with a pre-existing front-yard setback variance with 2 of the accessory structures to remain on it. Ms. Kennedy stated that is correct. Mr. Higgins asked would all of the lots be serviced by Town water and private septic? Ms. Kennedy stated yes.

Mr. Berkowitz made a motion to set a public hearing for the November 28, 2011 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

**11.128 NB AMEC, 453 Route 146 (Parkford Square 2) – Change of Tenant**

Mr. Jim Loiselle, the applicant, stated the following: I'm here representing Parkford Development where we have a building located at 453 Route 146 and we are here tonight for a change of tenant request for a company called AMEC. AMEC is an environmental and infrastructure company that would occupy approximately 5,057 SF of the 12,000 SF building that we have to offer as strictly office space. Mr. Watts asked how many employees would you have? Mr. Loiselle stated they are building out for approximately 20 employees and I believe they are starting out with 12. Mr. Watts asked what would be your hours of operation? Mr. Loiselle stated 8:00 am to 5:00 pm and there may be sometimes when they may work later. Mr. Watts stated please make sure that they advertise as being located in Halfmoon.

Mr. Nadeau made a motion to approve the change of tenant application for AMEC. Mr. Higgins seconded. Motion carried.

**11.129 NB Capital District Home Solutions, LLC, 7 Lock One Road – Change of Tenant**

Mr. Tim Pelech, the applicant, stated the following: I live at 355 Hudson River Road and the parcel that we are speaking about is a half of block up the road and it actually backs up to my property. I purchased this property a little over a year ago and I didn't know that I needed a permit to store property myself. I don't really run a business out of there and I don't really have any operation with hours. I basically store my equipment there. I have a cab-over-truck with 6 dumpsters, a landscape trailer and a dump trailer. There is a garage where I service my equipment. I go there around 8:00 am and I leave there at 5:00 pm. I'm in and out and I'm not there all day and there

are no hours of operations. I basically just store my equipment there. Mr. Nadeau stated for clarification; did you say that you're not running a business there but using it for storage for your business? Mr. Pelech stated the following: It is basically for my dumpsters because I rent out dumpsters. When someone calls me for a dumpster, I drop the dumpster off at their house and then I pick it back up, dump it and bring it back to the lot. Mr. Nadeau stated so that would be your business lot then. Mr. Pelech stated yes, to store my equipment but no customers come to that lot and there is no office or anything like that. Mr. Ouimet asked can you tell us a little bit about your dumpster business; do you take full dumpsters back to that lot? Mr. Pelech stated the following: If I bring them back late and the dump isn't open, I usually take them the next morning because the dump is only open to 4:00 pm. So, if I pick up a dumpster at 4:00 pm and I can't get over to the dump, they would be brought back to my site and I would take them to the dump the next day. Mr. Ouimet asked regarding the articles that you pick up in the dumpsters, is it all construction and demolition stuff or is it household garbage and things of that nature? Mr. Pelech stated anything that is not hazardous; no paint, no tires and nothing like that. Mr. Ouimet stated so you could have residential garbage. Mr. Pelech stated that is correct. Mr. Ouimet stated the question that I have is if there's a possibility that these dumpsters would sit full on this lot for a period of time, for instance; if you pick it up late on a Friday night and then the landfill doesn't open until Monday morning. Mr. Pelech stated the dump in Clifton Park by Exit 10 is open on Saturday. Mr. Ouimet stated the following: It seems to me that raw garbage could be stored there for a period of time and how would you address that issue? Would you just expect it to sit there because there are residential homes around there and you can't have raw garbage just sitting there? Mr. Pelech stated the following: The only thing that I could do is pick up on a Monday and not pick up on a Friday if I run into that situation. I don't usually run into that problem. Mr. Ouimet stated the following: But you don't really know what's going to be inside that dumpster when you pick it up full. There could be construction and demolition material on the top and you could have residential garbage on the bottom and you wouldn't necessarily see it. Mr. Pelech asked are you talking about food? Mr. Ouimet stated yes. Mr. Pelech stated the following: I don't get that because when somebody rents a dumpster; they're not usually throwing out food because that is what they have public garbage for. People rent a dumpster to clean out their garage or basement. Mr. Ouimet stated the following: Some people have to pay to have their garbage taken away too and some people don't want to do that. Or they want to do it in the most expeditious way they can and if they have a dumpster, they could just throw their garbage bags in the dumpster. It's going to the same place, it's all going to the landfill. But the concern that I have is that the dumpsters aren't covered normally, right? There is no top on them like the normal dumpster that you would see at a restaurant where it would have a metal lid on the top. Mr. Pelech stated they have plastics lids. Mr. Ouimet stated but your dumpsters would be open. Mr. Pelech stated they have a mesh cover over it. Mr. Ouimet stated the following: But it's not sealed. In other words, theoretically rodents could get in there and in the summertime if it's hot outside I think that could be issue. I don't know what the other Board members think but that's somewhat problematic for me if there is going to be full dumpsters stored there for a period of time. Mr. Watts asked how close are your nearest residences where people live to where your dumpsters are stored? Mr. Pelech stated the following: There is one residence right next-door and there is a duplex. I know all my neighbors and like I said I live a ½ block away from the place. Mr. Watts asked have you ever had any complaints? Mr. Pelech stated the following: I never had a complaint. Like I said, I purchased it a little over a year ago. I've rented my dumpster out of there for a year. I rented my dumpsters out of my house for a year a couple of years before that. One day I received a letter stating that I needed a special permit and that was news to me and that's why I'm here tonight. Mr. Berkowitz asked how often do you store full dumpsters? Mr. Pelech

stated the following: Not that often. Like I said, it may happen once or twice a month. I only have 6 dumpsters and it's not like I'm a big County Waste or anything like that. It's just me, one truck and that's it. I don't have any employees. Mr. Berkowitz asked do you clean the dumpsters and if so, how do you clean the dumpsters? Mr. Pelech stated I just go to the dump and dump it and that's it and there's nothing in it after it is dumped. Mr. Berkowitz asked so you don't spray them down on your property? Mr. Pelech stated no, I don't even have running water on the property. Mr. Berkowitz asked what if they were dirty and what if you had to clean them, where would you clean them? Mr. Pelech stated I would take it to the carwash and take a pressure washer to it. Mr. Berkowitz asked how big are the dumpsters? Mr. Pelech stated they are 15-yard dumpsters or 6.5 FT wide by 12 FT long by 5 FT tall. Mr. Berkowitz asked would that be about the size of a dump truck? Mr. Pelech stated basically yes, so if you took a dumpster off of a dump truck and put it on the ground, that's what it is. Mr. Nadeau asked who do you typically rent the dumpsters to? Mr. Pelech stated the following: Regular homeowners who want to clean out their basement or garage. Or people who are selling their house and they need to disposal of a lot of their old stuff that they are not going to transport to their new house. Like I said, I don't usually get raw garage. It is not economical to rent a dumpster just to throw raw garage in. Mr. Higgins asked is this an approved application for a (M-1) Industrial zone? Mr. Pelech stated the property that I'm speaking about was previously owned by Richard's Paving and he had huge trucks located at this site. Mr. Watts asked Mr. Williams if this was an appropriate use per our zoning ordinance. Mr. Williams stated yes. Mr. Watts stated relative to Mr. Ouimet's concern, we could put conditions on the approval with no storage of household garbage. Mr. Pelech stated the following: I'm not going to lie to you and say that there is never going to be full dumpster there because that could happen once or twice a month. But, you're not going to see raw garbage sitting there. Mr. Ouimet asked isn't there a way through scheduling that you could schedule a pickup where you can dispose of the articles that are inside the dumpster on the same day that you pick it up? Mr. Pelech stated the following: Usually I can, but there are occasions, and I'm not going to put myself out there and say that every dumpster is going to get dumped by a certain day. There are occasions where somebody calls me at 3:00 pm and I'm in Schenectady and the dumpster is in Watervliet or Halfmoon, then I would have to come all the way back and I wouldn't get there until 4:00-4:10 pm, it's not going to get dumped until the next day. Mr. Ouimet stated the following: But you understand my concern and I hear you when you say it's very rare that there could be household garbage inside the dumpster and I appreciate that. I'm sure it is not a common occurrence and if you only have 6 dumpsters out there, I'm sure you use your best efforts to get them dumped at the landfill as quickly as possible or else you would be losing money with a full dumpster in your back yard. Mr. Pelech stated the following: Exactly. I only have 6 dumpsters so I have to get them right back out. Another thing is that I know I have neighbors and I don't want to get my neighbors mad at me. Mr. Ouimet stated we could monitor the situation to see that it does become a problem or if there are any complaints from the neighbors. Mr. Nadeau asked did you say that you have been doing this for some time down there? Mr. Pelech stated yes, I've been doing it from this property for a year and I started out of my house with 2 dumpsters. Mr. Nadeau stated what I'm saying is that if we had some serious issues there, we would have known about it. Mr. Watts stated to my knowledge we have not had any but I think it was an observation that one of our Code Enforcement Officers made when he was driving by. Mr. Nadeau stated the following: I understand Mr. Ouimet's concern and I have that concern as well. I think it is in his best interest that he would be looking to keep the dumpster empty so he can keep his business going. Mr. Ouimet stated I can see that. Mr. Nadeau stated and being that he has been there for a year and we've had no complaints. Mrs. Murphy stated it could be condition on 72-hours maximum storage on the site and that would give him from a Friday to a Monday. Mr. Nadeau stated and if we

started having issues, then we would have to look at that. Mr. Watts stated yes, we can monitor it and if we hear any complaints from the neighbors, we can keep track of it. Mr. Berkowitz stated if you expand the business, you would most likely have to come back to the Board for that expansion. Mr. Pelech stated okay. Mr. Nadeau asked are the dumpsters in a fenced in area? Mr. Pelech stated the following: It is not fenced in and it is all within the property lines. There are no other houses behind there and it's basically behind my garage and the property behind that backs up to my other property from my house. So, there is nothing back there. Mr. Ouimet stated have you ever had any problem with people scavenging through the dumpsters? Mr. Pelech stated no.

Mr. Berkowitz made a motion to approve the change of tenant application for Capital District Home Solutions, LLC condition on no "full" dumpsters being stored on-site for over a 72-hour period and the maximum number of dumpsters to be stored on-site is set at 10. Mr. Ruchlicki seconded. Motion carried.

**11.130 NB Classic Sheds & Gazebos, Inc., 1414 Route 9 – Special Use Permit & Sign**

Mr. Thomas Ensslin, the applicant, stated the following: I'm the owner of Classic Sheds and Gazebos. I'm proposing to display some of my products on the property located at 1414 Route 9. Currently it is just a grass area and I believe it is a 3-acre lot. I would only be using the front part of it. I proposing to do up 16 displays of my sheds and/or gazebos and play set stuff. It would be mainly like a display location. I've been in business 21 years in Colonie on Central Avenue and I build everything in Colonie. Unlike Garden Time, who just got an approval, who get all their products from the Amish and there are 50 FT long trucks coming in and out at numerous times a week and unloading and then those buildings have to be moved around. None of that would be occurring at this location. I would have an initial display of buildings spaced nicely and not disturbing the lay of the land or anything. My buildings would just be displayed on the grass and basically this proposal would be like a satellite location. I have had numerous sites over the years in many other towns and slowly as I got busier and the towns started not allowing it I stopped doing it. Although I still have other locations; one in Rotterdam and one in Burnt Hills. I'm going to have 4 parking spaces for customers. I would also like to have an informational sign that would be smaller or ½ of that size that would say that we are located in Colonie, we've been in business 21-years, we build our own product and this is just a sample of our products. People can get some literature and to please call us or get on our website. The customers would also be free to look at the products that would be there. Mr. Ruchlicki asked would you have any staff at this location? Mr. Ensslin stated I really don't have a need for that. Mr. Ruchlicki stated so your products would just be there. Mr. Ensslin stated the following: I kind of look at it as a big billboard but obviously it's not because you could see the product firsthand. Someone might drive by it over and over. They may see my competition and if they see that, they might stop and compare the prices and the end quality of the product. Mr. Watts asked are you across the street from your competition? Mr. Ensslin stated the following: No, my location is about a ½ mile down closer to the river. I've been in business 21-years, I started in 1990 and I have been very service oriented. I started my business at Mabey's Self-Storage in Halfmoon. I rented from 1991 to 1995. Mrs. Murphy asked is there a sign application for what Mr. Ensslin is describing? Mrs. Zepko stated yes, it's in the file. Mr. Ensslin stated the following: I did have one printed out but maybe you didn't get it. I was hoping to have a freestanding sign but not a big one and I think it was on the plans. Mr. Watts asked has Mr. Roberts looked at this? Mr. Williams stated no not at this point, but I told Mr. Roberts that we were going to have a public hearing and we would go over the sign application at the time of the public hearing. Mr. Ensslin stated I'm flexible but I have to have some kind of sign

out there somewhere. Mr. Watts asked is there any lighting on this site that you're going to have so people could see your products after 4:00 pm in the winter? Mr. Ensslin stated very few people buy sheds from Thanksgiving until the end of March. Mr. Watts stated so you're not going to have any lighting at the lot. Mr. Ensslin stated I wasn't planning on it. Mr. Paul Sicko, the property owner, stated there are lights in the parking lot but it is minimal. Mr. Berkowitz asked would you store your products there over the winter? Mr. Ensslin stated yes. Mr. Watts stated if you were to expand your lighting, you would have to come back in for that. Mr. Ensslin stated I personally don't see the need for that. It's a good question but I'm not concerned because if people live in this area, they will make the effort to get the phone number that's going to be on the sign. Mr. Watts stated the following: This application is being done via a special use permit, which is how we get to approve a mixed-use of a residential and a commercial use. So, at our next meeting there would be a public hearing for the special use permit and I'm sure that has been explained to you. Mr. Ensslin stated yes. Mr. Watts stated if the Board is done with their questions, we can schedule a public hearing for our next meeting and then that way when that ordinance is approved to allow a mixed use, which in some places they don't allow it, but we see conditions where it makes sense. Mr. Ensslin stated the following: To be honest with you the time frame is where it is almost the end of my season. I could still get buildings in there even with a little snow on the ground but it's not like the end of the world with the timing right now. Obviously, by spring I would like to be in there. Mr. Nadeau asked is there buffering between that and the residence or is it just the trees that you are showing? Mr. Sicko stated there are trees and there is quite a slope. Mr. Nadeau asked what is the distance from the house to that? Mr. Sicko stated more than 300 FT but I never measured it but it's quite a distance. Mr. Ensslin stated and the land drops off significantly at a point. Mr. Higgins stated the following: Possibly before the public hearing, could you give us some approximate dimensions on how far off the property line you're going to position your product. Are 5 buildings going to be the maximum along the frontline? Mr. Ensslin stated the following: I can give you the first answer because there is a big swale off the road that would make it impossible to place any buildings there. I walked it and I think it would be at least 25 FT. Mr. Higgins stated being that we had the other applicant give us some dimensions with the space in between and a space off the property line and I personally would like to see that on the site plan. Mr. Ensslin stated I did write that in my narrative regarding the space in between. I put down that there would be at least 8 FT in between. Mr. Higgins asked would the front of the sheds be facing Route 9. Mr. Ensslin stated the following: That's what I want to do. Say there are 5 buildings, the 2 corner ones on the ends would be slightly angled with one slightly north and one slightly south. Then the other 3 or possibly 4 would be facing directly out to Route 9. I have no desire to put the all the buildings perpendicular to Route 9 at all. Again, I saw that Garden Time did that and that maximizes their space. Again, I'm not moving those buildings in and out. Garden Time tries to sell from their stock and I don't do that. I build individually. I do home appointments and I try to match their shingles and vinyl siding and I look at the lay of their land. I'm very service oriented. I don't even try to sell the displays until the end of the year. There wouldn't be a lot of activity at the site and the only trailers that I own are a pickup truck and an 18 FT trailer that I do the local deliveries with. I don't own a tractor-trailer. Mr. Berkowitz stated you might want to check if there is a New York State Department of Transportation (NYSDOT) right-of-way because you can't be in the NYSDOT right-of-way. Mr. Ensslin stated okay. Mr. Ouimet stated you have to be careful with your sign because that might be closer to the NYSDOT right-of-way. Mr. Watts stated the sign can't be in the NYSDOT right-of-way either. Mrs. Madeline Sicko stated the following: There are a couple of items that you wanted us to measure for the distance. Could you be specific of what it is so we can make sure that we get those numbers to you. Mr. Higgins stated what I requested was: from the property line to the display area for the sheds that are going to be directly in front of

Route 9. Could you give the dimension in feet from the property line to where those sheds are going to be located? Mr. Ensslin mentioned that he was showing 5 sheds and he said that there might be 6. So, could you give us the number that are going to be facing Route 9 and then a maximum for what is going to be located on the site. Mr. Watts stated Mr. Ensslin's narrative stated that there would be 16. Mr. Ensslin stated the following: That's on the entire lot. The reason I said it could be 6 is because I could have an 8 FT by 8 FT, which is small and then I could have a 12 FT by 24 FT, which is large. But, I'm not going to force 6 in there if I have the larger buildings. My total number of buildings would be no more 16. They won't all be sheds because I sell gazebos too and the gazebos are about 5 percent of my business.

Mr. Ouimet made a motion to set a public hearing for the November 28, 2011 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

**11.131 NB SUNY College of Nanoscale Science & Engineering, 13 Corporate Drive – Change of Tenant**

Mr. Tom Andress, of ABD Engineering & Surveying, stated the following: This is in the Abele Park located at 13 Corporate Drive. This started out as Daystar, which is the same exact thing and then it went to Veeco. Veeco decided to go back to California so SUNY is taking over this location. This would be the same thing that they have been doing all along. They would be working work with copper foil for the solar industry. Mr. Higgins asked would they have the same number of employees? Mr. Andress stated it would be the same employees and they said they could have up to 25 employees but it would probably be about 23.

Mr. Nadeau made a motion to approve the change of tenant application for SUNY College of Nanoscale Science & Engineering. Mr. Higgins seconded. Motion carried.

**11.132 NB Request Serious Play, LLC, 14 Corporate Drive – Change of Tenant**

Mr. Tom Andress, of ABD Engineering & Surveying, stated the following: This proposal is for 14 Corporate Drive in the Abele Park. This would be located in the downstairs area that has been vacant for a little while. The president of the company told me that they started in Troy in his home and then they went to Malta for 9 years. This company makes high-end software and hardware for sophisticated music for homes, companies, yachts, etc. They are very enthused to come back down in this area. They wouldn't have any retail out of this location. They have set up a whole dealership so that they have a number of dealers and then the products go to UPS for delivery to the dealerships. The dealers handle directly with the client.

Mr. Ruchlicki made a motion to approve the change of tenant application for Request Serious Play, LLC. Mr. Berkowitz seconded. Motion carried.

**Old Business:**

**11.111 OB Sgambettera & Associates, P.C., 1407 Route 9 (Nine North) – Change of Tenant**

Mr. Nicholas LaFountain, of Provident Development Group, stated the following: I represent Mr. Michael Chrys. I was before the Board a few months ago and at that time we had quite the list of violations with the property located at 1407 Route 9. Since that time all of the violations have been corrected. So, we are here for a change of tenancy approval. Sgambettera & Associates has 2 employees. They do real estate closings and no closing would be held at the office. They require 3 parking spots and right now their business is pretty slow for real estate. At this time everything

has been addressed. Mr. Watts stated according to our Code Enforcement Officers everything is in compliance and they certainly intend to keep a good eye on that site so we don't have any deterioration of conditions there because that is important to the tenants and the users of the properties.

Mr. Ouimet made a motion to approve the change of tenant application for Sgambettera & Associates, P.C. Mr. Higgins seconded. Motion carried.

**11.112 OB Saprano Chiropractic Associates, 1407 Route 9 (Nine North) – Change of Tenant**

Mr. Nicholas LaFountain, of Provident Development Group, stated the following: Saprano Chiropractic Associates are located in building #4. It is owned by a married couple and there is always one employee on site and one patient. They are located in one room that is about 300 SF and they have no employees. They would require about 3 parking spots. They are open 8:00 am to 5:00 pm and they are closed a lot in the mornings.

Mr. Higgins made a motion to approve the change of tenant application for Saprano Chiropractic Associates. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 14, 2011 Planning Board Meeting at 7:36 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary