

Planning Board Meeting Minutes - May 10, 2004

Those present at the May 10, 2004 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Marcel Nadeau
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 opened the May 10, 2004 Town of Halfmoon Planning Board meeting at 7:00 p.m.

Mr. Watts asked the Planning Board if they have reviewed the April 26, 2004 Planning Board minutes. Mr. Roberts made a motion to approve the April 26, 2004 Planning Board minutes with changes. Mr. Higgins seconded. Motion carried.

Public Hearing:

04.154 Fellows Subdivision, 82 Fellows Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:03 PM. Mr. Watts asked if anyone from the public wished to have the Public Notice read. No one responded. Mr. Gil VanGuilder stated the action before the Planning Board was to create two parcels from the existing 85-acre farm parcel. The first lot will be a 2.6-acres with the existing Fellows residence. The second lot will be a 1.7-acre vacant parcel located between the Fellows' son's auto repair garage (barn) and their daughter's house. The remainder of the land will be ~80-acres. The area is zoned Residential with public water and private septic. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:06 PM. Mr. Watts asked the Board for comment. Mr. Nadeau stated he reviewed the subdivision plan and does not see any problems with the proposal. Mr. Nadeau made a motion to approve the Fellows Subdivision as presented. Mr. Roberts seconded. Motion carried.

Old Business:

04.134 Forum Industries PDD, Dunsbach Road – Commercial Site Plan –PDD

Mr. Tom Andress, ABD Engineering, presented a change to the initial site plan to gain comment from the Planning Board. Mr. Andress stated that due to comments received from the Planning Board and from the Public Informational Meeting, the proposed 9,600 SF maintenance/storage building has been relocated to the back – center of the site near the limits of the existing gravel parking area. The re-located building will aide in buffering the adjoining residential uses. Mr. Andress stated that the building may be orientated length wise to allow two overhead doors to be placed on the building. There will not be any overhead doors on the rear of the building and that the new proposed building location will limit the use of the rear lands of the site due to fencing to be incorporated around the perimeter of the front part of the site. The original buffer on the north side of the site was 25 feet but now with the re-located building, the buffer has been increased to 70 feet with fencing. Mr. Andress stated they have added a note to the plan stating the applicant is willing to plant additional trees on Mrs. Champagne's property, if allowed by the owner, to increase the buffer and decrease the visibility of the proposed site. Mr. Nadeau stated that Mrs. Debenditto is the closest neighbor to where the building was initially proposed. Mr. Andress stated by relocating the building the buffer has been increased between the properties and the fence will be extended to offer additional buffer. Mr. Watts stated that he feels the Board is in agreement with the re-location of the proposed building. Mr. Watts stated that the revision will be passed to CHA for review and that the SEQR notification period is in process and that this item will be tabled until the 30-day SEQR review period has ended. This item was tabled.

New Business:

04.162 Lewis Henry Auto, 1516 Route 9 – Sign & Change to Site Plan

Mrs. Wormuth recused herself from this item. Mr. Larry Wormuth, owner of Lewis Henry Auto Sales, presented a change to site plan and sign application to the Board. Mr. Wormuth stated they have moved the existing curb cut to Rt 9 further north on the site. The curb cut will be 30 ft wide and ~22 ft from the northern property line. The re-located curb cut was needed to have an increased separation between Lewis Henry's curb cut and Save More Beverage's curb cut and to alleviate traffic flow problems with Hayner Heights Drive, which was directly across Rt 9 from the original curb cut. The new curb cut will cause the loss of four parking spaces. The area of the removed four parking spaces and the location of the original curb cut will be turned into green space along the front of the site. The sign has been relocated near the new curb cut and has been reduced in size. The proposed sign is double-sided with an area of 4 ft x 12ft with a total height of 12 ft. Mr. Roberts asked if the sign would be off of the ROW. Mr. Wormuth stated yes. Mr. Watts stated that the Planning Board has received a letter from a neighboring commercial business owner. Mr. Watts stated he has reviewed the site and has asked the applicants to approach the neighboring business owner to address the issues in his letter. Mr. Watts feels the action before the Board is an improvement to the site. Mr. Roberts made a motion to approve the change to site plan and the sign application contingent on the sign not being placed in the ROW. Mr. Nadeau seconded. Motion carried.

04.147 Ayotte Subdivision, 64 Beach Road – Minor Subdivision

Mr. Andrew Schaufert, Surveyor for Santo Associates, presented a subdivision plan for the Lands of Kenneth Ayotte. The parcel is 9.4-acres and the proposed subdivision will create a 1-acre parcel for the Ayotte's residence and create the remaining 8.5-acre lot with frontage on Beach Road. The 8.5-acre will sold to Mr. Petuske, who wishes to build one single-family home on the proposed 8.5-acre parcel. Mr. Schaufert stated the area is zoned Residential with public water and private septic. Mr. Watts asked the Board for comment. Mr. Nadeau asked what the topography is like in the area. Mr. Schaufert stated that the grade drops off as you head east off Beach Road. He continued that the existing houses on Beach Road has been placed on fill and that the site may have about a 30 ft difference in elevation between Beach Road and the lower lands where the proposed residential site is located. Mr., Higgins asked if the existing flag lot behind the Ayottes house was part of the original lands. Mr. Schaufert stated that the flag lot was created in the 60's with a 30 ft easement to gain access off of Beach Road. Mr. Higgins stated that the proposed lot would also be considered a flag lot due to it not having the proper frontage. Mr. Watts asked Mr. Williams if that was correct. Mr. Williams asked what the exact year the existing flag lot was created. Mr. Schaufert stated he could look that up in the deed. Mr. Chauvin requested the deed for the existing flag lot be forwarded to him for his review. Mr. Nadeau stated the applicant needs to be aware that the proposed 8.5-acre flag lot will not be able to be subdivided again. Mr. Nadeau stated he would look at the proposed subdivision and if there are any concerns they will ask CHA to review the proposed subdivision. Mr. Roberts made a motion to set a Public Hearing for May 24, 2004. Mr. Nadeau seconded. Motion carried.

04.155 Advisor Mortgage, 4 Corporate Drive – Change of Tenant

Mr. Paul Fullum, owner of Auto Mate, appeared before the Board to ask for a change of tenant. Mr. Fullum stated their last tenant, Exponets, has re-located and that Advisor Mortgage is looking to move in. Mr. Fullum stated that the proposed company is a mortgage and title processing company. Mr. Watts asked if their was sufficient parking. Mr. Williams stated yes, the existing office building is 10,000 with 51 parking spaces. Mr. Nadeau asked how many employees are proposed. Mr. Fullum stated they will start out at 9 and may increase to 15. Mr. Roberts asked how many employees were there with the previous tenant. Mr. Fullum stated about 35. Mr. Watts asked if there was a sign application. Mr. Fullum stated that he will submit one at a later date. Mr. Berkowitz made a motion to approve the change of tenant application. Mr. Ruchlicki seconded. Motion carried.

04.156 Sommers Subdivision, Pruyne Hill Road – Minor Subdivision

Mr. Joe McBride Jr. presented a subdivision plan to create two parcels from an existing parcel located on Pruyne Hill Road. The proposed subdivision consists of creating two lots from an existing 6.55-acre parcel. The first lot will be 3.29-acres with 60 ft of frontage. The second lot will be 3.27-acres with conforming frontage. Mr. Roberts made a motion to set a Public Hearing on May 24, 2004. Mr. Berkowitz seconded. Motion carried.

04.157 Soothe the Soul, Town Center Plaza – Change of Tenant & Sign

Mrs. Joanne Hunter presented a change of tenant and sign application to locate in the Town Center Plaza. Mrs. Hunter stated they wish to locate in the store that was formerly occupied by Design a Sign and stated she would be required to reduce the area of the existing sign. Mrs. Hunter stated the business will consists of a tanning salon and retail sales. The retail sales will focus on relaxation therapy and aromatherapy. The tanning salon will also provide message therapy, whereas, the wish to bring in a licensed message therapist. Mrs. Hunter stated there will be four employees including herself. Mr. Watts asked if parking was adequate. Mr. Williams stated the

existing businesses do not create a lot of parking needs and there are currently three other vacant stores for the plaza. Mrs. Hunter stated there will be only four tanning beds. Mr. Roberts stated that the sign will be reduced from 2 x 8 ft to 2 x 5 ft. Mrs. Hunter stated yes.

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

04.158 Bella Viaggio Hair Salon, 1859 Route 9 – Change of Tenant

Mrs. Laura Follo, owner of Bella Viaggio, presented an application to expand the storefront and add new services. Mrs. Follo stated she received Planning Board approval to open a hair salon about 6 months ago. She now would like to expand the business by leasing out two more existing storefront to offer facials, manicures, pedicures and massage. Mr. Watts asked if there will be additional employees. Mrs. Follo stated two more employees. Mrs. Follo stated she will keep all existing signage the same. Mr. Nadeau made a motion to approve the expansion of the store with added services. Mr. Higgins seconded. Motion carried.

04.159 Kennedy Lane Self-Storage Facility, Kennedy Lane –Site Plan

Mr. Gil VanGuilder presented a concept site plan to add an additional (20) 4-unit self-storage units to the existing (4) 4-unit self-storage facility at the end of Kennedy Lane. The site is 8.93-acres. Mr. VanGuilder stated about four years ago, Mr. Tanski gained approval for the existing 4 self-storage buildings and there is also an existing residential home on the site. The proposed 20 self-storage buildings would bring the total units to 96 self-storage units. Mr. VanGuilder stated the site will be re-graded due to the steep sand/gravel banks associated with the site. The sand/gravel will be taken down and used to re-grade the site to a more suitable grade to build. Mr. VanGuilder stated that presently, due to the sandy conditions, there is very little run-off of storm water from the site. The site will need a storm water management area once developed. Mr. VanGuilder stated the buildings will be vinyl sided with shingle roofs and will resemble a residential garage. Mr., Watts asked the Board for comments. Mr. Nadeau asked if Kennedy Lane is a Town Road. Mr. VanGuilder stated the Town Road portion terminates at the very front of the site. The Town Road was dedicated in the 1960's. Mr. Chauvin asked for a copy of the deed describing the dedicated portion of Kennedy Lane. Mr. Nadeau questioned previously there was a discussion of a business operating from the site with regards to the existing residential house. Mr. Tanski and his brother-in-law Bill Cunningham bought the property. Mr. Tanski stated the property at the time had a 100 ft ravine and was re-graded to a safer grade. The proposal will be for the same type of units and uses. Mr. Tanski stated that there will be no businesses operated out of the units and that the storage units will be used strictly for personal storage. Mr. Nadeau asked what is the zone for the parcel. Mr. VanGuilder stated the parcel is zoned Commercial. Mr. Higgins stated there was a dealership license on one of the units. Mr. Tanski stated that is used for his brother-in-law and himself to hold a DMV dealership license due to the need to have a physical location described on the DMV permit and that it needs to be commercially zoned. Mr. Tanski stated there are no cars worked on at the site. Mr. Higgins questioned the steep slopes and asked if the grade could actually be re-graded to allow buildings and to meet the DEC standards for mining operations. Mr. VanGuilder stated that the site plan depicts actual topography and the slope is 1:3 slopes, which is flatter than what DEC requires. Mr. Higgins stated he is concerned with the rear earth bank of the site and whether or not it could be re-graded to allow building. Mr. VanGuilder stated that they are confident that it can be done. Mr. Watts asked if there were any architectural renderings of the proposed storage buildings. Mr. VanGuilder stated that they do not and commented that he could take pictures of the existing storage buildings because the new buildings will resemble the existing buildings. Mr. Higgins asked if water or sewer will be brought in for the proposed project. Mr. Tanski stated no but some of the units are provided with heat. Mr. Higgins asked if there would be an office, which would need utilities. Mr. Tanski stated no. Mr. Nadeau asked what are the hours of operation. Mr. Tanski stated there would be no hours of operation. Mr. Nadeau asked if the neighboring residents will be affected by allowing operation the facility all hours of the day. Mr. Tanski stated that there are three neighbors on one side, which one they rent to. Mr. Higgins stated there are apartments on the other side. Mr. Tanski stated yes. Mr. Ruchlicki asked if the apartment tenants use the existing facility for their storage. Mr. Tanski stated no. Mr. Berkowitz asked if there was going to be any type of security features. Mr. Tanski stated no and that they have not had a problem with security issues with the existing facility. Mr. Chauvin asked who maintains the portion of Kennedy Lane where the dedicated portion ends. Mr. Tanski stated he does and added that it helps the Town out by providing a turn around area for the trucks. Mr. Watts stated this item will be referred to CHA for review. Mr. Roberts questioned the need for a Public Informational Meeting. The Board agreed to have CHA review and possibly receive additional information before deciding on whether or not to hold a Public Informational Meeting. Mr. VanGuilder asked Mr. Bianchino if he would like more information or whether to review the concept plan. Mr. Bianchino stated that he understood the concept plan was presented to gain initial comment from the Board and if the Board is comfortable with the proposal, he would like to see additional plans such as grading, storm water and such. Mr. Higgins asked if the site was finished being mined. Mr. Tanski stated more material would need to be removed in order to build. Mr. Nadeau asked if the road width was up to standard. Mr. VanGuilder stated the lower Kennedy Lane is but near the site it narrows adding it is a safe passage for emergency vehicles. Mr. Higgins stated is

concerned with storm water run-off conveying down Kennedy Lane and into the stream at the bottom stating he further understands it is not all due to the existing site but suggested the Highway Department look into it. Mr. VanGuilder stated that the first thing for the development of the site would be to develop the storm water management area and grade so that it would not increase the run off of Kennedy Lane. This item was tabled for CHA review and additional plans to be submitted.

04.161 Mike Abele Subdivision, Boyack Road – Major Subdivision

Mr. Tom Andress stated that the proposal before the Board is to create a Town Road with six residential lots. The site will have a storm water management area and an area across Boyack Road to be dedicated to the Town as well as the Road. Public water and public sewer will service the site. The storm water management area will have culverts, piping and a detention basin. Mr. Berkowitz asked if there will be a "no cut" buffer area. Mr. Andress stated yes, there will be a 70 ft no cut zone in the rear and a conservation easement along the north west of the site. Mr. Higgins stated there have been several storm water basins designed and asked if the larger one was still being proposed due to the concern of water run-off from the hill. Mr. Andress stated the easement areas are the same to add landscape plantings around the basin but the basin itself has been reduced in size to serve the proposed 6-lot subdivision. Mr. Andress stated the storm water management area will meet the State's requirements for the proposed development. Mr. Ruchlicki asked how deep is it. Mr. Andress stated the basin has the micro-pool and the fore bay, which is about 4 ft deep and the basin itself is about 6ft deep but was not sure of the water elevation. Mr. Watts stated the storm water report will be referred to CHA for review. Mr. Watts asked Mr. Chauvin to give some clarification to the Supreme Court action regarding this application. Mr. Chauvin stated, "to clarify, the plan that is in front of you is a result of several conferences with Supreme Court Justice Ferradino and the applicant and his attorney in connection to the Article 78 that was brought against the Board. After those conferences and with the input from the judge and a lot of thought and consternation of the Planning Board Chairman this was the end product with all of the meetings with Judge Ferridino with a result of a stipulated order that is subject to a Public Hearing and review and approval by the Town's engineers. It was the result of numerous discussions, some lively discussions, but this is the end product of those discussions which resulted in Judge Ferridino's order in connection with the Supreme Court proceeding. If it meets the engineering and technical aspects of the code then it will be approved by the Board. If it does not then it would not be approved. There is some culvert work that the applicant is required to undertake as part of the Court's Order, which, again, is part of the Supreme Court stipulation. The Board is required to set a Public Hearing and move forward with this subject only to Mr. Bianchino's review and approval of the technical aspects of it presumed by the court order of Judge Ferridinos." Mr. Roberts made a motion to set a Public Hearing for the May 24, 2004 Planning Board meeting. Mr. Nadeau seconded. Motion carried. Mr. Roberts asked if Mr. Chauvin would state the requirements of the Supreme Court order at the Public Hearing.

04.164 Riberdy Subdivision, Devitt Road – Minor Subdivision

Mr. Greg Riberdy presented a subdivision proposal to create a flag lot from an existing 4.2-acre parcel off of Devitt Road. The proposed lot will be for a single-family residential use. Mr. Riberdy stated a portion of the action involves lands in the Town of Waterford. Mr. Nadeau asked if they have the required 20 ft for the lot. Mr. Williams explained that there is a separate action involving the land to the south to obtain a "sliver" of land to have the required 20 ft frontage for a flag lot. Mr. Nadeau asked if there is public water. Mr. Riberdy stated yes. Mr. Nadeau asked where the septic will be located. Mr. Riberdy pointed to the area and stated they performed a percolation test and it will need to be a "fill system". Mr. Nadeau stated they need to represent the area on the map to ensure there is proper separation. Mr. Nadeau stated he would review the application. Mr. Nadeau made a motion to set a Public Hearing for the May 24, 2004 Planning Board meeting. Mr. Roberts seconded. Motion carried.

Mr. Roberts made a motion to adjourn the May 10, 2004 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

Respectfully Submitted,

Jeffrey R. Williams
Town Planner