

Planning Board Minutes - March 22, 2004

Those present at the March 22, 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 7:01 pm.

Mr. Roberts made a motion to approve the March 8, 2004 Planning Board Minutes. Mr. Ruchlicki seconded.
Motion carried.

Public Hearing:

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

Mr. Watts opened the Public Hearing at 7:03 PM. Mr. Watts asked the public if anyone wished to have the Public Notice read. No one responded. Mr. Louis Therrien of 3 Birchwood Drive was present to ask permission to operate an office for his "hard-landscape" business from his home. Mr. Therrien stated there would be no stockpile of material, no sign, only an office to be operated by his wife. Mr. Therrien stated he discussed the parking of equipment at his home with the Director of Code Enforcement and that there are no regulations on allowing or disallowing his right of parking the truck, trailer or skidsteer on his property. Mr. Therrien concluded that his wife would run the office, there would be one part time employee, no traffic, all estimates and meeting with customers would occur at the job site. The request is for the ability of operating the business office from his home. Mr. Watts asked if anyone from the public wished to speak. Mrs. Sandra Lafountain, 23 Birchwood Drive, stated she is concerned for safety reasons in the neighborhood with the operation of the proposed business. Mrs. Lafountain stated there is a school bus stop in the vicinity of the proposed business and is concerned with the equipment being parked on the road. Mrs. Lafountain stated the neighborhood should be used for residential uses only. Mrs. Marcia Burns, 7 Birchwood Drive, is concerned the proposed business will depreciate the value of their homes. Mrs. Burns stated there are 34 homes in the neighborhood and that 18 homeowners are present tonight that oppose the proposed business. Mrs. Burns stated the first house in the neighborhood, which fronts on Grooms Road, is "runned down". Mr. Watts asked Mrs. Burns to be more specific on the "runned down" house. Mrs. Burns stated there is junk stored outside; there is a old pool in the front yard and a old beat up travel trailer. Mr. Watts stated the Code Enforcement Officers have visited the site and issued a violation for unlicensed vehicles and would check into the other issues. Mrs. Linda Fedora, 20 Birchwood Drive, stated she has lived there all of her life and is now raising her children at her home, which are "home schooled". Mrs. Fedora is concerned with the equipment at the applicant's home, stating the equipment has been parked in the road, which could impede emergency vehicles, plow trucks, school buses and the overall safety for children playing. Mrs. Fedora stated the skidsteer does not look like a residential piece of equipment and is concerned with the residential character of the neighborhood. Mrs. Mindy Baldwin, 2 Birchwood Drive, stated she is concerned with changing the residential character of the neighborhood and that an area has been bulldozed recently. Mr. Joseph Case, father-in-law of applicant, stated he and his wife have lived a 3 Birchwood Drive for 28 years until a fire consumed the home approximately 18 months ago. Mr. Case stated that the skidsteer is like a john deer lawn tractor and is a piece equipment that they have a right to store there. Mr. Case stated he built a new home and sold it to his daughter for \$165,000.00. Since then they have added a garage. and now believes the home is worth a market value of

\$180,000.00 Mr. Case continued that the new home has done nothing but improve the neighborhood. Mr. Case stated they have cleared the land to place a swing set, along with removing a tree. Mr. Case stated is that all he is asking is to put in an office for his son-in-law. There will be no parking lot and promised there would be no inventory stocked at the home. Mr. Case stated that there is no reason why people should think this proposal will hurt the value of their house. Mr. Case stated years ago, his wife had a beauty parlor at the house. The day there was vehicles in the road were because there was work being done. Mr. Case stated that they will continue to improve the area by fixing up the lawn area and adding a pool, which he states will do nothing but improve the area. Mrs. Dora Michaels states she has lived there since Birchwood Drive since it was started about fifty years ago. Mrs. Micheals is concerned that the business will expand from one truck to more trucks and the driveway is expanded to do so. Mr. Watts asked if anyone else would like to speak. No one responded. Mr. Watts asked the applicant if he would like to reply to the comments. Mr. Lewis Therrian stated he applied for his DBA in February 2004. Mr. Therian states he does not want to park all over his lawn and that he is requesting to store his personal equipment in his driveway. Mr. Therrian stated he has taken the proper steps to request to operate a business from his home and has not tried to deceive anyone. Mrs. Lafountain asked the Planning Board that if the business was to be allowed who would monitor it and make sure what was approved was done so. Mrs. Lafountain stated that she took offense to Mr. Case stating they improved the neighborhood above and beyond any one else in the neighborhood. Mr. Watts stated the Code Enforcement Office routinely checks on businesses and that they conform to what was approved. The Code Enforcement Office will respond to any complaint and that violations are handed out, the court system will levy fines and the Town attorneys review and assist in any violation notice handed out. Mrs. Lafountain stated she does not want any business runned from the neighborhood. Mr. Don Basset, 33 Park Plaza, stated that all lots are zoned residential and cannot understand why he is requesting anything. Mr. Watts stated he is here under an In Home Occupation application, which is allowed in the zoning ordinance. Mr. Chauvin asked the residents to supply him with a declaration of covenants on the neighborhood to see if the declarations disallow such uses. Mrs. Jackie Gibbs, 9 Birchwood Drive, states the deed does not allow businesses. Mr. Chauvin states they are deed restrictions and would like a copy to review. Mr. Watts asked if anyone else would like to speak. No one responded. Mr. Watts closed the Public Hearing at 7:30 pm. Mr. Watts asked the Planning Board for comments. Mr. Nadeau asked to have the item tabled for Mr. Chauvin review of the restrictions. Mr. Chauvin asked the public to give him the copies of deeds and/or restrictions for him to review before the next meeting. Mr. Nadeau asked the applicant is he had to park the equipment there and not somewhere else. Mr. Therrian stated that he has no other area to park the equipment at this time and added that he wishes to grow and will expand to a commercial area if his business does well. This item was tabled to allow the Town attorneys to review the deed and declaration of covenants to the Birchwood Drive neighborhood.

Old Business:

03.147 Parkford Square Plaza, Rt 146/Crew Road, Commercial Site Plan

Gavin Vuillaume of EDP representing Jim Liselle and Joeseph Milloux (applicants) presented the revised site plans to the Planning Board. Mr. Vuillaume stated there were a couple of minor engineering details listed in CHA's last comment letter which the applicants agree to but there were two issues that needed to be commented by the Planning Board. The first issue was the fence is depicted on the site plans that was recommended by the residents during the January 22, 2004 Public Informational Meeting. The second issue was the Planning Board's direction of leaving some of the mature trees along Crew Road. Mr. Vuillaume continued that the NiMo crews have recently trimmed the trees to clear the existing overhead wires. The applicant's feel the trees are now unsightly and would suggest of clearing the existing trees and replace with landscape trees. Mr. Watts asked the committee review team of Mr. Berkowitz and Mr. Roberts to comment. Mr. Berkowitz stated he visited the site and saw the trees that were trimmed. Mr. Berkowitz stated there are some trees on the Town property and some on the site. He noticed some scrub brush and some popular trees amongst the pine trees. Mr. Vuillaume stated most of the trees are on site. Mr. Berkowitz asked if the pine trees will remain. Mr. Vuillaume stated, due to grading, most of the trees would need to be removed. Mr. Vuillaume stated he thinks they can save some but most of them are in rough shape and the majority of them will need to be removed for grading. Mr. Berkowitz stated that most of the pine trees will be removed. Mr. Vuillaume stated that most would be removed. Mr. Berkowitz stated he does not know if that would be acceptable. Mr. Bianchino stated he raised the issue in the comment letter because the clearing limits on the submitted grading plan may contradict to what the Planning Board wants with regards of maintaining some of the existing vegetation. Mr. Berkowitz stated during the committee review meetings it has always been stated that the existing vegetation will remain. Mr. Liselle stated that it might be better to place new trees in the area because it is the desire of the applicants to make an attractive site. Mr. Liselle stated

that the entrance is deep on Crew Road instead of Rt 146 and now will be shielded from view. They have tagged trees on site that they thought would please the Planning Board while making an attractive site. Mr. Liselle

believes there will be some unsymmetrical, scraggy trees left to border the site but would prefer of placing a uniform more attractive planting package along Crew Road. Mr. Liselle stated that now there will be trees on the site that will require the utility company to trim every so often. Mr. Berkowitz stated there are pine trees in the area. Mr. Liselle stated the pine trees have to go because of the site development. Mr. Bianchino stated that the committee meeting suggested the corner area near Rt 146 could be cleared to gain sight to the site. The other trees could be pruned and thinned but wanted to maintain a row of trees along Crew Road. Mr. Roberts agreed. Mr. Roberts stated they would like to keep it attractive but not wide open. Mr. Watts asked Mr. Bianchino if there were concerns with drainage. Mr. Vuillaume stated they have addressed the issue to let the site work and not to flood the neighbors. This item was tabled for the committee review team to visit the existing trees along Crew Road.

04.110 Lawn Care Storage, Ushers Road, Commercial Site Plan

Mr. Tom Address, ABD Engineering, was present to present the revised site plan to the Planning Board. Mr. Address stated the plan is for a ~3,200 SF building to house equipment for the applicant's lawn care and ceiling business. Mr. Address stated half of the building would be used for the applicant's need and the other half would be rented out for a similar use. Mr. Address stated there is excellent sight distance, the applicant agrees to the GEIS mitigation fees and the applicant has submitted MSD sheets on the lawn fertilizer used for the business and stated there are no floor drains designed for the proposed building. Mr. Watts asked the committee review team of Mr. Higgins and Mr. Ruchlicki for comments. Mr. Ruchlicki stated it appears the applicant has answered most of the concerns and added there were a number of issues raised at the last committee meeting. Mr. Ruchlicki continued that the handicap parking shows one space in front of the proposed building which, according to the applicant, due to the nature of the business would never be used and the other was the need to show the neighbors septic field and well on the site plan. Mr. Address stated they have located the neighbors well in front of her home and the septic field is behind the house. The separation between the neighbors septic and the applicant's well is about 120ft. Mr. Ruchlicki asked if the proposed trees in front of the site was reduced in number due to the existing large maple on the corner of the site. Mr. Address stated there are still three trees proposed to be placed in front of the site but they have been realigned to allow the new trees space to grow. Mr. Higgins commented that parking is recommended to be placed on the side or rear of the site and the handicap parking is in the front and wanted the Planning Board aware of it. Mr. Address stated the handicap parking is required, although because of the nature of the business it probably will not be used, it seemed more adequate to located closer to the building than on the side of the building. Mr. Higgins explained that they have directed the applicant on the need to appear in front of the Planning Board for a change of tenant application when the other half of the proposed building is asked to occupied. Mr. Nadeau asked what is to the north of the proposed site. Mr. Address stated is is a large vacant piece of property that is across from the Kinetic Towing/ Garage. Mr. Nadeau asked if the Gregoire family is the neighboring residents. Mr. Address stated yes.

Mr. Ruchlicki made a motion to approve the site plan contingent on the neighbors well and septic is represented on the site plan. Mr. Higgins seconded. Motion Carried.

New Business:

04.127 Nu-Finish Automotive, 18 Old Rt 146, Change of Tenant and Sign

The applicants appeared before the Planning Board to request a change of tenant and sign to locate their automotive repair shop in the former site of Gregoire's Automotive on Old Rt. 146. Mr. Watts asked if the applicant is willing to abide to the previously agreed amount of cars to be store outside which is 11 cars. The applicant agreed. Mr. Higgins stated there are no unloading vehicles on Old Rt 146. The applicant agreed. Mr. Roberts asked if the applicant was replacing the existing signage. The applicant stated yes. Mr. Roberts asked if the proposed sign was to be lighted. The applicant stated no.

Mr. Roberts made a motion to approve the change of tenant and sign application contingent on only 11 cars to be stored outside at any one time and no unloading of vehicles on Old Rt 146. Mr. Higgins seconded. Motion carried.

04.128 Tire Warehouse, 1430 Rt 9, Addition to Site Plan

Mr. Bob McCarthy, the applicant's attorney, presented a change to the site plan proposing a 9,000 SF building to be located at the existing Tire Warehouse site. Mr. McCarthy stated his applicant has a very busy store and there is a need to facilitate the storage of used and new tires to accommodate the applicant's business. Mr. McCarthy stated his applicant has been issued violations from the Code Enforcement office and hopes this proposal will satisfy the Town with the need to store tires. Mr. McCarthy sated the building will be a "Bultler Building" with a tan color and red trim. There will be no heat and only electric for the lighting. The floor will be of gravel base. Mr. McCarthy stated that the applicant will place additional landscaping along the front northern corner of the site

and along the southern boundary to help buffer the proposed building. Mr. Roberts asked if the storage of the tires will be used for sites or just the Halfmoon site. Mr. McCarthy stated the proposed building will only be used for the Halfmoon store. Mr. McCarthy continued that new tires are brought in from Troy on a daily basis. Mr. Berkowitz asked if the fill that was placed in the vicinity of the proposed building would need to be tested. Mr. McCarthy stated he realizes this concern has been brought up by CHA on past proposals and would recommend that his applicant make sure the fill is OK to build on for his own protection along with the Town's concern. Mr. Higgins asked if the applicant was continuing to accept soil. Mr. McCarthy stated no. Mr. Higgins stated there is a DMV sign allowing used cars to be sold. Mr. McCarthy stated he was not sure but did not think used cars would be sold. Mr. Chauvin stated that it is not an approved use and asked to have the sign removed. This item was tabled for CHA to review.

04.129 TEC Protective Coating, Inc., 25 Brookwood Road, Change of Tenant and Sign

Mrs. Patenaude recused herself and Mrs. Jordan replaced her. Mr. Tom Carney stated he wished to locate his business at the former Sharp's Rigging warehouses off of Brookwood Road. Mr. Carney stated he operates an industrial paint contractor. Mr.

Berkowitz asked if he would paint on the site. Mr. Carney stated no but might want to in the future. Mr. Berkowitz asked where is the work being performed. Mr. Carney stated that the work is performed at the client's site like GE in Waterford. Mr. Berkowitz asked if they do any sandblasting and how do they control the waste. Mr. Carney stated they do sand blast and is drummed per their client's requirements. Mr. Roberts asked if there were any permitting to perform their work. Mr. Carney stated he was unsure. Mr. Nadeau asked if he is in business now. Mr. Carney stated yes, he has been working out of Rensselaer for about 10yrs. Mr. Berkowitz asked how close to the Town's water treatment plant is the proposed site. Mr. Carney stated across the road. Mr. Watts asked if Mr. Williams met with the applicant. Mr. Williams stated yes that he wishes to use an existing site that is zoned Light Industrial/Commercial to run a paint contracting business. The former owner used the site for welding and fabricating with four existing buildings on site. Mr. Berkowitz stated the application any painting and sandblasting will be done in a sheltered area. Mr. Berkowitz asked if that meant the Brookwood site or at his client's site. Mr. Carney stated that any work done at the Brookwood site would be in a sheltered area. Mr. Nadeau asked how close are the neighbors across the RR tracks. Mr. Carney stated about 200 feet. Mr. Nadeau asked if there would be paint stored on the site. Mr. Carney stated most of the paint is stored on the work site. Mr. Higgins stated there is a lot of requirements must be met for industrial training. Mr. Carney stated if need be they will meet those requirements in order to do the work. Mr. Nadeau stated he needs DEC approval to paint his cars. Mr. Watts read the narrative. Mr. Bianchino stated his experience has been with vehicle painting from the EPA Air permitting. Mr. Williams asked the applicant if he spray the paint on or brushes the paint. Mr. Carney stated they brush and roll the paint and do not spray. Mr. Carney stated they have epoxy based industrial paint for special applications. Mr. Ruchlicki stated that the sand blasting would knock off particulates into the air and possibly contaminant the site. Mr. Nadeau asked what percentage work is to be done at the site. Mr. Carney stated right now there is zero work being done. Mr. Williams stated that the former use's site plan showed a building to specifically house flammable material. Mr. Watts stated that there seems to be more information needed to allow on site work to be performed. Mr. Roberts asked about the sign. The applicant stated it will be a 4ft x 8ft steel sign to hang on the fence.

Mr. Roberts made a motion to approve the use for off-site work and the sign. Mr. Nadeau seconded. Motion carried.

04.130 Kielty Subdivision, 185 Brookwood Road, Minor Subdivision

Mrs. Kelly Dickinson the daughter of the applicant stated she is in the process of purchasing 185 Brookwood Road and are proposing a second flag lot. Mrs. Dickinson stated she will purchase the existing home and her mother wishes to build a more manageable home on the proposed second flag lot.

Mr. Berkowitz made a motion to deny the proposed minor subdivision, due to a second flag lot being created therefore lacking sufficient road frontage for the proposed lot. Mrs. Patenaude seconded. Motion carried.

04.131 Gas Turbine Parts & Service, 1 Old Rt 146, Change of Tenant

Mr. Fernando Roblano presented a request of operate their gas turbine business from the existing office building on Old Rt 146. The business consists of buying, selling and shipping gas turbine parts throughout the world. Mr. Watts asked how large are the parts.

Mr. Roblano stated they range from one pound to 65 lbs. Mr. Roblano stated anything larger would be shipped from their warehouse in Troy. Mr. Watts asked Mr. Williams if there was anything to add. Mr. Williams stated the site is in compliance with parking. Mr. Roblano states there are no clients visiting the site and they receive all of their business through vendors that GE uses. Mr., Higgins asked if trucks enter the site. Mr. Roblano stated just

UPS trucks and no large tractor-trailers.

Mr. Berkowitz made a motion to approve the change of tenant as presented. Mr. Ruchlicki seconded. Motion carried

04.132 Wal Mart, 1549 Rt 9, Outdoor Sales

Mr. Shaun Ramsdell, manager at WalMart, is requesting to operate the outdoor garden sales at the WalMart from the early spring to September. Mr. Higgins stated there is an area in front of the store that utilizes the front for displaying goods such as lawn mowers

Mr. Higgins stated it was not intended for display space. Mr. Rumsdell stated he has been working hard to strengthen his relationship to the Town. Mr. Watts stated the Mr. Rumsdell has done well with the compliance issues. Mr. Watts stated there might be limited use to the area pending on Corporate decisions. Mr. Rumsdell stated yes it might be limited. Mr. Berkowitz asked if the Berm will still be maintained. Mr. Rumsdell stated yes the same contract as last year.

Mr. Higgins made a motion to approve the outdoor sale area from now to Labor Day. Mr. Roberts seconded. Motion carried.

04.133 Empire Mulch, 518 Hudson River Road, Change of Tenant & Use

Mr. Rob Mangold, Mr. Jeff Bleak and Mr. Cunningham requested to utilize the Sonny's Antique Barn site to locate their mulch storage and selling business. Mr. Mangold stated they have been cleaning up the site, removing the junk and has talked with the neighbors explaining their operation. Mr. Roberts asked if they get the mulch from the Saratoga Raceway and will there be any offensive smell. Mr. Mangold brought a sample and stated the bedding and manure will be put in a grinder and makes a nice landscape mulch with no smell. Mr. Higgins where the mulch will be stored. Mr. Mangold stated in back of the parcel by the RR tracks. Mr. Mangold stated it is loaded with a front-end loader. Mr. Berkowitz asked how many truck trips are there. Mr. Mangold stated two trucks in and two trucks out per day but will allow people to stop over to receive the mulch in their personal trucks. Mr. Mangold stated they have a rack truck to make their deliveries. Mr. Higgins asked what was the barn to be used for. Mr. Mangold stated for the office and to store the lawn maintenance equipment. Mr. Roberts asked how much parking. Mr. Mangold stated there is not going to be any on site parking needed. People will only be picking up the mulch. The antique business used a large gravel parking area. Mr. Roberts stated there should be no storage of materials on the parking area. Mrs. Patenaude asked about wetlands on the site. Mr. Mangold stated there are no wetlands only seasonal wetness and that he discussed with DEC.

Mr. Roberts made a motion to approve the change of tenant contingent on Saratoga County approving the operation. Mr. Berkowitz seconded. Motion carried.

Mrs. Murphy asked the applicant to submit a letter to the Planning Board acknowledging they are proceeding at their own risk until the County responds to their referral.

04.134 Sun Kiss'D, 222 Guideboard Road, Change of Tenant & Sign

Mr. Bill Willits asked to locate a sunning tan salon in the former Lauren Craig Jewelry Store in the 222 Guideboard Plaza. Mr. Berkowitz asked how many beds would there be. Mr. Willits stated a maximum of eight beds. Mr. Nadeau asked how many employees. Mr. Willits stated it will be owner operated. Mr. Nadeau asked how was the parking situation. Mr. Willits stated the other tenants in the plaza such as Pizza Inferno, Pack n Mail and Mr. Subbs have clientele that do not stay very long and do not use the parking. Mr. Nadeau stated this use may create a parking problem. Mr. Williams stated the site plan is in compliance with parking. Mrs. Patenaude stated that with eight bed and

waiting for beds could create a problem. Mr. Willits stated he will schedule once he gets a client base. Mr. Watts stated the concern with parking is strong amongst the Board and if there seems to a parking problem we would need to revisit the approval. Mr. Nadeau asked Mr. Chauvin how the Town would regulate the parking and tenant approval. Mr. Chauvin stated that if parking spilled out in the street or in the carriage, way that would constitute a violation of the permit. Mr. Nadeau stated he is concerned that the salon use may hinder other businesses locating at the plaza. Mr. Nadeau stated he recalls there was extra parking spaces was represented on the plan. Mr. Ruchlicki asked how long of a duration would be one visit. Mr. Willits stated you would be there for about 18 minutes.

Mr. Roberts asked about the signage. Mr. Willits will replace the existing signage.

Mr. Berkowitz made a motion to approve the change of tenant contingent that the approval will be in violation if any parking spills out to Guideboard Road or in the site's carriageway. Mr. Roberts seconded. Roll call – Mr. Higgins-aye, Mr. Ruchlicki- aye, Mr. Berkowitz – aye, Mr. Watts- aye, Mrs. Patenaude – nay, Mr. Nadeau - nay and Mr. Roberts – aye. Motion carried 5-2.

04.135 Ace Beauty Supply, 1603 Rt 9 –Town Center Plaza, Change of Tenant & Sign

Mr. Russ Goldstock, District manager for ace beauty supply, asked to locate in the Town Center Plaza. Mr. Goldstock stated there are about 4 associates working at the store and the store is not opened to the public only

to licensed cosmetologists. There would be 20-50 customers a day will visit the store. Mr. Watts asked about the sign. Mr. Roberts stated they are proposing a smaller sign from 16 sf to 12 sf.

Mr. Roberts made a motion to approve the change of tenant and sign. Mr. Nadeau seconded. Motion carried.

Mrs. Patenaude made a motion to adjourn the Planning Board meeting at 8:55pm. Mr. Nadeau seconded. Motion carried.

Respectfully Submitted,

Jeffrey R. Williams
Town Planner