

Planning Board Minutes - February 23, 2004

Those present at the February 23, 2004 Planning Board meeting were:

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

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 called the meeting to order at 7:00 pm.

Mr. Nadeau made a motion to approve the February 9, 2004 minutes. Mr. Roberts seconded. Motion carried.

Public Hearing:

04.116 Chlopecki Subdivision, McBride Road, Major Subdivision

Mr. Watts called the meeting to order at 7:02 pm. Mr. Watts asked if anyone would like to have the notice read. No one responded. Mr. Gil VanGuilder presented a subdivision plan creating four new lots from an existing 45-acre parcel located on McBride Road. Mr. VanGuilder stated the parcel has frontage on the southerly side of Johnson Road and is bisected by McBride Road. The lots range from 5.5-acres to 16.0-acres on lands currently zoned Agriculture/Residential. There will be private utilities servicing the proposed lots. Mr. VanGuilder stated that the current owner will retain Lots 2 & 3 but the lots will remain separate. Mr. VanGuilder stated it is the owner's wishes to restrict development on Lot 2 since it will be across McBride Road from the owner's existing house and farm. Mr. VanGuilder stated he has discussed the GEIS mitigation fees with the owner and that the owner understands that any further subdivision of the land, in the future, will need to pay the required mitigation fees. Mr. VanGuilder stated he would place a note on the subdivision plan referencing the GEIS mitigation fee requirements. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:06 pm. Mr. Watts asked the Board for comments.

Mr. Nadeau asked to make sure if any of the proposed lots were to further subdivide, he would like to see a master plan of the area and not each individual lot. Mr. VanGuilder agreed. Mrs. Patenaude asked to have the GEIS mitigation fee requirements referenced on the subdivision plan. Mr. Nadeau made a motion to approve the subdivision plan as presented contingent on a note being placed on the plan referencing the GEIS mitigation fee requirements. Mr. Roberts seconded. Motion carried.

Old Business:

04.111 J&S Watkins, Route 9, Addition to Site Plan

Mr. Tom Andress presented a plan to construct a 1,600 SF addition to the existing J&S Watkins Plaza. Mr. Andress stated that J&S Watkins received additional land with 8 additional parking spaces with an agreement between Lowes/Accent on Health during the Lowes site plan. Mr. Andress stated the addition and the modification to the internal drive would improve the traffic flow as it enters Accent on Health/Lowes sites. All utilities exist on site. Mr. Higgins asked if there would be additional signage proposed for the storefront. Mr. Andress stated there would be but the existing florist business will move to the proposed addition and that their sign would be moved to the addition. Miller Paint would like to expand their store in the vacated florist storefront. Mr. Andress stated that with the proposed 1,600 SF addition, there would be more signage allowed. Mr. Roberts cautioned the applicant that the current signage at the plaza is very close to the total allowed and any additional

signage would need to conform to what is allowed. Mr. Berkowitz asked where the entrance is on the proposed addition. Mr. Address stated in front like all of the other storefronts. Mr. Berkowitz asked why there is handicap parking in the rear of the proposed addition and that it seemed to be more appropriate to locate the handicap parking in front of the proposed addition. Mr. Address stated there is handicap parking in the rear for employee parking and that the two existing handicap parking in front of the plaza is adequate. Mrs. Patenaude agreed that the handicap parking should be in the front of the proposed addition. Mr. Address stated he would move the handicap parking to the front of the proposed addition. Mr. Nadeau asked how the extra parking agreement with Lowes took place. Mr. Address stated it was an agreement with Lowes during the land acquisition for the Lowes site and Lowes agreed to place additional parking for the JS Watkins Plaza. Mr. Nadeau asked if the parking was already been installed. Mr. Address stated yes. Mrs. Wormuth stated the front parking area to the plaza was granted a variance to place 9' x 18' parking spaces and asked if that would be adequate for a handicap parking space. Mr. Address stated that he would need to re-design the spaces but stated it could be done. The Planning Board recommended the applicant to submit revision to the site plan showing the handicap parking to the front. This item was tabled for revisions to be submitted.

04.118 Nyack College, 1 Executive Park Drive, Change of Tenant/Use
The applicant removed this item from the agenda.

04.120 Lot 1 Halfmoon Executive Park, 1 Executive Park Drive, Minor Subdivision
Mr. Address presented a proposal to subdivide the commercial lot of the Halfmoon Executive Park, which currently has Dr. Morrison's DDS office building (1524 Rt 9) and

1 Halfmoon Executive Drive office building. Mr. Address stated each individual lot, when subdivided, will meet all requirements including parking. Mr. Address stated there would be the need for a shared access easement due to one curb cut servicing both the commercial buildings. Mr. Chauvin stated the Town's attorneys need to review the language to the easement. Mr. Address stated he would like to have the Public Hearing set and in the meantime that the applicant's attorney would submit the easement agreement to the Town Attorneys for review. The Planning Board stated it would be better to have the easement agreement reviewed prior to setting the Public Hearing. This item was tabled for the applicant to submit the easement agreement for the Town Attorneys review.

New Business:

04.121 Vredenburg Lot Line Adjustment, 15 Johnson Road, Lot Line Adjustment
Mr. Gil VanGuilder presented a lot line adjustment between the lands of Vredenburg and the Michaels. Mr. VanGuilder stated that the property is adjacent to Fairways of Halfmoon. Mr. VanGuilder stated that the Michaels are related to the Johnson's whom previously owned the land of Micheals. The Vredenburg made an arrangement with the Johnsons many years ago to purchase a portion of the land but a deed was never formulated. Mr. Michaels has agreed to convey the land to the Vredenburg, which the Vredenburgs use as a lawn area and a garden area. This agreement will increase the Vredenburg's land by 1/3-acre and decrease the Micheals property by 1/3-acres from the current 1 3/4-acres parcel. Mr. VanGuilder stated that the Vredenburg parcel currently does not meet the minimum lot requirements and with the conveyance of land, the parcel will still not meet the requirements but will make the situation better. The Micheals lot is in conformance before and after the conveyance of land. The Micheals land is vacant and there is a current easement for a berm and a tee box with Fairways of Halfmoon. Mr. Nadeau asked if they could approve a parcel that does not meet the minimum lot requirements. Mr. Chauvin stated they are increasing the area to an existing non-conforming lot, but they are not creating a new lot with this proposed action. Mr. Chauvin asked Mr. VanGuilder to place a note on the subdivision map stating that the conveyance of land will not be used to create a new building lot. Mr. VanGuilder stated they would create a consolidation deed making the land transfer as one lot. Mr. Nadeau made a motion to set a Public Hearing for March 8, 2004 at 7pm or soon thereafter. Mr. Roberts seconded. Motion carried.

04.122 Roman Johnson Lot Line Adjustment, Johnson Road, Lot Line Adjustment
Mr. Chauvin recused himself from this item. Mr. Gil VanGuilder presented a lot line adjustment proposal to convey 3.61-acres of the Land Preservation Area, associated with the Fairway Meadows development, from the residential lot owned by the Johnsons to the Farmstead lot also owned by the Johnsons. The action will also retain 0.60-acres of Land Preservation Area to the residential lot owned by the Johnsons. Mr. VanGuilder stated all building restrictions would remain for the designated Land Preservation Area. Mrs. Murphy asked Mr. VanGuilder to have the Johnsons submit a letter stating they acknowledge the actions taking place on their lands and understand the restrictions placed on the designated Land Preservation Areas. Mr. VanGuilder agreed to have the Johnsons submit the requested letter. Mr. Higgins stated that the Johnsons recently made an

application for an adjustment for the same lands. Mr. VanGuilder stated yes there was an adjustment to give a larger buffer of land between and existing farm haul road and two lots of the Fairway Meadows development. Mr. Higgins asked if the action were to make the Farmstead lot larger and asked if it would be owned. Mr. VanGuilder explained that the farmstead lot would be increased from 18.8-acres to 22.4-acres and there is a residential structure with farm barns on the Farmstead lot and the Johnsons currently own it. Mr. Johnson's residential lot will increase from 0.54-acres to 1.15-acres. Mr. Berkowitz made a motion to set a Public Hearing for March 8, 2004 at 7pm or soon thereafter. Mr. Rucklicki seconded. Motion carried.

04.123 Tech Electric Inc., Hudson River Road, Major Commercial Subdivision

Mr. Higgins recused himself from this item. Mr. Harold Berger presented a proposed 6-lot subdivision on a 9-acre parcel which is zoned Industrial (M-1). Mr. Berger stated the lands are behind the existing Willits Garage. Mr. Berger stated that Tech Electric would bring in a site plan for one of the lots, as will the remaining tenants for each of the proposed lots. Mr. Nadeau asked if Willits Garage is still in business. Mr. Berger stated yes. Mr. Nadeau asked how long was the proposed cul de sac Town road. Mr. Bianchino stated 550 ft. Mr. Berkowitz asked what was to the south of the proposed subdivision. Mr. Berger stated there were two residential lots on Hudson River Road and a vacant parcel behind them. Mr. Nadeau stated the proposed subdivision is adjacent to the Otiswood site. Mr. Polak stated there is a significant concern with drainage in that area. Mr. Berger stated the access off of Hudson River Road there is an existing strip of land for access, which only measures 50 ft in width. Mr. Roberts stated he has a concern with placing a Town road with development that do not meet the Town's requirements. Mr. Chauvin stated that the Town's Road Dedication Policy does not allow a Certificate of Occupancy to be issued until the Town accepts the road. Mr. Chauvin stated he believes Mr. Berger stated that the access does not meet the standard for width of a Town Rd. Mr. Polak stated that CHA would need to review the issue of the width of the access to make sure commercial vehicles can ingress/egress adequately. Mr. Bianchino stated that he would need more information before doing a review such as lot sizes, drainage and wetland information, radii on the access road and sight distance information for access, and storm water. Mr. Berger stated he knows the soil types in the area are not good for conventional septic systems and that an engineered raised system will need to be used. Along with area needed for septic, parking, green space and building footprints may alter the concept plan. Mr. Nadeau asked if Tech Electric owned the property. Mr. Berger stated yes. Mr. Berkowitz asked what type of business is Tech Electric. The owners stated they are an electrical contractor company. Mr. Nadeau asked how to handle the 50 ft access issue. Mr. Chauvin stated engineered information would need to be submitted over the width and that if the information satisfies the Town's engineers then the Planning Board will have the option of waiving the 60ft requirement. Mr. Berger asked if this proposal would need to be a Town Road. Mr. Williams stated subdivided land needs to have Town road frontage. The Planning Board asked for the applicant to submit needed information discussed at the meeting. This item was tabled for further review.

Mrs. Patenaude made a motion to adjourn from the meeting at 7:50pm. Mr. Nadeau seconded. Motion carried.

Respectfully Submitted,

Jeffrey R. Williams
Town Planner