

Planning Board Minutes - March 8, 2004

Those present at the March 8, 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. Roberts made a motion to approve the February 26, 2004 minutes. Mr. Higgins seconded. Motion carried.

Public Hearing:

04.121 Vredenburg Lot Line Adjustment, 15 Johnson Road, Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:04pm. 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 between the lands of Vredenburg and the Michaels. Mr. VanGuilder stated that the property is adjacent to Fairways of Halfmoon. The proposed lot line adjustment is to solidify an agreement made years ago to convey a portion of the Lands of Micheals to the Vredenburg. Mr. VanGuilder stated that the proposed lot line adjustment would convey 14,972 SF of Land from the Micheals to the Vredenburgs. Mr. VanGuilder stated the current lot of the Vredenburgs is a pre-existing, non-conforming lot due to the area being sub-standard of only 12,500 SF. The conveyance of land will not meet the required area but will improve the situation by creating a lot of 24,472 SF. The Micheals lot will be in conformance before and after the conveyance of land. Mr. VanGuilder stated the Michael's land is vacant and there is a current easement for a berm and a tee box with Fairways of Halfmoon. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:07pm. Mr. Higgins questioned the easement for the Fairways of Halfmoon. Mr. VanGuilder

stated that the owner of Fairways of Halfmoon built a berm that encroached the Lands of Michaels and has gained an easement for the encroachment. Mr. Watts asked the Board for comment.

Mr. Roberts made a motion to approve the lot line adjustment as presented. Mr. Nadeau seconded. Motion carried unanimously.

04.122 Roman Johnson Lot Line Adjustment, Johnson Road, Lot Line Adjustment

Mr. Chauvin recused himself from this item. Mr. Watts opened the Public Hearing at 7:08pm. Mr. Watts asked if anyone from the public wished to have the Public Notice read. No one responded. Mr. Gil VanGuilder stated that Roman Johnson retained ownership of the land for the Fairway Meadows Land Preservation Area (LPA). Mr. VanGuilder stated there are building restrictions on the LPA and can only be used of agricultural purposes. Mr. Gil VanGuilder presented a lot line adjustment proposal to convey 3.61-acres of the LPA from the residential lot owned by the Johnsons to the Farmstead lot also owned by the Johnsons. This action will also retain 0.60-acres of LPA to the residential lot owned by the Johnsons. Mr. VanGuilder stated that at the February 23, 2004 Planning Board Meeting, the Deputy Town Attorney asked for a letter from the applicant stating they acknowledge and agree to the restrictions placed on the LPA. Mr. VanGuilder stated he has submitted the requested letter for the Deputy Town Attorney's review. Mrs. Murphy stated she has received the letter and has found it acceptable. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:11pm. Mr. Watts asked the Board for

comment.

Mr. Berkowitz made a motion to approve the lot line adjustment, as presented contingent the restrictions placed for the involved Land Preservation Areas remains the same. Mr. Rucklicki seconded. Motion carried unanimously.

Old Business:

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

Mr. Tom Andress was present for the proposed building addition to the J&S Watkins Plaza. Mr. Watts stated that the Planning Board received a correspondence from the neighboring business owner's attorney with concerns/comments on existing site plan issues for the J&S Watkins Plaza. Mr. Watts stated that the correspondence was received just prior to the Planning Board meeting and stated that the Board will not discuss or take action on the proposed addition until the matters are cleared. Mr. Watts gave Mr. Andress a copy of the correspondence for his clients to review.

This item was tabled to resolve site plan concerns.

04.114 Raymour & Flanigan, Route 9, Addition to Site Plan & Sign

Mr. Jim Knittel, Raymour & Flanigan, presented a plan for a 7,567 SF addition to the existing furniture store and exchange the existing signage with new signage along with a prototype of improving the façade of the building to represent the company's image. Mr. Knittel continued that they have received correspondence for CHA review letter and Saratoga County Planning Board, along with discussions with Mr. Watts and Mr. Williams on the existing parking vs. the needed parking issue. All correspondence agree that the existing parking of 209 parking spaces at the Raymour & Flanigan site exceeds what is needed for the retail furniture use. Mr. Knittel stated they have revised the

parking scheme to reflect the recommendation from the correspondences. Mr. Knittel stated that they are proposing to remove ~ 25 parking spaces near the Rt 9 frontage and replace the area as green space. In addition, there will be increased green space, by removing additional parking spaces near a portion of the Rt 146 frontage and the Rt access road for Lowes adjacent to the site. The additional green space will increase from 19.6% to 21%. The reduced parking will be from 209 parking spaces to 168 parking spaces. Mr. Knittel added Advanced Auto's parking demand asks for 40 parking spaces. Mr. Watts asked if the applicant has continued discussion with Advanced Auto on the refacing of the building. The applicant stated initial discussions was that their corporate office is not interested due to their corporate image on their buildings. Mr. Watts asked if the applicant would provide a contact to Advanced Auto so that he may discuss the issue with Advanced Auto. Mr. Higgins asked if the removal of parking spaces near Rt 9 would affect Burger King. Mr. Knittel stated that Burger King has an easement to allow customers to park on the Raymour & Flanigan parking lot but there will still be sufficient amount of parking for Burger King if needed. Mr. Nadeau commented that he agrees with the idea of reduced parking for an increase in green space. Mr. Roberts agreed and then commented that the applicant is still using Clifton Park in their advertising. Mr. Knittel stated that their marketing department understands the issue and is working on changing to Halfmoon for location in their advertising. Mr. Watts asked if it could be a priority so that he can put the issue to rest. Mr. Knittel stated it is being worked on presently. Mr. Chauvin asked to have a note on the plan stating that if the use of the site changes the parking will be returned to a sufficient amount for whatever new use locates at the site. Mr. Chauvin asked the applicant to contact him for the proper language for the note on the site plan. Mr. Bianchino asked the Board, if they are ready for a decision, to make it contingent on CHA signing off on the drainage concern. Mr. Knittel stated that they would supply information to CHA on the drainage prior to applying for a building permit. Mr. Watts asked the Board for continued comments. Mr. Berkowitz made a motion to approve the addition to site plan with the increased green space/reduced parking and the sign application contingent a note on the parking per Mr. Chauvin's request being placed on the site plan and CHA sign off on the drainage. Mr. Nadeau seconded. Motion carried unanimously.

04.118 Nyack College, 1 Executive Park Drive, Change of Tenant/Use

Mr. Andress appeared to discuss the change of tenant application. Mr. Watts asked Mr. Andress if he has spoken with Dr. Morrison (owner), recently, about the Nyack application. Mr. Andress responded no but would present the application in the absence of Dr. Morrison. Mr. Watts stated that he met with Dr. Morrison last week and that Dr. Morrison stated to him that he would make the presentation with a representative from the college. Mr. Watts stated he would like to table this item to clear the matter with Dr. Morrison.

This item was tabled.

New Business:

04.124 Red Robin Restaurant, Rt 9/Halfmoon Crossing Blvd., Sign

Mr. Russ Hazen, from Ray's Signs, presented the sign package for the Red Robin Restaurant. Mr. Hazen stated there would be three wall signs and one monument sign.

Mr. Hazen stated that two of the wall signs are roughly 50 SF each and a 75 SF sign along with a 98 SF monument sign. Mr. Hazen stated he has checked with the Building (Planning) Dept. and that that they are under the total area allowed. Mr. Hazen also stated the Planning Dept. was very specific about 'no exposed neon'. Mr. Roberts asked if everything would be backlit. Mr. Hazen stated yes. Mr. Roberts asked how high is the monument sign. Mr. Hazen stated that the monument has a total height of 8ft. Mr. Berkowitz asked how wide is the monument sign. Mr. Hazen stated 8' 10" left to right the copy height is 5' 6". Mr. Watts asked Mr. Roberts if he had a chance to review the sign application. Mr. Roberts stated yes. Mr. Roberts stated that the presented sign package is very close to the total amount of signage allowed and cautioned the applicant that any future additional signage may not be allowed due to the total signage allotment. Mr. Roberts made a motion to approve the sign application as presented with no exposed neon signage. Mr. Nadeau seconded. Motion carried unanimously.

04.125 Stone Quarry Estates, Stone Quarry Road, Conceptual Major Subdivision

Mr. James Easton from Chas Sells Inc. representing Gordon Development presented a conceptual residential major subdivision plan showing 22-lots on a 17.3-acre residentially zoned parcel off of Stone Quarry Road. Mr. Easton stated there are Town roads being proposed with two access points of Stone Quarry Road. Mr. Easton continued that the applicant is proposing to service the proposed residential development with public water and sewer. All proposed 22 lots are conforming to the minimum size requirements in the Town's zoning ordinance. Mr. Roberts asked if there were any wetlands associated with the parcel. Mr. Easton stated that when he walked it last Fall it did not seem to be any wetland but there will be a delineation to determine any wetland issues. Mr. Nadeau asked if the site is behind the Tire Warehouse on Rt 9. Mr. Easton passed the question to Mr. Cotton who stated that there is a ravine separating the Tire Warehouse site and the proposed development. Mr. Berkowitz asked there was some sort of dumping going on in the back of the Tire Warehouse. Mr. Nadeau stated there is fill being brought in but is on the other side of the ravine. Mr. Nadeau asked how long was the cul de sac. Mr. Easton stated about 800 ft. Mr. Watts stated they will refer this application to CHA and once the engineering review is done a committee will be set up. This item was tabled for engineering review.

04.126 Halfmoon Landscape, 3 Birchwood Drive, In-Home Occupation

Mr. Louis Theirron of 3 Birchwood Drive was present to ask permission to operate an office for his "hard-landscape" business from his residence. Mr. Watts asked where he would store the material. Mr. Theirron stated that he has a 950 SF detached, 3-bay garage where he will keep his tools. Mr. Theirron stated he would not store any material outside and that all of the material will be delivered at the work site. Mr. Nadeau asked what type of landscape does the business perform. Mr. Theirron stated that he installs brick patios, retaining walls, paver sidewalks and such. Mr. Roberts asked where the material would be stored. Mr. Roberts stated he has a strong concern with outside storage. Mr. Nadeau asked what type of equipment would be kept at his residents. Mr. Theirron stated he owns an F-350, a bob-cat and an 18ft trailer. Mr. Theirron stated he could store the bob-cat in the garage but would prefer to store it between the garage and the house. Mr. Nadeau asked if he lived in a residential area. Mr. Theirron stated yes.

Mr. Berkowitz asked how many houses are in the neighborhood. Mr. Theirron stated about 32 homes. Mr. Berkowitz asked if the homes were close together. Mr. Theirron stated yes. Mr. Nadeau stated in any home businesses he does not recall if any equipment being allowed outside. Mr. Nadeau stated that would be one of his concerns being in a neighborhood. Mr. Watts stated a Public Hearing would need to be scheduled. Mr. Watts asked the applicant that all he is asking is to operate an office for his landscape business out of his house and that there would be no outside storage of materials, mulch or stone. Mr. Theirron stated there is no need for outside storage because all material will be delivered at the work site and left over material will be returned for refund. Mr. Theirron continued that if the need to store material came about, the material would be stored in the garage. Mr. Roberts stated that a minute ago the applicant stated that no material would be stored at the house and now he is stating, "if ever needed" to store material and is concerned over the storage matter. Mr. Nadeau stated that there is no outside storage for home occupation applications. Mr. Watts stated the intent is to run an office from the home and the business you are proposing may cause difficulties for a "home occupation". Mr. Watts asked where the applicant is operating the business presently. Mr. Theirron stated it is a new business and is not operating at the time. Mr. Watts stated that there is a need to set a Public Hearing and if the Board decides to approve the application there will be specific conditions set to make sure the business operation does not cause any negative impacts to the neighborhood.

Mr. Roberts made a motion to set a Public Hearing on March 22, 2004 at 7pm or soon thereafter. Mr. Ruchlicki

seconded. Motion carried.

Mr. Roberts made a motion to adjourn the Planning Board meeting at 7:50pm. Mr. Berkowitz seconded. Motion carried.

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