

Planning Board Minutes - July 12, 2004

July 12, 2004 Minutes

Those present at the July 12, 2004 Planning Board meeting were:

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

Planner: Jeff Williams

Town Attorney: Bob Chauvin
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Roberts, Vice Chairman, opened the July 12, 2004 Planning Board meeting at 7:01pm. Mr. Roberts asked the Board if they have reviewed the June 28, 2004 Town of Halfmoon Planning Board minutes. Mr. Berkowitz made a motion to approve the June 28, 2004 Planning Board minutes. Mr. Ruchlicki seconded. Motion carried.

Public Hearings:

04.179 PH Kennedy Subdivision, 144 Stone Quarry Rd. – Minor Subdivision

Mr. Roberts opened the Public Hearing at 7:02pm. Mr. Roberts asked if anyone from the public wished to have the Public Notice read. No one responded. Mr. Dave Flanders, Flanders & Associates, presented a minor subdivision application to the Board to separate a 3.5-acre portion of land from the existing 33.76-acre parcel. The lands are situated on the western side of Stone Quarry Road. Mr. Flanders explained that the 3.5-acre portion is currently zoned Residential while the rest of the land is zoned Commercial. The two differing zones are separated by an existing Nimo power line easement but the parcel is known to be one at this time. Mr. Flanders stated the reasoning for the proposed subdivision is to separate the two differing zones in order to sell the Residential zoned portion. Mr. Roberts asked if anyone from the public wished to speak. No one responded. Mr. Roberts closed the Public Hearing at 7:03pm. Mr. Nadeau made a motion to approve the minor subdivision as presented. Mr. Patenaude seconded. Motion carried.

04.180 PH Menneto Subdivision, Orchardview Dr. – Minor Subdivision

Mr. Roberts opened the Public Hearing at 7:04pm. Mr. Roberts asked if anyone from the public wished to have the Public Notice read. No one responded. Mr. Dave Flanders presented a minor subdivision application to create three residential parcels from an existing parcel associated with the Orchard Park residential development. Mr. Flanders stated the existing parcel is 1.5-acres of land and wish to create three single-family lots consisting of 24,000 SF each. Mr. Flanders stated the proposed lots will be serviced by public water and sewer and meet all the lot requirements within the Town's zoning ordinance. Mr. Roberts asked if any one from the public wished to speak. No one responded. Mr. Roberts closed the Public Hearing at 7:06pm. Mr. Nadeau asked if public sewer would service the proposed lots. Mr. Flanders stated yes. Mr. Nadeau made a motion to approve the minor subdivision as presented contingent on the applicant gaining sewer permits for each of the created lots. Mrs. Patenaude seconded. Motion carried.

04.182 PH Bast Hatfield Commercial Park, Vischer Ferry Rd.– Minor Subdivision

Mr. Higgins recused himself from this item and Mrs. Jordan replaced him. Mr. Roberts

opened the Public Hearing at 7:07pm. Mr. Roberts asked if anyone from the public wished to have the Public Notice read. No one responded. Mr. Gil VanGuilder, VanGuilder and Associates, presented a minor subdivision to the Board to convey a portion of lands from Bast Hatfield to the United Rental site and a portion to a vacant lot adjacent to the United Rental site. Mr. VanGuilder stated in 2003 the owners of Capitol Storage conveyed about 4 acres of land to Bast Hatfield. Mr. VanGuilder stated the present action is to retain 2-acres to Bast Hatfield site, to convey 1.68-acres to the United Rental site and 0.35-acres to a vacant commercial lot (Lot C). Mr. VanGuilder stated that a site plan has been submitted associated with the land transfer to the United Rental site. Mr. VanGuilder stated he understands the site plan has yet to go through a review from the Town's engineers and that they are here tonight for the required Public Hearing for the land transfer. Mr. VanGuilder stated the added land to the United Rental site would be used to expand their storage yard for their rental equipment. Mr. Roberts asked if any one from the public wished to speak. Mr. Paul Sicko, 1414 Rt 9, asked how will any drainage from the property be handled. Mr. VanGuilder stated a drainage plan has been submitted and is able to be reviewed through the Town's public records. Mr. Roberts read a letter submitted by Lucilla Sicko (Attachment #1) into the public record. Mr. Tom Pratico, Bast Hatfield, stated he was unaware of any issues with the Sicko lands and stated he would contact them to help resolve the issue. Mr. Roberts closed the Public Hearing at 7:11pm. Mr. Roberts stated the Board will table the item until the site plan review on the United Rental site has taken place. This item was tabled.

Old Business:

02.233 OB Farmview Subdivision, Harris Road – Major Subdivision

Mr. Jeff McCarthy, Ivan Zdrhal and Associates, presented preliminary major subdivision plans to the Board for a major residential subdivision off of Harris Road. Mr. McCarthy stated the proposed subdivision will be created on a 96-acre parcel of the Solowski Farm. The proposal consists of creating 68 lots, which would be 50.9% of the land, the roads and infrastructure will be 8.9% of the land and the remainder of the land will be open space(~40%). Mr. McCarthy stated the access will be a boulevard entrance off of Harris Road and the subdivision plan shows future connector roads to the Lands of Mullens (to the north) and the Lands of Dudek (to the east). There will be emergency egress point through the farm stand of Solowski. Mr. McCarthy stated public water will be from Harris Road as the Town just opened for bid to extend water on the west side of Harris Road. Sanitary sewer will gravity feed to the existing pump station at the Stage Run development and also will extend sewer service south on Harris Road to provide additional hook ups to existing residential dwellings. Mr. McCarthy stated storm water will be managed by two detention basins and discharge to the adjacent stream to the south of the development. Mr. McCarthy stated other amenities with the development will be street lighting, sidewalks, street trees, and a nature trail through the open space. Mr. McCarthy stated the Home Owners Association (HOA) will maintain the sidewalks, streetlights, street trees, the nature trail and the emergency access and the open space with exception of the actual storm water structures. Mr. McCarthy stated the preliminary plans have been submitted to CHA in accordance to the concept plan accepted by the Board. Mr. Roberts asked if they have negotiated with the neighbors about obtaining easements for sewer and water. Mr. McCarthy stated they have an agreement with the Mullens to provide an easement through their land to connect the public services to the Leeson Subdivision project. Mr. Nadeau asked if the trail system will be controlled by the HOA. Mr. McCarthy stated yes. Mr. Nadeau asked if the trails will be accessible to the public. Mr. McCarthy stated yes. Mrs. Patenaude asked the applicant to present the documentation of the creation of the HOA to be reviewed by the Town's Attorneys. Mr. McCarthy agreed. Mr. Higgins stated that he does not want the trail system to dead end at the property line and should terminate at some point to avoid the public crossing the property of others. Mr. Higgins asked if the ROW extended all the way on Harris Road towards the Lands of Bold and that the ROW looked very wide from a typical ROW. Mr. McCarthy stated yes the ROW does extend to the Lands of Bold and it is a wide ROW. Mr. Higgins asked about the storm water retention area at the access road near Harris Road and asked if it could be relocated so that it was not the first thing you see as you enter the development. Mr. McCarthy stated that due to the topography of the land, the area where the storm water retention area is located is ideal. Mr. Higgins stated that if that is so, could the detention basin be landscaped to improve the screening. Mrs. Patenaude asked if Lot 66-69 looks as if there is a shared driveway and another driveway through the wetlands. Mr. McCarthy stated those lots will utilize a shared driveway and the area through the wetlands is a temporary utility easement. Mr. Nadeau asked if the HOA will be responsible for paying for the maintenance and upkeep of the streetlights. Mr. McCarthy stated yes. Mr. Berkowitz asked if the end road by lot 23 is a dead end or will there be a turn around area. Mr. McCarthy stated there will be a turn around area. Mr. Berkowitz made a motion to set a Public Hearing for July 26, 2004. Mrs. Patenaude seconded. Motion Carried.

04.138 OB Preville Subdivision, 23 Dunsbach Road – Minor Subdivision

Mr. Mike Preville, owner, presented a minor subdivision application to the Board proposing to create a flag lot off of Dunsbach Road for a proposed duplex. Mr. Preville stated he owns the front lot and the rear lot (proposed flag

lot). Mr. Preville stated that this application has gained relief from the ZBA due to the front lot not meeting the minimum lot area. Mr. Preville stated the ZBA approved the variance contingent on the Fire/Code Inspector to review the area in order to adequately access the rear parcel with emergency vehicles. Mr. Preville stated there is a mobile home on the rear lot that will be removed.

Mrs. Patenaude made a motion to set a Public Hearing for July 26, 2004. Mr. Berkowitz seconded. Motion Carried.

04.141 OB Betts Subdivision, Betts Lane – Minor Subdivision

Mr. Wesley Betts appeared before the Board to present a minor subdivision to create a second flag lot off of Betts Lane. Mr. Betts stated that the original submission asked for two additional flag lots and that the second flag lot is not being pursued at this time. Mr. Betts stated that he appeared before the ZBA and gained relief of creating a second flag lot. The variance was conditioned on a plan to be submitted to the Planning Board showing a minimum of 20 ft of frontage on Betts Lane, which the applicant has obtained. Mr. Betts stated he will create a driveway with a large turn around area for emergency vehicles if needed.

Mrs. Patenaude made a motion to set a Public Hearing at the July 26, 2004 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

New Business:

04.172 NB Clemente PDD, Route 146 – Major Commercial Subdivision & Concept Site Plan

Mr. Scott Lansing, Lansing Engineers, presented a concept plan on a proposed Commercial/ Light Industrial park off of Rt 146. Mr. Lansing stated that existing conditions is that the parcel is 104-acres and is currently zoned Agricultural/Residential. Mr. Lansing stated that currently there is a mining activity occurring from the site. Mr. Lansing stated that land is wooded and open area. Mr. Lansing presented a map generated by using USGS topography survey and tax map information. Mr. Lansing stated that they are in the process of creating a survey map of the parcel. Mr. Lansing stated the proposal consists of creating a Commercial/Light Industrial park and it will be accessed by the existing haul road for the mining activity. The access is optimal for sight distance on Rt 146. The proposal will create a single loop road pattern and the creation of 14 building lots. The lots will range in size of 1.5-acres to 22-acres but are proposing the lots to be variable in size depending on tenants needs. Mr. Lansing stated they are estimating the commercial space to be built will range from 650,000 to 750,000 SF of buildings. Mr. Lansing stated that they are proposing architectural enhancements for the building fronting Rt 146. Mr. Lansing stated water will be extended from Pruyn Hill, which will be 6,800 LF extension. The storm water will be onsite and the sewer will connect to the newly installed gravity sewer main along Rt 146. Mr. Lansing showed the Board a rendering of the potential full development of the proposed PDD. Mr. Lansing stated the public benefits from the proposed PDD will be a \$300,000 water line extension to allow others to hook up to the water line and the water line will be closer to the water line on Rt 4 & 32 to create a loop in the system. Mr. Lansing continued that there would be no impact to the school district of not creating more students while adding to the taxes. Mr. Lansing stated that one of the prospective tenants for the C/LI Park will be a self-storage facility. The self-storage will be indoor and outdoor storage, meaning indoor customers will enter the storage unit within an enclosed building and outdoor storage customers will enter the storage unit from outside. Mr. Lansing stated that there would be no bare outside storage like boats, RV's and things of that type. Mr. Lansing stated the first phase of the project will be the outdoor storage portion. From the revenue created from the storage units will help pay for the water extension. The interior roadway of the park will have a berm installed to screen the outdoor storage units and that the indoor storage unit will be architecturally enhanced to buffer the other storage units from Rt. 146. Mr. Roberts asked the Board for comments. Mrs. Patenaude stated the lots of 3-7 are situated on steep slopes that are predominantly clay and prone to sliding. Mr. Lansing stated that the sloped area has been mined and that the slopes have been reduced and the actual boundary survey will show the actual slopes. Mr. Lansing stated that the sites will be able to have buildings located on them in a safe manner. Mrs. Patenaude stated that the architectural enhancements that are proposed to visibly enhance the Rt 146 corridor is a good idea but the site can also be seen from Rt 4 & 32 and visual screening or enhancements should be offered from the angle. Mr. Lansing will look at that issue and see what they can do. Mr. Nadeau asked if there has been any traffic study done because a prior use near the area raised a great concern with the Planning Board at that time. Mr. Lansing stated that no traffic study has been done but will and that the area is mined with trucks entering and exiting the site daily. Mr. Nadeau asked how many trucks. Mr. Lansing stated about 250 trips a day. Mr. Nadeau stated there is not as much of a concern as you travel west on Rt 146 but coming from

Mechanicville could be a problem. Mr. Berkowitz asked what other types of uses would be proposed for the park. Mr. Lansing stated the uses generally accepted in Commercial and Light Industrial uses with related offices. Mr. Nadeau stated the Board will need more specific information on uses because with the concern of traffic being generated from the site. Mr. Higgins asked how long it would take to generate enough money to extend the water line because that is listed as one of the benefits. Mr. Nadeau asked how could they approve the proposed PDD and have the water line never installed. Mr. Chauvin stated that a Letters of Credit and Bonding could be implemented to ensure the water line is in place. Mr. Nadeau stated that he feels the proposed park is a good concept but will need to look at some issues very closely. Mrs. Patenaude suggested for the applicant to look at the area adjacent to the Champlain Canal area and possibly creating trails or a greenway in the area for a possible benefit. Mr. Nadeau mentioned that the County is asking self-storage units to be more attractive architecturally. Mr. Lansing stated they are hoping to create the building like the one near exit 9 of the Northway. Mr. Roberts stated they will refer the concept plan to CHA and table the item for further discussion. This item was tabled.

04.184 NB Empire Mulch, 518 Hudson River Rd. – Sign

The applicant was not present for the meeting. No action was taken.

04.185 NB V.R.S. Sales Ltd., 183 Ushers Rd. – Addition To Site Plan

Mr. Roberts recused himself from this item and Mrs. Jordan replaced him. Mr. Nadeau acted as Chairman for this item. Mr. Dick Shakerly, owner, was present to propose an addition to their existing building. Mr. Nadeau stated that he believed the initial approval was given and that there would be no outside storage of vehicles. Mr. Shakerly stated he did not recall that condition. Mr. Higgins stated there are vehicles parked in front of the building. Mr. Berkowitz asked how long the vehicles would be parked there. Mr. Shakerly stated that there are service vehicles that may or may not be in the building due to what type of truck they are working on. Mr. Shakerly stated they service fire trucks and sometimes the parts are not readily available due to the age of the fire truck. Sometimes the parts are difficult to locate and that the truck will need to sit there until the part comes in. Mr. Nadeau stated that these are the vehicles stored outside. Mr. Shakerly stated yes. Mr. Nadeau asked Mr. Williams if he is aware of any complaints from neighboring properties. Mr. Williams stated he has not heard of any complaints about the site. Mrs. Murphy asked to review the past minutes to determine the outside storage issue. Mr. Nadeau stated that they will table the item to review past minutes. This item was tabled.

04.186 NB Babcock Financial Advisors, Inc., 306-A Grooms Road – Sign

Mr. Tom Babcock, owner, was present to propose a two sided, 2' x 5' sign for their zoned professional office/residential financial business located off of Grooms Road. Mr. Babcock stated that they gained site plan approval to renovate an existing residential unit into an office about 9 months ago. Mr. Babcock stated they have a approved one-sided 2'x5' sign that is to be situated parallel to Grooms Road. Mr. Babcock stated the office is located on an approved flag lot. Due to the location of the driveway, the approved sign would not be able to be located parallel to the road without encroaching onto the neighboring property. Mr. Babcock is proposing to place a two-sided sign parallel to their driveway in order not to encroach on the neighboring property. Mr. Babcock stated that the NESDNSCC (?) requirements have certain information that needs to be posted on the sign for a certified financial advisor. The required information needed does not allow room for the sign to be downsized to the Town's required maximum sign area in a Professional Office/Residential of 10 SF. Mr. Babcock stated he understands the need of not making signs overwhelming but asked the Board for understanding that the sign needs to be larger than what is allowed due to their requirements as a financial advisor and the lack of room to place the approved one-sided sign. Mr. Roberts stated that himself and Mr. Nadeau were on the committee to review the site plan and at that time they mentioned a sign. Mr. Roberts stated at that time, the applicant stated a sign was not greatly needed. Mr. Babcock stated that the sign does not draw in clients but the clients have had difficulty finding their new location. Mr. Babcock stated they have thought about placing the sign parallel to the their driveway but only have information on one side of the proposed sign. Mr. Nadeau asked what is the area of the approved sign. Mr. Roberts stated 10 SF, which is the maximum allowed in that zone. Mr. Higgins asked if the proposed sign would impede the sight view when exiting the site. Mr. Babcock stated due to the topography at the sign location, a person would be able to see over the sign. Mr. Roberts asked if they could move the approved sign so that it is on their property. Mr. Babcock stated the one post would be right on the property line and if move the other way it would be too close to the driveway. Mr. Nadeau stated the integrity of the sign ordinance in the PO/R zone is to protect the residential character and to waive from that would defeat the purpose of a sign ordinance. Mr. Berkowitz asked if the information stated on the bottom of sign is needed by the financial regulating agency. Mr. Babcock said yes. Mr. Berkowitz asked if the information could be placed on the business's door. Mr. Babcock stated that it may be able to be done but is unsure of the financial regulating agency's perspective. Mr. Babcock asked if he could legally with an agreement place the sign on the neighboring property. Mrs. Murphy stated off premises signs are not allowed as to the Town's sign ordinance. Mr. Roberts

stated that he could modify the application for the two-sided sign to be located parallel with their driveway to a single-sided sign to be located parallel with their driveway. Mr. Babcock asked to table the application in order to review the idea with his partner. This item was tabled.

04.189 NB Yankee One Dollar, 420 Hudson River Road – Change of Tenant

Mr. Kenneth Flike presented a change of tenant application to operate out of the former Katzenbach & Warren warehouse located on Rt 4 & 32. Mr. Flike stated they would like to utilize the 83,000 SF warehouse to store retail goods sold by the Yankee One Dollar franchise. Mr. Nadeau asked who was the previously tenant. Mr. Flike stated the building was built in 1983 and was last used by American Tissue for a warehouse use. Mr. Berkowitz asked if the Yankee One Dollar use would change the volume of truck traffic. Mr. Flike stated there would be less truck traffic stating that the applicant has six trucks he uses to deliver the goods to the stores. Mr. Berkowitz asked what type of trucks. Mr. Flike stated that they are not tractor-trailers, just regular delivery trucks. Mr. Nadeau stated that when the American Tissue was approved the approval contained the use of tractor-trailer uses.

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

04.190 NB Belkevich Subdivision, 130 Canal Road (Rear) – Minor Subdivision

Mr. Lois Chicatelli, Fazzone & Fazzone representing the Belkavich's, presented a minor subdivision application to the Board to separate two residential uses on the same parcel located off of Canal Road. Mr. Chicatelli stated the property is bounded by lands to the northeast, north, southeast and south by the Lands of NYS and across the road is the lands of the Town of Halfmoon. Mr. Chicatelli stated that the parcel is currently 0.9-acre and has been left in estate to the children of Mr. Belkavich. Mr. Chicatelli stated that the proposed subdivision is proposing create two ~18000 SF parcels with each having an existing dwelling located on them. Mr. Chicatelli stated there is public water and private septic for each residence. Mr. Chicatelli stated he understands the lots are sub-standard to the Town's minimum area allowed and a variance would be needed to proceed with the proposal. Mr. Berkowitz made a motion to deny the application on the basis the proposed lots do not meet the minimum lot area as described in the Town's zoning ordinance. Mr. Rucklicki seconded. Motion carried.

04.191 NB Campbell Subdivision, 405 Hudson River Road – Minor Subdivision

Mr. John Campbell, representing his father Dewitt Campbell, presented a minor subdivision application to the Board to separate two existing residential dwellings located on the same parcel. Mr. Campbell stated the property is .81-acres with two residences, which have been occupied over the last 30 years. Mr. Campbell stated the current lot was created in 1983 by a previous subdivision and at that time a permanent ingress/egress easement was created for the two existing dwellings. Mr. Campbell stated the proposed action is to separate the two dwellings by creating a 0.31- acre parcel and a 0.50-acre parcel. Mr. Campbell stated he understands that a variance will be needed.

Mrs. Patenaude made a motion to deny the minor subdivision application on the basis that the proposed lots do not have the required road frontage and they do not meet the minimum lot area as described in the Town's zoning ordinance. Mr. Berkowitz seconded. Motion carried.

Mrs. Patenaude made a motion to adjourn the July 12, 2004 Town of Halfmoon Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

Respectfully Submitted,

Jeffrey R. Williams
Town Planner