

## Planning Board Minutes - August 9, 2004

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

Planning Board Members: Steve Watts – Chairman  
Don Roberts – Vice Chairman  
Cindy Patenaude  
Tom Ruchlicki  
John Higgins  
Daphne Jordan – Planning Board Alternate

Planner: Jeff Williams

Town Attorney: Bob Chauvin  
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak  
Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the August 9, 2004 Town of Halfmoon Planning Board meeting at 7:00 PM. Mr. Watts asked the Board if they have reviewed the July 26, 2004 Planning Board minutes.

Mr. Roberts made a motion to approve the July 26, 2004 Planning Board minutes. Mr. Higgins seconded. Motion carried.

Old Business:

04.138 OB Preville Subdivision, 23 Dunsbach Road – Minor Subdivision

Mr. Bob Preville and Mr. Mike Preville presented a subdivision plan to create a flag lot off of an existing parcel located at 21 & 23 Dunsbach Road. Mr. Watts stated that the Planning Department has received a correspondence from the West Crescent Fire Chief stating the proposed access to the flag lot is acceptable. Mr. Higgins stated the correspondence from the fire chief stated the building to be a "double-wide modular". Mr. Mike Preville stated that it must be a miscommunication and the correspondence from Mr. Hasset, the Town's Fire/Code Enforcement, stated it to be a duplex, which is correct. Mr. Higgins stated that he wanted to mention the double wide/duplex discrepancy for the record.

Mr. Roberts made a motion to approve the proposed subdivision as presented. Mrs. Patenaude seconded. Motion carried.

04.178 OB Wal-Mart, 1549 Route 9 – Addition to Site Plan

Mr. Glen Harvey, APD Engineering representing the Benchmark Group and Walmart, presented a plan to add two additional glazed canopies over the existing fenced off outdoor garden center for the Walmart located at 1549 Route 9. Mr. Harvey stated that at their last meeting, the Planning Board had concerns with the site's parking. Mr. Harvey stated that Walmart has a standard for parking needs and understands if there were not sufficient parking for their customers, they would lose their patrons. Mr. Harvey continued that with speaking with the Walmart of Halfmoon managers, that there are no parking problems with the store even during the busy holiday shopping season. Mr. Harvey stated that Walmart would rather not place the "land banked parking area" at this time and the additional parking would decrease the green area and increase impermeable surface area. Mr. Harvey concluded that the Town's engineer firm has agreed to this consensus in their comment letter. Mr. Watts stated that the Walmart of Halfmoon site currently has 90 parking spaces "land banked" which would require to be placed if the need ever arises. Mr. Watts stated that the managers at the Walmart has reiterated that they do not have a lack of parking problem for their customers and that CHA also agrees to the current parking needs. Mr. Watts stated that the additional canopy cover is in response to the Walmart's need for increase area to store stock during the holiday seasons and will alleviate the past concerns with storage trailers on the site.

Mr. Roberts made a motion to approve the addition to site plan as presented. Mr. Higgins seconded. Motion carried.

04.195 OB DuBray's Auto Detailing, 211 Fellows Road – Addition to Site Plan This item has been removed from the agenda to amend the current application.

## New Business:

### 04.181 NB Lussier Subdivision, 87 Beach Road – Minor Subdivision

Mr. Gil VanGuilder presented a subdivision plan to create a flag lot from existing two parcels with an area of 5.6-acres located on Beach Road. Mr. VanGuilder stated that the applicants live in the existing building on the proposed northerly lot. The northerly lot has several uses presently occurring. The applicant's uncle, Mr. Ray Dahoda, operates his trucking/excavating business from an existing concrete block garage. Mr. VanGuilder stated that Mr. Dahoda has operated from the garage over the last 30 years. Mr. VanGuilder stated that the applicant has agreed to stop the use once Mr. Dahoda retires. Mr. VanGuilder stated the proposed northerly property has a 5-unit multi-family unit and a wood frame garage, which has been converted, into an apartment. Mr. VanGuilder stated the Town's Building Department issues a building permit to convert the building into a multi-unit building in the 1980's. Mr. VanGuilder stated that the apartment above the wood frame garage was used by the applicant's grand parents as a summer residents but has been converted to a full-time rental unit. Mr. VanGuilder stated that the proposed southerly parcel has an existing duplex and the proposed lot meets the Town's minimum lot requirements. Mr. VanGuilder stated the proposed flag lot (vacant) meets the minimum requirements to create a flag lot and will be for a single-family unit to be used by the applicant. Mr. VanGuilder concluded that the area is zoned Residential with public water and private septic. Mr. Watts asked Mr. Williams to brief the Board on his review of the site. Mr. Williams stated that he spoke with the Town's assessor and that the assessment for the two existing properties is assessed for a 4-unit multi-family structure (for the northerly parcel) and a single-family unit (for the southerly parcel). Mr. Williams continued that the Town's Building Department issued a building permit in 1986 to convert the existing structure (on the northerly parcel) to a 3-unit apartment and that no Certificate of Occupancy was issued. Mr. Williams mentioned that the Town's Assessor office forwarded information from the Internet on the subject parcel, which states a 7-unit building, was for sale at the same address. Mr. Williams concluded that the Town's zoning ordinance does not allow multi-family units in the Residential zone and there are no criteria to review on such a non-conforming use in that zone. Mrs. Patenaude stated that it seems the entire parcel is out of compliance, the issued building permit was not followed and feels that the parcel should be visited before the Board takes any type of action. Mr. Roberts asked how a multi-unit dwelling was permitted in a Residential zoned parcel. Mr. Watts stated that multi-family units are not permitted in that zone. Mr. VanGuilder stated that he has discussed the compliance issues with the applicants and they understand that the subdivision request would not go forward without a use variance from the ZBA. Mr. Watts stated that it is the decree of the Board that no action will be taken until a site is in total compliance with the Town's zoning ordinance. Mr. Watts stated that the subject parcel has several compliance issues, at hand, and he will ask the Code Enforcement office to visit the site to review the present conditions with regards to the compliance issues. Mr. Watts stated the Board would not take any action, as the Board does with any "out of compliance site". The Board agreed.

This item was tabled for the Code Enforcement Office to visit the site and further research on the compliance issues associated with the site.

### 04.197 NB Messier Subdivision, 164 Guideboard Road – Minor Subdivision

The applicant was not present and no action was taken on this item.

### 04.198 NB Edward Jones Investments, 1603 Route 9 (Towne Ctr.) – Sign

A gentlemen from One Day Signs, representing Edward Jones Investments, presented a sign application to replace an existing sign for the business located the Town Center Plaza off of Rt 9. The applicant stated the sign would be reduced in size to 16 in. x 8 ft. to incorporate the new logo for the business. Mr. Roberts asked if there would be any neon on the sign. The applicant stated no that the proposed sign will be internally lit. Mr. Roberts made a motion to approve the sign application as presented. Mr. Higgins seconded. Motion carried.

### 04.199 NB D'Alberto Commercial Subdivision, Route 146 – Major Commercial Subdivision - GEIS

Mr. Warren Acker, Lansing Engineering, presented a conceptual major commercial subdivision application to the Board to create a 10-lot commercial subdivision off of Rt 146. Mr. Acker stated the proposed subdivision is on the lands of D'Alberto on the south side of Rt. 146 and approximately 300 ft from the Farm to Market intersection. Mr. Acker stated currently there is a residential dwelling and some outbuildings on the parcel. The parcel is zoned Commercial and is proposed to be subdivided into 10 commercial lots with a proposed Town Road. Mr. Acker stated that the proposed lots would range in size from 67-acres to 1.3-acres. The applicant is hoping on possibly placing a convenient type use in the front and a self-storage use in the rear of the proposed development. Mr. Acker stated the proposed development is in the Town's Generic Environmental Impact Statement (GEIS) study area. Mr. Acker concluded that he wishes to gain initial comment from the Board and any direction from the

Board on the GEIS requirement of quality green space. Mr. Acker stated he understands that the quality green space requirement asks for a buffer on the public roads and to be contiguous but realizes the most buildable area for the site is near Rt 146. Mr. Watts asked for comments from the Board. Mr. Higgins stated that the site has been used for a "stump dump" and that there has been a large amount of fill brought in during the "stump dump" process. Mr. Higgins stated that the stump dump has not been compacted and properly terraced. Mr. Higgins stated that the Town and its engineers have had a great concern with the unstable fill brought in and that it would not be able to be developed. Mr. Higgins stated that the soil conditions would need to be looked at very carefully. Mrs. Patenaude stated she would like to see the quality green space to conform to the GEIS requirement and be near the front instead mostly in the rear of the parcel. Mr. Higgins agreed. Mr. Chauvin asked if a soil analysis has been performed and if so where was the location of the test pits. Mr. Acker stated he believed they were done in the rear area of the parcel. Mr. Chauvin stated that he recollects the Town's engineers recommended that no development would be able to occur in the vicinity of the stump dump, especially a to be dedicated Town road and/or infrastructure. Mr. Chauvin suggested that a soil analysis be performed in the area and that the Town engineers should review the information. This item was tabled and referred to CHA for review on the proposed conceptual commercial subdivision.

#### 04.200 NB Non Stop Sales & Service Inc., 16 Corporate Dr. – Change of Tenant

Mr. Joe Bianchine, ADB Engineers representing the Abeles, presented a change of tenant application to the Board for Non Stop Sales & Services to locate in the office/warehouse located in 16 Corporate Drive. Mr. Bianchine stated the company installs and maintains carwash equipment for local carwashes. Mr. Bianchine stated there are 10 employees but only one at the office warehouse while the others are technicians and work at the various carwash sites. Mr. Bianchine stated that there is adequate parking for the site. Mr. Bianchine state the building is not finished at the time but would like to get the tenant changes arranged in order to have the tenant set ups arranged during the final construction phase of the building. Mr. Watts asked if any hazardous chemicals would be stored at the site. Mr. Bianchine stated there are no hazardous chemicals stored at the site. Mr. Bianchine handed the Board the Material Safety Data (MSD's) sheets for the chemicals to be stored at the site. Mr. Watts stated that car wash solutions would be stored in 50 & 35-gallon drums. Mr. Watts stated that the application states there are no other permits required from any other State or local agencies. Mr. Bianchine stated that is correct. Mr. Watts stated he would like to have CHA to review the MSD sheets in order to make sure the chemicals are safe.

This item was tabled to review the materials to be stored at the site.

Mr. Roberts mentioned if a sign is needed it will need Board approval.

#### 04.201 NB Source One Health Care Technologies, 16 Corporate Dr. – Change of Tenant

Mr. Bianchine stated that Source One Health Technologies was formerly Diagnostic Imaging and is moving from 13 Corporate Drive to 16 Corporate Drive. Mr. Bianchine stated that there are 6 employees and the business is sales and service operation for x-ray and other diagnostic imaging equipment. Mr. Bianchine states they install the equipment at various medical facilities and only wish to utilize a warehouse function from the site. Mr. Watts asked if there are any hazardous materials stored at the site. Mr. Bianchine stated no. Mr. Watts asked if there was any chemicals. Mr. Bianchine stated not that he is aware of but only equipment. Mrs. Patenaude asked if most of the work is performed off the site. Mr. Bianchine stated yes that their technicians would service the equipment or install the equipment at the medical facility. Mr. Bianchine stated they only want to store the equipment at the site.

Mrs. Patenaude made a motion to approve the change of tenant application as presented. Mr. Roberts seconded. Motion carried.

Mr. Roberts made a motion to adjourn the August 9, 2004 Planning Board meeting at 7:29 PM. Mr. Higgins seconded. Motion carried.

Respectfully Submitted,

Jeffrey R. Williams  
Town Planner