

Planning Board Minutes - January 26, 2004

Those present at the January 26, 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 Liaison: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts called the meeting to order at 7:04 pm

Mr. Watts declared an Executive Session at 6:32 PM to discuss the Mike Abele Subdivision lawsuit. Mr. Watts closed the Executive Session at 6:54PM. No Action was taken.

Mr. Roberts made a motion to approve the January 12, 2004 minutes. Mr. Higgins seconded. Motion carried.

Public Hearings:

03.222 Fairway Estates, Fairway Drive (3,5,7,9,11&13), Lot Line Adjustment

Mr. Roberts recused himself from this item and Mrs. Jordan took his place. Mr. Watts opened the Public Hearing at 7:01 PM. Mr. Watts asked if anyone from the public wished to have the public notice read. No one responded. Mr. Gil VanGuilder presented a lot line adjustment for several lots associated with the Fairway Estates Phase II development. The lot line adjustments are proposing to re-configure the lots to accommodate the footprints of the town homes due to steep slopes. Mr. VanGuilder stated the steep slopes would create the need to build the town homes closer to the road than what was originally proposed. Mr. VanGuilder stated that the town homes would be built within the limits of the Fairway Estates PDD front-yard setback requirements. This proposed lot line adjustments, for this application, would cause the applicant to lose one townhouse unit as originally proposed. The one-townhouse unit will be added to another lot, not associated with this proposal, which will not need any adjustments. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:04 PM. Mr. Watts asked the Planning Board for comments. Mr. Nadeau made a motion to approve the proposed lot line adjustments as presented. Mr. Higgins seconded. Motion carried unanimously.

04.101 Deer Run/Hawkins Subdivision, Cindy Lane/Sitterly Road, Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:05 PM. Mr. Watts asked if anyone from the public wished to have the public notice read. No one responded. Mr. Gil VanGuilder presented a lot line adjustment to mend an encroachment of an asphalt driveway and a dog pen. An agreement has been made, to mend the encroachment, by conveying 2,270 SF of land from 1 Cindy Lane to the Lands of Hawkins. The lot line adjustment proposal will not interfere with the minimum lot requirements according to the Town's zoning laws. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:07 PM. Mr. Watts asked the Planning Board for comments. Mr. Berkowitz made a motion to approve the proposed lot line adjustment as presented. Mrs. Patenaude seconded. Motion carried unanimously.

04.102 Belleard/Altrock Subdivision, Belleard Lane, Minor Subdivision

Mr. Watts opened the Public Hearing at 7:08 PM. Mr. Watts asked if anyone from the public wished to have the public notice read. No one responded. Mr. Gil VanGuilder presented a proposed subdivision to create a lot from an

existing 2.25-acre parcel located on Belleard Lane. Mr. VanGuilder stated there is water in the area but the district is not extended down Belleard Lane. Mr. VanGuilder continued that there will be no negative impact to the existing homes and there is adequate separation between the water well and the septic systems. Mr. VanGuilder stated that he has performed a percolation test and the results identified that an engineered septic system would be required. The short-term proposal is to share the driveway with the existing residential unit associated with this proposal and the long-term goal is to have a separate driveway. There is an existing barn on the proposed lot, which would be removed. All existing and proposed lots would meet the minimum requirements for residential uses according to the Town's zoning laws. Mr. VanGuilder noted that the proposed lot is a "flaglot". Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:10 PM. Mr. Watts asked the Planning Board for comments.

Mr. Nadeau made a motion to approve the proposed subdivision contingent on a note placed on the subdivision plan stating the required septic design information. Mrs. Patenaude seconded. Motion carried unanimously.

Old Business

03.204 Leeson Subdivision, Harris Road, Major Subdivision

Mr. Ivan Zdrahal presented a conceptual major subdivision proposing a 16-lot development with a proposed Town road. The proposed development is located off of Harris Road on a 33-acre residential zone parcel. The proposed subdivision shows 14-lots fronting on the proposed lot and two lots fronting on Harris Road, one being the existing home. The proposed development will have a large land preservation area, which will envelope all of the existing jurisdictional wetlands. Mr. Zdrahal stated the water district will need to be extended and he is preparing an application for the Water Committee. Mr. Zdrahal stated at his last appearance in front of the Planning Board, one of the Board's comments was the length of the proposed single access Town road. Mr. Zdrahal presented a composite plan map to the Board depicting a possible future road, which would connect the proposed Leeson Subdivision with the proposed Farmview subdivision located further down Harris Road. Mr. Nadeau asked the applicant what was between the two proposed major subdivisions. Mr. Zdrahal stated it is the Lands of Mullins. Mr. Zdrahal stated there is no understanding when or if the Lands of Mullins would be developed. Mr. Watts asked Mr. Bianchino for comments. Mr. Bianchino stated that this project would be a Type I action with regards to the SEQRA review and once the Planning Board was comfortable with the proposed layout a coordinated review would take place with the County agencies, DEC, DOH, and ACOE. Mr. Bianchino continued that the Town's subdivision regulations state that in order to construct a single access Town road the maximum length is 800' or have a maximum 19 homes fronting on it. The proposed Town road is over the 800' length but has 14 homes fronting on it. The connector road shows good future planning and Mr. Bianchino stated he feels comfortable with the proposed road. Mr. Roberts asked what was the length of the Town Road. Mr. Zdrahal stated is about 1500' in length. Mr. Higgins asked what was the depth to the stormwater management area. Mr. Zdrahal stated the stormwater management area is proposed to be place at the end of the cul de sac near the land preservation area. Mr. Zdrahal stated that the stormwater plan has not been finalized and would be submitted with the Preliminary/Final plans. Mr. Higgins stated that the area might need to be away from the proposed road. Mr. Berkowitz asked how would Lot 14 access the Town road. Mr. Zdrahal stated there might be the need for a minor disturbance permit to cross the wetlands. Mr. Berkowitz asked what would happen if a permit was not issued for the wetland disturbance for Lot 14. Mr. Zdrahal feels comfortable with the concept calculations for wetland disturbance will be under the threshold. If the permit was not issued for Lot 14, the access would have to be planned to access from Harris Road. Mr. Zdrahal asked the Planning Board if they feel comfortable with the concept plans and if he should prepare Preliminary Plans. The Planning Board stated yes. This item was tabled for the preparation of Preliminary Plans submittal.

03.227 Halfmoon Gas Plus, Route 9 & Sitterly Road, Commercial Site Plan

Mr. Steve Weeks, owner/applicant, present revised plans for a 2,768 SF building to operate a three-bay carwash and self-served Laundromat. The applicant has revised the site plan and submitted a rebuttal to answer the Town engineer's comment/review letter. The building has been reduced in size from the original submittal and moved off of the side yard boundary line. The building is now proposed to be 5 feet from the side yard boundary line, which does not conform to the minimum requirement of 15 feet. Mr. Watts stated that he has met with the applicant to review the revision and stated there is a need for this type of proposed use in the Town. The Planning Board suggested the applicant seek relief from the ZBA on the sideyard setback issue.

Motion made by Mrs. Patenaude to deny the application due to the proposed 5' sideyard setback line does not conform to the minimum sideyard setback requirement. Seconded by Mr. Nadeau. Motion carried unanimously.

New Business:

04.107 Oakbrook Commons PDD, Route 9, Addition to Site Plan

Mr. John Gay, representing Mr. Charles Hoffman, presented a request to amend the original Oakbrook Commons

PDD to add an addition (1) 4-unit apartment building. Mr. Gay stated the original Oakbrook Commons PDD allowed 132-apartment units to be built in the Town of Halfmoon. Presently, there are 128-units built. The proposed plan shows the location of the two proposed 4-unit apartment buildings. Mr. Polak stated the last application presented for Oakbrook Commons; there was a concern with the buffers and the removal of trees from neighboring residential area. Mr. Polak asked the Planning Board to pay particular attention to the buffer areas. Mr. Higgins asked if the gravel road represented on the plan existed. Mr. Gay stated that the gravel road and the associated easement have been abandoned and it was shown on the plan due to overlays used to prepare the current plan. Mr. Roberts stated he was on the last committee review team and stated that Oakbrook Commons has done a good job with its development. Mr. Watts stated Mr. Roberts would review the proposal before the Planning Board. Mr. Watts asked the Planning Board if a Public Informational Meeting should be scheduled. Mrs. Murphy stated that a Public Informational Meeting is not required but it is a usual practice of the Planning Board to hold such a meeting before making a determination of recommendation to the Town Board.

Motion made by Mrs. Patenaude to set a Public Informational Meeting for February 9, 2004 at 7PM or soon thereafter. Seconded by Mr. Berkowitz. Motion carried unanimously.

04.108 Fairway Estates PDD, Lot 14A Fairway Drive, Lot Line Adjustment

Mr. Roberts recused himself from this item. Mr. Gil VanGuilder presented a lot line adjustment proposal for lot 14A of the Fairway Estates Phase II PDD. The lot line will convey 1,543 SF of land from Lot 14A to the Lands of Tanski (Par 3 course). The proposed lot line adjustment is requested to remove a golf cart path of the lands of Lot 14A due to liability issues. Mr. VanGuilder stated that the proposed lot line adjustment would not interfere with the required lot size as described in the PDD legislation.

Motion made by Mrs. Patenaude to set a Public Hearing on February 9, 2004 at 7PM or soon thereafter. Seconded by Mr. Nadeau. Motion carried unanimously.

04.109 A-1 Septic, Hudson River Road, Tenant/Site Plan

Mr. David Taylor, owner/applicant, is proposing to operate a septic construction/maintenance business on an existing vacant lot located in the Industrial zone on Rt. 4 & 32. The lot currently has a curb cut with a gravel based driveway and parking area. Mr. Taylor stated he has operated the business for the last 9 years in various locations in the area. Mr. Taylor is proposing to locate his business on the vacant lot with proposed improvements of expanding the existing parking area and a work trailer to use as a temporary office. Mr. Taylor stated he would bring in a proposal for a permanent office/service building in the future. Mr. Nadeau asked where the future building would be placed. Mr. Taylor stated on the north side of the site. Mrs. Patenaude asked if there is an office trailer on the site. Mr. Taylor stated no but is proposing to place one and there are two small storage sheds on the site. Mr. Watts asked the applicant if he was issued a violation notice from the code enforcement department. Mr. Taylor stated that his parents received one about December 19, 2003 and that they live in Florida. Mr. Taylor continued that his parents have given him Power of Attorney from his parents on the property. Mr. Taylor stated they were storing equipment on the property and did not realize he was violating local laws. Mr. Berkowitz asked where has the business been located in the past. Mr. Taylor stated it was originally Hank's Septic System in Waterford and started in 1953. The business then moved to Woodin Road which is in a R-1 zone and was not well received by area residents. The vacant lot in the M-1 was purchased about 10 years ago. Mr. Roberts asked where the waste collected is emptied. Mr. Taylor stated it depends on what County it is collected but is emptied at the County's Sewer District. Mr. Nadeau asked whether the temporary office trailer is allowed in the zone. Mrs. Murphy stated she has represented Mr. Taylor in the past and asked Mr. Chauvin to research the temporary trailer issue. Mr. Watts stated this application would be referred to CHA and set a committee review team of Mr. Roberts and Mr. Higgins to review the site. Mr. Higgins asked if a Public Informational Meeting would be warranted. Mr. Nadeau stated he thinks a PIM is a good idea but would like to get the comments from the review team and the issue of the temporary office trailer answered before setting the public meeting.

This item was tabled for review.

04.110 Lawn Care Storage Garage, Ushers Road, Commercial Site Plan

Mr. Tom Andress presented a site plan showing a proposed 3,264 SF building to be utilized as a storage site for a ceiling installation and a lawn care business. Mr. Andress stated the location of the proposed building is on a vacant parcel in the Light Industrial/Commercial zone. Half of the proposed facility would be used to store equipment for the and material for the ceiling installation and lawn care operation and the other half of the proposed building would be leased out to a similar use. Mr. Nadeau asked Mr. Polak if this area of Ushers Road is proposed to be rezoned. Mr. Polak stated the zoning committee is looking at rezoning a portion of Ushers Road but not in the area where this item is being proposed. Mr. Higgins asked if there were any wetlands on the property. Mr. Andress stated no, the vacant parcel is mostly open and the grade is fairly flat in the front and drops off in the rear. Mr. Nadeau asked if there were any residents nearby. Mr. Andress stated yes, there is a residential dwelling to the west of the proposed site. Mr. Williams asked if there was a restrictive easement on

the property. Mr. Address stated there is an easement on the front corner of the property to protect the residents by not allowing any permanent structures in the easement area. Mr. Watts asked if there were any chemicals proposed to be stored such as fertilizer. Mr. Address stated small items will be stored inside and trailers may be stored outside. The facility is not proposed to have any retail sales but to be used primarily as a storage and staging facility. Mr. Jeffrey Gnoy, owner of the lawn care business, stated he will have fertilizer delivered there, in bulk, and that they perform five different fertilizing applications per customer during the year. There will be fertilizer stored there but is used quickly in order to apply at the correct times during the growing season. Mr. Watts stated this application will be referred to CHA for review and set a committee review team of Mr. Higgins and Mr. Ruchilicki.

This item was tabled for review.

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

Mr. Tom Address presented a concept plan showing a 1,600 SF addition to the existing 18,000 SF plaza located on Rt. 9. Mr. Address explained that the proposed addition will be placed on the north side of the plaza. The addition is to allow the existing Florist to move in the proposed addition, which would allow the existing Miller Paint and Memory Lane to expand their business by utilizing the vacated space of the Florist. Mr. Address stated that an agreement between Lowe's/Accent on Health/ J&S Watkins Plaza took place and gave J&S Watkins 0.03-acres of land and 8 parking spaces. The proposed addition would move the exterior wall of the plaza out 34ft where there are presently four parking spaces. The four parking spaces would be re-located behind the proposed addition. Mr. Address stated the addition may improve the function of the Plaza's access road and that all utilities are available within the plaza whereas no earthwork would be needed. Mr. Watts asked the applicant if the Plaza was granted relief from the ZBA regarding parking. Mr. Address stated yes, for 9'x18' parking spaces located directly in front of the plaza. Mr. Roberts asked what is the size of the "new" proposed parking. Mr. Address stated they conform with 10' x 20'. Mr. Nadeau stated that when the plaza originally was being proposed the Planning Board spent a lot of time reviewing the parking situations. Mr. Nadeau continued that now the plaza is built and operating he has not seen any problems with parking. Mr. Berkowitz agreed with Mr. Nadeau. Mr. Roberts stated that he has noticed a lot of illegal signs being placed at the plaza and asked the owner to make all efforts to discontinue this practice. Mr. Watkins stated he understood the problem and would talk to his tenants. Mr. Watkins also noted that the monument sign has an interchangeable lettering which he will let each one of the tenants utilize. Mr. Watts stated then for now on we should not have any future illegal sign issues at the site. Mr. Watts also stated that Mr. Watkins should discuss with his tenants of using "Halfmoon" for their location in advertising. Mr. Watts stated this item would be referred to CHA.

This item was tabled for review.

Mr. Watts stated that the Planning Board was to have an Executive Session at 7:55 PM to discuss the Mike Abele lawsuit. Mr. Watts ended the Executive Session at 8:11 PM. No action was taken.

Mrs. Patenaude made a motion adjourn the Planning Board meeting at 8:12 PM. Mr. Berkowitz seconded. Motion carried unanimously.

Respectfully Submitted,

Jeffrey R. Williams
Town Planner