

Planning Board Minutes - July 26, 2004

Those present at the July 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 Liaisons: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the July 26, 2004 Planning Board meeting at 7:00 pm. Mr. Watts asked the Planning Board if they have reviewed the July 12, 2004 Planning Board minutes.

Mr. Roberts made a motion to approve the July 12, 2004 Planning Board minutes. Mr. Higgins seconded. Motion Carried.

Public Hearings:

02.233 PH Farmview Subdivision, Harris Road – Major Subdivision

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. Ivan Zdrahal presented a major subdivision plan to the Board to be located off of Harris Road in the Town of Halfmoon. Mr. Zdrahal stated the project is proposed to be developed on the 97-acre parcel owned by William Solowski. Mr. Zdrahal stated the area is zoned Residential (R-1). Mr. Zdrahal stated the proposal consists of 69 single-family lots including the existing farmstand. Mr. Zdrahal stated that the area is being developed in accordance to the zoning. Mr. Zdrahal stated that the development will gain access from Harris Road through a single drive access with an emergency access road through the existing farm stand. The internal roads will be dedicated to the Town and have two future connections to lands to the north and east of the project. Mr. Zdrahal stated there will be common open space associated with the project. Mr. Zdrahal stated the residential development will consist of 49-acres or 51% of the project. The roads and infrastructure will be 9-acres or 9% of the project and the open space will be 38.5-acres or 40% of the project. The individual landowners will own the lots, the roads will be dedicated to the Town and the common open space will be owned and maintained by a Home Owners Association (HOA). Public water and sewer will serve the area. Mr. Bob Schramek, 89 Button Road, stated he purchased his home in 1994 and is located adjacent to a stream, the same stream that the proposed Farmview subdivision is located near. Mr. Schramek stated when the Stage Run Development was built the stream level increased 2-3 ft above normal. Mr. Schramek stated the increased run-off has caused the stream to erode the banks and has washed out a portion of his property. Mr. Schramek handed out pictures of the stream conditions to the Board. Mr. Zdrahal stated that the storm water management for the Farmview subdivision will follow the NYS guidelines and that the run-off from the development will match the pre-conditions. Mr. Bianchino stated he could review the downstream conditions during the next review for the proposed subdivision. Mr. Nadeau asked if the Stage Run storm water management area is not working as designed could cause the run-off problem with the stream. Mr. Bianchino stated that the storm water areas are designed to manage the peak run-off and may need to review the accumulative discharges associated with the developments. Mr. Schramek stated that he feels the stream cannot take another inch of run off without causing further damage to his property. Mr. Watts stated that CHA will look into the issue. Mr. Watts stated that there has been a letter submitted by Mr. Dan Chouinierre and he raises issues with traffic increase, speed limits and that some of the issues are Town Board issues. Mr. Watts stated that the letter will be added into the Public Record. Mr. Watts asked if anyone else from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:11 pm. Mr. Watts asked the Board for comment. Mr. Roberts asked if there has been any

progress for the easement through the Lands of Mullens. Mr. Zdrahal stated the easement will be needed to run utilities to the proposed Leeson subdivision. Mr. Higgins stated he is concerned with the large tract of common open space which will be owned and maintained by the HOA and that in the event the HOA fails, the Town will be responsible for the common open space. Mr. Higgins suggested that the Town Attorneys review the legal documents that create the HOA. Mr. Zdrahal stated that he would submit the HOA language to the Town attorneys for review. Mrs. Patenaude stated that the committee members wanted to protect as much of the wetlands as possible, which will help with the drainage by preserving the natural vegetation. Mr. Ruchlicki asked what the elevations were for parcels 8-10 and where the slope occurs. Mr. Zdrahal stated the slopes go down from the front of the parcels and are buildable. Mr. Watts stated that a lead agency needs to be slated for SEQR purposes.

Mr. Roberts made a motion for the Planning Board to be Lead Agency as to the SEQR requirements. Mr. Nadeau seconded. Motion carried.

04.138 PH Preville Subdivision, 23 Dunsbach Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:18 pm. Mr. Watts asked if anyone from the public wished to have the Public Notice read. No one responded. Mr. Mike Preville presented a subdivision plan to create a flag lot in order to place a duplex. Mr. Preville stated increasing the frontage from 10 ft to 20 ft for the rear parcel has created a conforming flag lot. Mr. Preville stated public water and private septic is in place. Mr. Watts asked if any one from the public wished to speak. No one responded. Mr. Watts closed the Public hearing at 7:19 pm. Mr. Watts asked if the applicant has appeared before the Town's ZBA. Mr. Preville stated yes and that they have gained a variance for the front lot, with an existing home, for not meeting the required minimum lot requirement and frontage. Mr. Roberts asked if the existing mobile home will be removed from the rear lot. Mr. Preville stated yes and that they intend on replacing it with a duplex. Mr. Watts asked about the condition that the West Crescent Fire Chief was to approve the accessibility to the rear lot. Mr. Williams stated that the West Crescent Fire Chief has picked up the proposed subdivision plans and that he has had conversation with Ken Hasset, the Town's Code/Fire over the issue. Mr. Williams stated he has not received any confirmation from the Fire Chief but believes the Town Fire/Code officer is agreeable with the access. Mr. Nadeau stated he would feel more comfortable on taking action with the proposed subdivision once they hear back from the Fire Chief. Mrs. Patenaude stated the ZBA placed the condition of approval for acceptance from the Fire Chief and would like to wait to hear from the Fire Chief. Mr. Dick Shakerly, a commissioner at the West Crescent Fire Department stated he would convey the message to the Chief. Mr. Chauvin stated that since it is a condition of the ZBA approval he recommends the Board to defer action until the Fire Chief signs off on the access issue.

This item was tabled in order to gain comment from the West Crescent Fire Chief.

04.141 PH Betts Subdivision, Betts Lane – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:24 pm. Mr. Watts asked if anyone from the public wished to have the Public Notice read. No one responded. Mr. Wesley Betts presented a minor subdivision to create a flag lot off of Betts Lane. Mr. Betts stated he is proposing to build a single-family home on the family's farmland. Mr. Betts stated that he has gained an approval from the ZBA to create a second flag lot from the Lands of Betts condition on 20ft frontage being gained onto Betts Lane. The applicant also stated the ZBA questioned on appropriate access for emergency vehicles and that he intends of creating a large "cul de sac" like turn around for his driveway. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:26 pm. Mr. Watts asked the Board for comments.

Mr. Roberts made a motion to approve the minor subdivision as presented. Mr. Berkowitz seconded. Motion Carried.

Old Business:

04.137 OB Sysco Foods, 1 Liebich Lane – Addition to Site Plan

Mr. Ruchlicki recused himself and Mrs. Jordan replaced him. Mr. Jeff Mercle, Stahlmann Engineering, presented a site plan showing a proposed 27,000 SF addition to the existing freezer distribution area for Sysco Foods. Mr. Mercle stated that during the original site plan review for the Sysco site, Phase II of the project was accounted for during that review. Mr. Mercle stated that Sysco has been working with the Town and their engineers to remediate certain site plan issues. Mr. Bianchino stated that the applicant has been very cooperative in their effort to work on drainage issues and their existing storm water management areas. Mr. Bianchino stated the storm water management areas have been corrected. The applicant has performed some downstream improvements such as adding additional culverts and fixed some wash out areas. Mr. Bianchino stated they are

currently working on other down stream areas. Mr. Bianchino stated the committee raised a noise issue and that the applicant has submitted a noise study. The noise study stated that while there is some noises generated from the site the noise level is below the industry standards for residential areas. Mr. Bianchino stated that the applicant has also changed their truck maintenance schedule to perform work on the trucks during normal working hours. In addition, the applicant will place improved equipment, such as fans and regulators on the truck's freezer units, to help reduce noise. Mr. Bianchino stated at the Public Informational Meeting, the public raised an issue about diesel fumes being generated from the site. Mr. Bainchino stated that the site is in a "bowl" that has a tendency under certain conditions traps the fumes in the area. Mr. Biachino stated the regulators on the truck's freezer units, which turns on and off the units when needed, should reduce the fumes. Mr. Bianchino stated that the Board raised the need to have a Letter of Credit established for a two-year period to assure the remediation of the drainage and other site issues are working once the work is completed. Mr. Bianchino also stated that the original site plan called for a streetlight to be placed at the corner of RT 9 and Liebich Lane. Although the streetlight has been installed, the streetlight has not been activated and that the applicant needs to address that issue. Mr. Schiffer, Sysco Executive V.P., stated that he has received the letter and that Sysco is prepared to have the light turned on. Mr. Watts asked for a letter in response to the light issue. Mr. Higgins stated that the applicant has stated the Will Call area will not change from its current operations and the applicant is working on schedules to lessen the need for the service. Mr. Higgins stated he wants to commend the applicant for his diligent work on improving the drainage and storm water issues. Mr. Watts stated the Town will ask for the Letter of Credit to be established prior to the issuance of the C.O. for the freezer addition. Mr. Watts stated that he appreciates the efforts the applicant has done with regards to the site improvements. Mr. Roberts made a motion to approve the addition to site plan application contingent on the streetlight being activated, the Letter of Credit be established prior to the Certificate of Occupancy being issued, and that the site remediation efforts are accepted by the Town prior to the Certificate of Occupancy is issued. Mr. Nadeau seconded. Motion Carried.

04.171 OB Auto America Super Store, 1540 Route 9 – Change of Tenant & Sign

Mr. John Hoak, presented a change of tenant application to the Board to operate a used car dealership from the Mackey Auto site on Route 9. Mr. Hoak stated they have revised the site plan to show five 10'x20' customer parking areas and (48) 9'x18' display parking areas. The applicant stated a narrative has been submitted stating that they will be the only business entity operating from the site. Mr. Nadeau asked if the applicant is operating from the site right now. Mr. Jim Starr, manager, stated they are functioning by using Mackey Auto. Mr. Nadeau stated that the applicant stated at the last Planning Board meeting that they would not use car carriers. Mr. Starr stated that since they are under the Mackey Auto operation that they cannot tell him not to use car carriers. Mr. Watts asked when Mackey Auto will be off the site. Mr. Starr stated once they receive the change of tenant approval. Mr. Watts stated that once Auto America Super Store begins operations at the site that there will not be any car carriers allowed to be used to deliver cars to the site. Mr. Starr stated that he understands the Town's concerns and that he will not use car carriers to deliver the cars. Mr. Roberts asked if the sign will replace the existing sign. Mr. Hoak stated that is correct. Mr. Roberts stated that somehow neon was placed on the existing sign and that the Town does not allow neon on the signs and asked for it to be removed when the new proposed sign is posted. Mr. Starr agreed. Mr. Watts asked about the flagpole. Mr. Starr stated he did not know of any restrictions for a flagpole and proposed a 35ft flagpole. Mr. Berkowitz asked where the flagpole will be located. Mr. Starr stated it will be in the rear of the lot between two light poles. Mrs. Patenaude suggested the flagpole to be 20 ft since it will be lit and not to cause any problem with the site lighting. Mr. Jesse Daniels, a sign contractor in the audience, stated flagpoles are usually four times the length of the flag and that a 20 ft flagpole would allow a 3'x5' flag. The Board agreed on a 20 ft flagpole. Mr. Watts asked about the site lighting. Mr. Starr stated that at the last meeting he agreed to work with the Town on what is needed to help out with the site lighting and is still willing to do so.

Mr. Berkowitz made a motion to approve the change of tenant site plan and sign application contingent on no car carriers will be used at the site, only one business entity operating from the site, the applicant agreeing to work with the Town regarding the existing site lighting and no neon on the sign. Mrs. Patenaude seconded. Motion carried.

04.185 OB V.R.S. Sales Ltd., 183 Ushers Road – Addition to Site Plan

Mr. Roberts recused himself and Mrs. Jordan replaced him. Mr. Dick Shakerly presented an addition to site plan application to the Board for the existing business on Ushers Road. Mr. Shakerly stated there is an existing slab and would like to enclose the 14'x20' area. Mr. Shakerly stated that at the last meeting a question of outside storage at the site. Mr. Shakerly stated he interprets the question of storing used fire trucks at the site and that they seldom store the fire equipment outside unless they are waiting for parts. Mr. Shakerly stated they do not store unused fire trucks at the site.

Mr. Nadeau made a motion to approve the addition to site plan as presented. Mrs. Patenaude seconded. Motion

carried.

New Business:

04.184 NB Empire Mulch, 518 Hudson River Road – Sign

Mr. Cunningham and Mr. Belak proposed to replace an existing sign of the former Dean's Antiques with a sign representing their business. The sign is proposed to be 4'x8' with a height of 8'. Mr. Roberts asked what the color of the sign will be. The applicant's were unsure if it was to be black/white or blue/white or red/white/blue. Mr. Roberts asked if they are replacing the existing sign.

Mr. Roberts made a motion to approve the sign. Mrs. Patenaude seconded. Motion carried.

04.187 NB Harold Handy DBA, 44 Route 146 – Change of Tenant

Mr. Harold Handy presented a change of tenant application to the Board to locate their business at the Morris Pipe site on Rt 146. Mr. Handy stated they wish to build exterior and interior walls and sheds for residential buildings. Mr. Nadeau asked what the area was they wish to operate their business. Mr. Handy stated 1,200 SF. Mrs. Patenaude asked if the outside storage will be within the existing fenced off area. Mr. Handy stated that Morris Pipe has given him an area in the fenced area to store the building material. Mr. Watts asked how many employees. Mr. Handy stated there are six employees but there will be two employees at the site except on rainy days there will be six. Mr. Handy stated they are looking to close the gap on inclement weather and be able to continue their work. Mr. Handy stated there would be two deliveries per week and two trips out of the site per day on single axle trucks and two trailers. Mr. Nadeau stated the site already has truck deliveries. Mr. Roberts asked if there was a sign. Mr. Handy stated he does not need a sign.

Mr. Berkowitz made a motion to approve the change of tenant application. Mr. Roberts seconded. Motion carried.

04.188 NB Jeet Kune Do, 1603 Route 9 – Change of Tenant & Sign

Mr. George Ilyadis presented a change of tenant application to operate a martial arts studio out of a store in the Towne Center Plaza on Rt 9. Mr. Ilyadis stated that he is proposing of operating the business during the evenings when most of the other tenant's in the plaza are closed in order to alleviate any parking congestion concerns. Mr. Ilyadis stated that he will limit each training session to 16 students. Mr. Watts asked Mr. Williams if everything in order at the site. Mr. Williams stated that the site is in compliance and that there has never been a parking or any other issues with the site. Mr. Nadeau stated that the next tenant for the vacant store may need to be looked at in order to make sure there are no parking problems. Mr. Ilyadis stated that he has an inclusive right to be the only martial arts business at the plaza and is aware of the parking situation and does not want to have a problem with it so his business can be operated safely. Mr. Ilyadis stated he is proposing to replace the existing sign of 2'x3' representing his business.

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

04.192 NB Halfmoon Mobil, 1588 Route 9 – Addition to Site Plan

Mr. Steve Weekes presented an addition to site plan to place two vacuum/dry shampoo islands at the gas/convenient store site at the corner of Sitterly and Rt 9. Mr. Weekes stated that the islands are proposed to be placed in the existing parking lot adjacent to Sitterly Road. Mr. Weekes stated that the islands will not change any of the site statistics of the approved site plan. Mr. Nadeau asked how the internal traffic flow occurs at the site. Mr. Weekes stated that the area where the vacuum stations are proposed is the least utilized part of the site. Mr. Watts asked Mr. Bianchino for comment. Mr. Bianchino stated the locations of the proposed islands do not raise any concern. Mr. Roberts asked about the existing vacuum area on the site plan. Mr. Weekes stated that will be removed.

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

04.193 NB Richard's Paving & Fuels, 369C Hudson River Rd. – Change of Tenant & Sign

Mr. Richard Hughes, owner, presented a change of tenant and sign application to the Board to locate a paving and fuel business on Lock One Road off of Hudson River Road. Mr. Hughes stated that the business performs commercial and residential paving and also has a home heating fuel distribution business. Mr. Hughes stated the fuel tanks pick up the fuel at the Port of Rensselaer and delivers to homes. Mr. Hughes stated there is no storage

of fuel at the site. Mr. Nadeau asked if the delivery fuel trucks are empty every night. Mr. Hughes stated that there may be some fuel in the trucks. Mr. Nadeau asked Mr. Bianchino about requirements for such a use. Mr. Bianchino stated he would need to research the issue but the use does not fall under the Town's requirements for storage of fuels. Mr. Hughes stated the tanker trucks need to be inspected every year and the tanks are also inspected annually by NYSDEC. Mr. Hughes stated the NYSDOT also has regulations and his drivers are Hazmat trained. Mrs. Patenaude asked if any of the paving material will be stored on site. Mr. Hughes stated no that all the materials will be picked up at a black top plant and used at the site before it hardens. Mr. Hughes stated the building will be used for an office and to store the hand tools. Mr. Higgins asked how close is the site to the Hudson River. Mr. Hughes stated about ½ mile. Mr. Higgins asked how are the trucks cleaned. Mr. Hughes stated that the trucks are cleaned using biodegradable cleaning solution. Mr. Higgins asked if the applicant cleans out the asphalt from the bed of the trucks. Mr. Hughes stated no that the exterior of the trucks are cleaned. Mr. Roberts suggested that the CHA should do a review. Mr. Nadeau asked if there were any neighbors. Mr. Hughes stated the site used to be owned by Mr. Daigle and there is another neighbor up the road. Mr. Roberts asked about the sign. Mr. Hughes stated that the sign will be 3'x5' and 6' in height. Mr. Roberts made a motion to approve the change of tenant and sign contingent on CHA's review that the type of business is compliant with state and local authority permitting and requirements. Mrs. Patenaude seconded. Motion carried.

04.194 NB Charter One Bank, 1549 Route 9 – Change of Tenant & Sign

The applicant presented a change of tenant application to operate a bank use in the Walmart store located on Rt 9. The applicant stated they are removing the Fun Center and replacing it with the bank. The area will be approximately 500 SF.

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

Mr. Jesse Daniels, Daniels Sign representing Charter One Bank, presented a proposed 19.5 SF sign to be placed on the exterior wall of the existing Walmart store. Mr. Daniels stated he understood that there is not adequate area for signage at the Walmart site due to the existing signage is close to the maximum allowed but would like to move forward with the application. Mr. Watts stated the total allowed signage is based on the area of the building and that Walmart has used all of the signage allowed per the Town's sign ordinance. The only way a sign could be placed is that the existing signage is reduced on the Walmart site. The applicant asked if they needed to appear before the Board if they approached Walmart and they agree to reduce their signage. Mr. Watts stated yes.

Mr. Roberts made a motion to deny the proposed sign for Charter One Bank on the basis that the proposed sign would be greater than what is allowed for the site per the Town's sign ordinance. Mr. Berkowitz seconded. Motion carried.

04.195 NB DuBray's Auto Detailing, 211 Fellows Road – Addition to Site Plan

Mr. Earl DuBray presented an addition to site plan application to the Board to place a 24'x24' maintenance shed on the property located on Fellow Road. Mr. DuBray stated he needs the shed to store maintenance equipment and that no work would be performed from the site. Mr. DuBray also stated the shed is needed for to secure his equipment from theft. Mr. Nadeau asked if he owned the property. Mr. DuBray stated yes. Mr. Higgins asked if there were auto sales being conducted from the site. Mr. DuBray stated that the business is auto detailing and body work but has applied and received a wholesale and retail sales license from DMV. Mr. DuBray stated he does not sell cars from the site but has purchased cars for family and friends, which is about a total of 5 cars. Mr. DuBray stated he does not display cars at the site and does not intend to do so. Mr. DuBray stated he details cars from the auto auction. Mr. DuBray stated that he has sold cars through his books, for friends and family, which he agreed is probably not right without the Town's permission but does not have a dealership lot there. Mr. Higgins asked about the upper area in the existing building. Mr. DuBray stated that he has an office there and stores some supplies. Mr. Watts asked if anyone was living there. Mr. DuBray stated that he has had a kid live there who's parents just moved and he is staying there for two weeks. Mr. Roberts asked if there is a retail and wholesale license there. Mr. DuBray stated there is licenses there but does not sell cars from the site. Mr. Roberts asked if he performs retail detailing on the cars. Mr. DuBray stated yes. Mr. Watts stated he would like the Code Enforcement office visit the site to see what is actually being conducted from the site.

This item was tabled to have the Code Enforcement to visit the site.

Mrs. Patenaude made a motion to adjourn the July 26, 2004 Planning Board meeting. Mr. Roberts seconded. Motion carried.

Respectfully submitted,

Jeffrey R. Williams
Town Planner