

Planning Board Minutes - October 25, 2004

Those present at the October 25, 2004 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Don Roberts – Vice Chairman
Marcel Nadeau
Rich Berkowitz
Tom Ruchlicki
John Higgins
Daphne Jordan – Alternate Planning Board Member

Planner: Jeff Williams

Town Attorney: Bob Chauvin

Town Board Liaisons: Walt Polak
Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the October 25, 2004 Planning Board meeting at 7:01 pm. Mr. Watts asked the Board if they have reviewed the October 13, 2004 Planning Board minutes. Mr. Roberts made a motion to approve the October 13, 2004 Planning Board minutes with changes. Mr. Higgins seconded. Motion Carried.

Public Hearings:

04.207 PH DeVoe Subdivision, 82 Plant Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Chauvin recused himself. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. DeVoe stated that the proposed minor subdivision consists of an existing residential lot on Plant Road and conveying a portion of a C-1 zoned property to it in order to create a conforming lot for a duplex. The other part of the subdivision proposal is to create a lot for an existing duplex on Plant Road. Mr. DeVoe stated he gained relief from the ZBA in October to use a portion of C-1 zoned lands for a residential use. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:04 pm. Mr. Watts asked the Planning Board Members if they had any questions.

Mr. Nadeau made a motion to approve the Minor Subdivision as presented. Mr. Berkowitz seconded. Motion carried.

04.217 PH Floud Subdivision, 223 Cary Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:05 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Dave Flanders of David A. Flanders Associates presented a proposal for a minor subdivision of Lands of Betty Floud located on the southerly side of Ushers Road, immediately east of the Boston-Maine Railroad tracks. Mr. Flanders stated that the purpose of the subdivision is to separate Jim Floud's existing single-family residence from the farm parcel. Mr. Flanders stated the pre-existing residence consist of a house, garage and a shed with existing septic system and well. Mr. Flanders stated the proposed lot meets all the existing zoning regulations for the Light Industrial/Commercial zone. Mr. Watts asked if anyone from the public would like to speak. No one responded. Mr. Watts closed the Public Hearing at 7:06 pm. Mr. Watts asked the Planning Board Members if they had any questions.

Mr. Nadeau made a motion to approve the Minor Subdivision as presented. Mr. Roberts seconded. Motion carried.

04.218 PH Coons/Albert Subdivision, 10 Roger Lane/31 Plant Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:07 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Mr. Curtis Coons stated that the proposed minor subdivision would be a boundary revision to convey 0.94 acres of his neighbors land to his existing property. Mr. Watts asked if anyone from the public would like to speak. No one responded. Mr. Watts closed the Public Hearing at 7:08 pm. Mr. Watts asked the Planning Board Members if they had any questions or comments. Mr. Higgins asked for confirmation on

whether the 0.94 acres of land would be adjoined to Mr. Coons' existing property and would not be a separate parcel. Mr. Coons confirmed that the two lots would be adjoined. Mr. Watts asked if this was noted on the plans. Mr. Coons stated that it was.

Mr. Berkowitz made a motion to approve the Minor Subdivision as presented. Mrs. Jordan seconded. Motion carried.

Old Business:

03.158 OB Pirates Hideout, 175 Guideboard Road – Addition to Site Plan

Mr. Tom Andress, ADB Engineers, presented an addition to site plan proposal for Pirates Hideout. Mr. Andress stated that the additions would include the expansion of the existing building, a pavilion located in the rear of the property, additional parking spaces and a 2-foot extension to the existing 6-foot fence. Mr. Andress stated that at a previous Public Hearing an individual was concerned in reference to the fencing located in the rear of the property. Mr. Andress proposes that the existing fence would be extended from 6 feet to 8 feet in height. Mr. Andress stated that a couple different alternatives were sent to the Planning Board, which included a mesh fabric type of extension or a wooden extension. Mr. Andress stated that the applicant's decision was to weave cedar boards in and out of each support post to increase the 6-foot existing fence to 8 feet in height. Mr. Andress stated that the initial concerns were about noise and golf balls going over the existing fence. Mr. Andress stated that he felt that the additional 2 feet that would be added to the existing fence would make it more difficult to hit the golf balls over the fence and would reduce the noise to the adjoining neighbor's property. Mr. Watts asked if they had spoke to the adjoining neighbor relative to the proposed fence extension. Mr. Andress stated that after discussions with the Planning Dept. and to keep a good relationship with the neighbor, they decided to use the cedar board wooden extension. Mr. Watts stated that the neighbor originally asked for an 8-foot fence. The applicant, Mr. Parker, stated that he would replace the existing 6-foot stockade fence with 150 feet of new 8-foot stockade fence in the rear of the property to satisfy the adjoining neighbors.

Mr. Roberts made a motion to approve the addition to the site plan contingent upon the existing 6 foot fence in the rear will be replaced with a new 8-foot stockade fence. Mr. Nadeau seconded. Motion carried.

04.109 OB A-1 Septic, 392 Hudson River Road – Change of Tenant

Mr. Dave Taylor proposes a change of tenant use of a facility formerly known as the Dion Oil Site located on Routes 4 & 32. Mr. Taylor stated that he is currently leasing the site from the new owner John Dulane. Mr. Taylor stated that Mr. Dulane and he have entered into a contractual agreement to lease for two years with an option for renewal for the third year. Mr. Taylor stated that he was leasing the building as a temporary site until he constructs his own building on his vacant property located across the street. Mr. Taylor stated that the former Dion Oil Site consists of an existing office building in the front, a parking area and a 3-stall garage located in the rear. Mr. Taylor stated there would be no changes to the existing site. Mr. Nadeau asked what was being done at the other site and if Mr. Taylor was currently using it. Mr. Taylor stated that he was using the other site to store equipment. Mr. Nadeau asked if the other location has an approval for the site. Mr. Taylor stated that it was not an approved site but he was only storing vehicles there. Mr. Nadeau asked Mr. Watts how the Planning Board could proceed with an application when the other site is not an approved site. Mr. Watts agreed with Mr. Nadeau. Mr. Watts asked Mr. Williams if he had any input on the subject. Mr. Williams stated that Mr. Taylor submitted a narrative that explained what equipment would be stored on vacant site. Mr. Watts asked if the vacant site required a site plan application. Mr. Williams stated that Mr. Taylor originally submitted a site plan for the vacant parcel with a proposed office trailer, which the Planning Board determined the office trailer was not appropriate. Mr. Chauvin stated that the site was being used for a commercial purpose and the applicant did not have an approval. Mr. Chauvin stated that a site plan needed to be submitted for the vacant parcels. Mr. Taylor asked if the application should be submitted before the building design. Mr. Chauvin stated that if Mr. Taylor was using the site for commercial purposes, a site plan application must be submitted to the Planning Board. Mr. Taylor stated he has been using the site for eleven years. Mr. Chauvin stated to Mr. Taylor that he has been in violation for eleven years. Mr. Watts stated that the Town does not take action on any site plan or any revision until the applicant is in full compliance. Mr. Watts further stated to Mr. Taylor that he needed to submit a site plan for the site that is currently being used to store vehicles so the applicant will be in compliance. Mr. Watts asked if the Planning Board Members had any comments. Mr. Higgins asked Mr. Taylor if a paving business was still located in the back building. Mr. Taylor stated that it was not. Mr. Taylor stated that he submitted a boundary survey denoting the existing gravel parking lot, trees, and everything that existed on that property. Mr. Williams stated that he did not know exactly where the equipment was stored on the site. Mr. Bianchino suggested to Mr. Taylor that he should modify the survey previously submitted to show where things are currently being stored and what operations were now running at this time. Mr. Watts stated to Mr. Taylor that he should submit an application for the site currently in operation. Mr. Watts asked for volunteers to visit the sites. Mr. Roberts and

Mr. Higgins agreed to visit the two sites. Mr. Watts stated to Mr. Taylor that the Planning Board Members would contact him prior to visiting sites. A-1 Septic change of tenant application was tabled for further review.

04.197 OB Messier Subdivision, 165 Guideboard Road – Minor Subdivision

Ken Messier proposes to change lot lines involving four existing parcels, which would create three parcels. Mr. Messier stated the proposal would convey a portion of Mr. Messier's mother's parcel to his residential parcel in the rear and to the car shop next door. The proposal will also convey a small existing parcel to the car shop parcel. Mr. Watts asked Mr. Messier if a variance was granted from the ZBA for the non-conforming lots. Mr. Messier stated that he did receive a variance from the ZBA on October 4, 2004. Mr. Watts asked the Planning Board Members if they had any questions.

Mr. Berkowitz made a motion to set a Public Hearing for the November 8, 2004 Planning Board meeting. Mr. Roberts seconded. Motion carried.

New Business:

04.148 NB Housing Mgt. Resources, 1407 Route 9 – Change of Tenant

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04.149 NB Carlson Group Inc., 1407 Route 9 – Change of Tenant

Mr. Michael Chrys proposes two tenant changes in his Nine North Professional Office site located just north of the Crescent Bridge on Route 9. Mr. Chrys stated that The Carlson Group has been a tenant in the community for many years dealing in an insurance sales business. Mr. Chrys stated that Carlson Group would occupy approximately 2,000 square feet in the building. Mr. Chrys stated the other proposed tenant change would be the Housing Resource Management who are a property management business that does bookkeeping. Mr. Chrys stated that Housing Resource Management would occupy approximately 1,200 square feet. Mr. Watts asked the Planning Board Members if they had any questions. Mrs. Wormuth asked if there were adequate parking spaces available. Mr. Chrys stated that the building had more parking spaces than was required by the Town. Mr. Roberts inquired whether any signs were required. Mr. Chrys stated that all signs that were not approved by the Town have been removed and Mr. Carlson would be submitting an application for a sign for his business. Mr. Chrys stated that there is a main Nine North marquee sign with the names of each tenant that he was currently getting in order.

Mrs. Jordan made a motion to approve the change of tenant for Housing Resource Management and Carlson Group. Mr. Roberts seconded. Motion carried.

04.224 NB Cingular Wireless, Stone Quarry Road – Cell Tower

Dan Schweigard representing Cingular Wireless proposes to modify one of NIMO's existing power poles by extending the height to incorporate a proposed cell tower antenna. Mr. Schweigard stated the location of the NIMO power pole is 54 Stone Quarry Road. Mr. Schweigard stated his company have investigated a number of other alternative sites to locate a cell antenna in order to meet their coverage objectives. Mr. Schweigard stated that Cingular Wireless has entered into a lease agreement with NIMO to alter the structure. Mr. Schweigard stated that he has submitted plans showing the cell tower proposal to alter the existing NIMO power lines to incorporate the cell antenna. Mr. Roberts asked the applicant if he looked at co-locating on other area cell towers. Mr. Schweigard stated that he has submitted, along with the application, has a map showing their existing facilities and that chances are that they are already co-located on the existing towers. Mr. Schweigard stated the proposed Stone Quarry NIMO power line area will fill in a coverage gap in that immediate area. Mr. Berkowitz asked if there were other proposals for cell tower application to other municipalities as shown on a submitted map. Mr. Schweigard stated the three proposed sites has not had a landowner identified in the area and have not been formerly proposed to the deciding municipality. Mr. Berkowitz asked if the other proposed sites, shown on the map, would alleviate the coverage gap. Mr. Schweigard stated each proposed site on the map would alleviate different coverage gaps in the respective area. Mr. Higgins stated that he notice one of the proposed sites is near GE in Waterford and that he has a Cingular cell phone and has good reception in that area. Mr. Schweigard stated that the Waterford area has shown to have gaps and that additional coverage is needed there. Mr. Schweigard stated that Mr. Higgins was probably not in the area that is affected by bad coverage in the Waterford area. Mr. Schweigard stated that the coverage is "line of sight" coverage and that trees and other tall structures interfere with coverage. Mr. Schweigard stated his main objective is to provide a safe reliable network for his customers. Mr. Berkowitz asked how tall are the existing power poles and how tall will be the proposed cell antenna. Mr. Schweigard stated the existing power poles are 80 ft and the proposed antenna will be 90 ft. Mr. Schweigard stated the power poles are an "H" frame structure where there is on pole next to another and supported by a "tie" beam. Mr. Schweigard stated they are proposing to replace on of the 80 ft wooden power poles with a 90 ft steel pole for the antenna. Mr. Berkowitz asked if they had an agreement with NIMO. Mr. Schweigard stated yes and that it has been submitted with the application. Mr. Nadeau asked if there are provisions for other co-locators on the proposed antenna. Mr. Schweigard stated not on this proposal. Mr.

Schwiegard continued that this type of application is for a stealth type cell tower by incorporating the antenna on an existing utility structure. In order to provide room for co-locators the antenna would need to be of a greater height and NIMO would need to agree to the additional carriers. Mr. Polak asked if there would be an electric pad. Mr. Schwiegard stated that electric compound will be at the foot of the power pole. Mr. Polak asked how would the maintenance crews access the site. Mr. Schwiegard stated they would utilize the existing NIMO easement area off of Stone Quarry Road. Mr. Schwiegard stated they would upgrade the access road to allow emergency vehicles to access the site and the road would be gated. Mr. Roberts stated that he likes the idea of placing the antennas on existing utility structures better than new cell towers. Mr. Watts stated that the application will be referred to the Deputy Town Attorney for her review and based upon her review it may be referred for engineer review. This item was tabled for further review.

04.225 NB Stewart's Shops Corp., Vosburgh Road PDD – Concept Commercial Site Plan

Mr. Tom Lewis, Stewart's Corporation, presented a concept site plan for a Stewart's Shop and three commercial retail/office buildings to be placed on the south side of Vosburgh Road as part of the Vosburgh Road PDD proposal. Mr. Lewis stated he would like to present plan to the Board and is asking for a recommendation for the re-zoning of the parcel to the Town Board. Mr. Watts asked at what step is the Vosburgh PDD review at with regards to the SEQR review. Mr. Bianchino stated CHA is still reviewing the SEQR requirements. Mr. Bianchino stated that the original proposal for the Halfmoon Townhouses and Medical Offices, a SEQR review was done and notices were sent out to the involved agencies at that time. The PDD proposal has changed since then and new notices need to be sent out. Mr. Watts asked if anyone had any questions. Mr. Nadeau stated that there could be a traffic issue associated with the site. Mr. Lewis stated the County has an issue with the traffic, which will need to be addressed further. Mr. Chauvin asked what is the status of the northern parcel that is "ear marked" for a commercial use as part of the Vosburgh PDD proposal. Mr. Tanski stated it would be approximately a 3,000 SF professional office building. Mr. Chauvin stated that he does not want to get into an issue of segmentation and have an issue with how they got into a zone change when it is a zone change for the entire Vosburgh Road PDD proposal. Mr. Chauvin stated that if the intent of having the Vosburgh PDD parcel go through a zone change, then Mr. Chauvin suggests that the recommendation for the proposed Stewart's Shop parcel and the other proposed commercial parcel as well as the lands to be dedicated to the Town be forwarded to the Town at the same time as a whole project. Mr. Bianchino stated the PDD application that was forwarded to the Planning Board by the Town Board included the large parcel on the north side of Vosburgh Road along with the parcel on the south side that is being proposed as a Stewart's shop. Mr. Bianchino stated that the concept plan provided by Stewart's gives the Board a better understanding on what is being proposed for the Vosburgh PDD project. Mr. Chauvin stated that he wants to clarify that the Board's recommendation will be on the entire project and not just the proposed change in zoning for the Stewart's site. Mrs. Wormuth stated the Town Board reviewed the Vosburgh PDD which was represented as the creation of two proposed commercial parcels with the remainder of the land to be dedicated to the Town. The two proposed commercial parcels were presented to the Town Board as a Stewart's and a commercial use that was not specified. Mr. Higgins questioned the setbacks. Mr. Lewis stated that there are two front yard setbacks and two side yard setbacks presented with no rear yard setback due to the corner lot. Mr. Higgins stated that there is a residential use to the west of the site and that there may be the need for a transitional buffer in that area. Mr. Tanski stated there is a berm that runs on the west side of the parcel. Mr. Lewis stated they will provide a buffer for differing uses under the discretion of the Planning Board. Mr. Chauvin stated a corner lot needs to show two front yard setbacks and the other setbacks can be determined to be side yard setbacks. Mr. Watts asked the Board if they have enough information to make a recommendation to the Town Board. Mr. Nadeau stated that the Board will need to look very closely to the commercial uses being proposed with regards to the intensity of the uses and the traffic generated. Mr. Watts stated that the proposed commercial parcel, proposed to be across from the proposed Stewart's, has been discussed as a professional medical type use which generally does not create a large volume of traffic. Mr. Watts asked the Board if they had enough information for a recommendation.

Mr. Berkowitz made a motion to pass a positive recommendation to the Town Board for the proposed Vosburgh PDD. Mr. Higgins seconded with comment to the Town Board over the issue of the intensity of the proposed commercial uses with regards to generated traffic. Mr. Bianchino stated that he would not recommend the motion in front of the Board due to the need for adequate time to perform the SEQR review. Mr. Bianchino stated that the Town has been working with the PDD review procedure so that at the time a recommendation is passed to the Town Board, the Town Board receives complete assessment on the project with regards to comments from the Planning Board and the SEQR review.

Mr. Berkowitz withdrew the motion before the Board. Mr. Berkowitz asked if the Planning Board will review the application. Mr. Bianchino stated yes, once the Town Board created the PDD legislation for the proposed project it will be forwarded back to the Board for final review. Mr. Polak stated at that time the Planning Board will have all the comments from the Town Board along with the legislation that created the PDD.

Mr. Watts stated Mr. Berkowitz has withdrawn the motion for a positive recommendation and that the item would be tabled to continue with review process.

04.226 NB VCA Animal Health Center, 1656 Route 9 – Sign

Andrew Hebert of Hanley Sign Co., Inc. representative for VCA Animal Health Center presented a proposal to replace the existing sign for the existing veterinary clinic on Route 9. Mr. Hebert stated the current sign reads Animal Health Center and proposes to change the sign to Animal Health Center VCA. Mr. Hebert stated the proposed sign will be the exact size of the existing sign. Mr. Hebert stated the only change is color and verbiage. Mr. Hebert stated the proposed sign will be internally illuminated with eight florescent bulbs. Mr. Roberts asked the applicant for the definition of VCA. Mr. Berkowitz stated that it stood for Veterinary Centers of America. Mr. Roberts stated no neon on the sign. Mr. Hebert agreed. Mr. Roberts made a motion to approve the sign application. Mr. Nadeau seconded. Motion Carried.

04.227 NB Garden Gate Florist, 1410 Route 9 – Addition to Site Plan

Gil VanGuilder, Gilbert VanGuilder Land Surveyor PLLC, proposed an addition to site plan application for the Garden Gate Florist site. Mr. VanGuilder stated that the Sicko's have operated a floral business at 1410 Route 9 since 1962. Mr. VanGuilder stated there is a total of 5,400 square feet in the existing structure. Mr. VanGuilder stated the center portion of the structure is a greenhouse. Mr. VanGuilder stated the greenhouse has not been in use recently and the applicants would like to remove the greenhouse and replace it with a 2,130 square foot building to house two commercial retail/office tenants. Mr. VanGuilder stated that a total of 570 square feet will be added to the structure. Mr. VanGuilder stated that a business called Pottery Passion is located on the southern side of the structure. Mr. VanGuilder stated that the Garden Gate Florist's business is primarily a phone order business with delivery service and there are not many on-the-premise customers. Mr. VanGuilder stated the current parking area would be 3 parking spaces short of the total parking spaces required for the proposed improvements to the site. Mr. VanGuilder stated that with the Boards approval, the applicant's would like to land bank the future spaces. Mr. VanGuilder stated the applicant's were looking for future tenant uses that would compliment the Pottery and Floral Businesses. Mr. VanGuilder stated that they have outlined the proposed land bank parking spaces on the site plan. Mr. Watts asked the Planning Board Members if they had any questions. Mr. Higgins asked about the septic for the two new businesses. Mr. VanGuilder stated the applicant intends to modify the current septic system to accommodate the additional usages. Mr. VanGuilder stated the modifications would be inspected by the Town's Building Department. Mr. Nadeau stated that he was familiar with the existing site and he did not see any parking issues at that location. Mr. Nadeau further stated that he did not have a problem with land banking the parking spaces. Mr. Watts asked the Planning Board Members if they had any questions. Mr. Watts stated that the applicant would be required to add the parking spaces if needed at the Planning Board's discretion.

Mr. Nadeau made a motion to approve the addition to the site plan contingent upon approval from Saratoga County Planning Board and land bank parking. Mr. Roberts seconded. Motion carried.

Mr. Berkowitz made a motion to adjourn the October 25, 2004 Planning Board meeting at 8:14 pm. Mr. Higgins seconded. Motion carried.

Respectfully Submitted,

Milly Pascuzzi
Planning Board Secretary