

Planning Board Minutes - September 13, 2004

Those present at the September 13, 2004 Planning Board meeting were:

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

Planner: Jeff Williams

Deputy Town Attorney: Lyn Murphy

CHA Representative: Mike Bianchino

Note: Mrs. Jordan, Planning Board Alternate, sat in for the entire September 13, 2004 Planning Board meeting in the absence of the following Planning Board Members: Mrs. Patenaude, Mr. Berkowitz and Mr. Nadeau

Mr. Watts opened the September 13, 2004 Planning Board meeting at 7:00 PM. Mr. Watts asked if the Board has reviewed the August 23, 2004 Planning Board Minutes.

Mr. Roberts made a motion to approve the August 23, 2004 Planning Board Minutes. Mr. Higgins seconded. Motion Carried.

Public Informational Meetings:

03.158 PIM Pirates Hideout, 175 Guideborad road – Addition to Site Plan

Mr. Watts opened the Public Informational meeting at 7:01 PM. Mr. Watts asked the public if anyone wished to have the Public Notice read. No one responded. Mr. Tom Address, ABD Engineering, presented a proposed plan to expand the existing facility by adding 1,284 SF. The addition will be utilized to offer 16 indoor seats, arcade games and to extend the existing ice cream sales to the sale of hot dogs, hamburgers, pizza and other concession type foods. The plan also shows a 20' x 40' pavilion to replace the existing tent-type structures. The pavilion will be used for birthday parties and other gatherings. There will be 22 added parking spaces by utilizing the recently acquired land to the east of the site. Mr. Address stated that there would also be additional trees to be placed to add to the buffer. Mr. Watts asked if anyone from the public wished to speak. Mrs. Joanne Macey, 16 Lape Road, asked if the proposed site is zoned Commercial. Mr. Address answered yes. Mrs. Macey stated that she would like to see a higher fence between her property and the miniature golf course. Mrs. Macey stated that there are golf balls in her yard and that people can look over the fence whereas she has no privacy. Mr. Watts asked how high is the existing fence. Mrs. Macey stated 6 ft and that she would like to have an 8 ft fence. Mr. Ruchlicki asked Mrs. Macey to reference the location of her home on the proposed site plan. Mr. Address assisted by showing the Board that Mrs. Macey's home is in the vicinity of the rear of the existing miniature golf course. Mrs. Macey also stated that the traffic on Guideboard Road is already very busy. Mr. Watts asked if anyone else from the Public wished to speak. No one responded. Mr. Watts closed the Public Informational Meeting at 7:07 PM. Mr. Watts asked the Board for comments. Mr. Roberts stated the reason himself and Mr. Nadeau, the committee review team, wanted to have a Public Informational Meeting was to hear from the adjoining land owners and thinks the applicant should do all that he can to alleviate any negative impacts to his neighbors. Mr. Parker, owner, stated he has no problem with placing an 8 ft fence in order to give the neighbor an extra measure of buffer. Mr. Higgins asked how many arcades games would be available because he has a concern it may be an area for youths to congregate. Mr. Parker stated 3-5 games and that the games would be intended for kids waiting for their food. Mr. Parker stated he does not want to create a "hang out" atmosphere for area youths.

This item was tabled for further review.

04.142 PIM Cardin Acres PDD, Plant Road – Major Subdivision - PDD

Mr. Watts opened the Public Informational Meeting at 7:08 PM. Mr. Watts asked the public if anyone wished to have the Public Notice read. No one responded. Mr. Duane Rabideau, VanGuilder and Associates, presented a proposed residential Planned Development District (PDD) consisting of 38 residential lots off of Plant Road. Mr.

Rabideau stated the proposed development would create a second means of ingress/egress off of Plant Road, connect two existing dead-end roads in the existing Cardin Acre development and create three cul-de-sacs. Mr. Rabideau stated that the development would also connect some dead-end water mains for better pressure and quality. Mr. Rabideau stated the proposed development is asking for a PDD in order to create smaller lots, than typical conventional lots requirements, to help protect the wetlands, which would create large buffer areas for the existing homes. Mr. Rabideau stated that the majority of the wetlands would be incorporated in 6 of the proposed lots. Mr. Rabideau stated the preservation of the wetlands would maintain the existing natural flow patterns. Mr. Watts asked if anyone from the public wished to speak. Mr. Ron Manna, 13 Chateau Drive, asked what the distance of the proposed connector road would be from his house. Mr. Rabideau stated about 65 ft away. Mr. Manna asked if the road could be relocated further from his home. Mr. Manna stated he is not opposed to the development but wondered if the applicant could improve the buffer by placing evergreen trees across the proposed road. Mr. Manna asked why the two Cardin Drive and Chateau Drive was being proposed to be connected. Mr. Rabideau stated for safety reasons and better traffic flow. Mr. Steve Maswich, 20 Cardin Drive, stated he is a 35 yr. resident of Cardin Acres and asked why Cardin Drive and Chateau Drive were being proposed to be connected. Mr. Maswich stated that there is already too much turnaround traffic and that the connection will create a "race-way" around the existing development. Mr. Maswich stated that he feels the existing residents should be considered of what they want. Mr. Watts stated that is the reason the Board is holding a Public Informational Meeting. Mr. Maswich stated that it seems that all of the development is a "done deal". Mr. Watts stated that is not how the Board operates and the reason for tonight's meeting is to allow the residents to voice their opinion. Mr. Harvey Johnson, 10 Cardin Drive, wanted to know the exact size of the proposed lots. Mr. Rabideau stated they are less than the standard lots and that the lots range from 10,000 - 15,000 SF. Mr. Johnson asked if the smaller lots would need to be entertained by the Board because it is a deviation from the conventional lots. Mr. Watts explained the PDD process, which allows smaller lots if the Town Board and Planning Board feels the project is acceptable. Mr. Johnson asked if speed limit can be reduced on Plant Road and enforce the speed limit due to the safety of children and walkers. Mr. Johnson stated he questions the number of the proposed lots and asked if the Board would look into it. Mr. Fred Roosevelt, 11 Chateau Drive, asked what are the approximate square footage of the houses and the price range of the houses. Mr. Rabideau stated he is not sure the size of the houses but thinks the price range would be \$300,000.00 and up. Mr. Watts asked Mr. Rabideau if he was certain on the price range. Someone from the audience stated the minutes of April 12, 2004 mentioned the low \$100,000.00 range. Mr. Watts agreed and that he recollected \$150,000. - \$200,000.00 range. Mr. Rabideau apologized for misquoting the price. Mr. Roosevelt stated that he has a concern with the lower price range and how it may affect his property value and objects to that type of development. Mr. Bill Neubeck, 13 Plant Road, stated he is a neighbor to Mr. Cardin and does not have a problem with him wanting to develop his land. Mr. Neubeck stated he has been there for 12 years and he did not sign up for a corner lot. Mr. Neubeck stated that the proposed development will create, in essence, his property surrounded by three streets. Mr. Neubeck stated that there will be another access off of Plant Road, adjacent to his property will create more noise, lights and traffic. Mr. Neubeck stated at a bare minimum he would like to see trees and other buffer measures to lessen the impact. Mr. Burrill Burke, 16 Fellows Road, asked the location to of his property. Mr. Rabideau showed Mr. Burke the location of his property, which is near a large extent of DEC wetlands on the Northeast corner of the subject development parcel. Mr. Burke stated it appears to be a far distance from the property. Mr. Gerard Chouinard, 5 Cardin Drive, stated he has lived there since 1966. Mr. Chouinard stated he does not understand why Cardin Drive and Chateau Drive need to be connected. Mr. Chouinard stated that there should be a four-way stop at the intersection of Cardin Drive and Roger Lane due to the large amount of traffic. Mr. Chouinard stated that the development will create too much traffic to an already busy area. Mr. Ed Faulkner, owns property to the east of the project but lives at 12 Hayner Road, asked if anything is proposed to access a 10-acre piece to access the land. Mr. Rabideau stated they are proposing a 25 ft easement to access three land locked parcels to the east of the project. Mr. Rabideau stated there would be some crossing of wetlands, which will require the proper permitting. Mr. Faulkner asked if the easement could be a future road. Mr. Rabideau stated no due to the width and extent of the wetlands. Mr. Faulkner asked if someone was to buy the property, could they use the easement to access the property. Mr. Rabideau stated yes it would be a permanent easement. Mr. Williams cautioned Mr. Faulkner that in order to build on the land, the property would need to have Town road frontage and that the easement would not create a building lot for his parcel. Mr. Faulkner asked if there is any future of connecting the three landlocked parcels to road frontage. Mr. Rabideau stated that the current plan does not call for road frontage for the three landlocked parcels. Mr. Burrill Burke asked where the wetlands are located. Mr. Rabideau showed him on the plan. Mr. Burke asked if the elevation would be higher when the houses are placed. Mr. Burke is concerned with wetland waters being migrated to his property. Mr. Rabideau stated that the grading plan and storm water management plan will be developed and that the existing conditions are to remain the same after development. Mr. Rabideau pointed out the proposed stormwater management areas and explained that the Town's engineers will review the stormwater management report. Mr. John Stock (?), 18 Cardin Drive, asked about traffic controls on Plant Road due to the proposed development. Mr. Stock stated that it takes 2-3 minutes to enter Plant Road when he is heading to work. Mr. Stock stated that the

existing traffic on Plant Road makes it difficult to access onto Plant Road and that there have been a number of accidents in the area. Mr. Stock stated that he does not think Chateau and Cardin Drive should be connected because the people who have been living there are used to living on a dead-end street. Mr. Stock stated that people take walks very early in the morning because it is the only time that is safe due to the heavy traffic. Mrs. Irene Chouinard, 5 Cardin Drive, stated she recently had a garage sale and noticed people speeding in the development. Mrs. Chouinard stated there needs to be speed limit signs, stop signs and speed bumps to control the excessive speed in the area and that it needs to be enforced. Mrs. Chouinard stated it is difficult to access on Plant Road. Mr. Roosevelt questioned the smaller lots allowing 38 residential lots when a conventional subdivision of 20,000 SF lots on 60-acres would allow 30 homes (note: this is what was stated but the actual number with ½ acre lots would be greater) Mr. Rabideau stated that current zoning would allow about 60 conventional lots with exclusion of roadways and wetlands. Mr. Rabideau stated that the plan could show (38) 20,000 SF lots but the smaller lots are being proposed to protect the existing wetlands. Mr. James Ellis, 22 Cardin Drive, stated he moved into the development a couple of years ago and that he was told that the wetlands would always be there and be protected. Mr. Ellis stated that with the development he is concerned with increase in traffic and the safety of his children playing. Mr. Watts closed the Public Informational Meeting at 7:37 PM. Mr. Watts thanked the public for the comments and stated the item will be tabled for further review. This item was tabled for further review.

Public Hearings:

04.202 PH Thayer Subdivision, 57 Spice Mill Blvd. – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:39 PM. Mr. Watts asked if anyone wished to have the Public Notice read. No one responded. Mr. Cal Thayer, applicant/owner, presented a proposed subdivision plan to create one parcel from an existing parcel located at the corner of Anthony Road and Spice Mill Blvd. Mr. Thayer stated he wishes to create a 0.64-acre lot from his existing 2.65-acre lot. Mr. Thayer stated the proposed lot will be for his son to build a home. Mr. Watts asked the public if anyone wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:40 PM. Mr. Watts asked for comment from the Board.

Mr. Roberts made a motion to approve the minor subdivision as presented. Mr. Ruchlicki seconded. Motion carried.

04.203 PH Shevchik Subdivision, 721 Hudson River Rd. – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:41 PM. Mr. Watts asked if anyone wished to have the Public Notice read. No one responded. Mr. Shevchik, owner/applicant, presented a subdivision proposal to create a flag lot from an existing residential zoned parcel located on Hudson River Road. Mr. Shevchik stated that the existing parcel has an existing single-family home on the parcel and wishes to create a flag lot for the rear portion of the property with 24.74 ft of frontage on Hudson River Road. Mr. Shevchik stated the existing parcel will have an area of 0.795-acres and the proposed flag lot will have an area of 0.795-acres. The area is zoned Residential with public water and private septic. Mr. Shevchik stated the proposed lot will be primarily used to gain access to the Hudson River. Mr. Watts asked the public if anyone wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:43 PM. Mr. Watts asked the Board for comment. Mr. Higgins asked if the proposed lot would be used for single-family residents. Mr. Shevchik stated there are no plans for a building. Mr. Shevchik stated that the proposal is to allow access to the river and that the proposed lot has an existing travel trailer located on it. Mr. Higgins asked if any type of business being proposed on the "new" lot. Mr. Shevchik stated no. Mr. Watts asked if Mr. Shevchik was to build on the "new" lot that the trailer would be removed. Mr. Shevchik stated the trailer is in disrepair and is only being used for storage. Mr. Shevchik stated the trailer would be removed soon. Mr. Higgins asked Mr. Shevchik if he plans on allowing other trailers on the property. Mr. Shevchik stated definitely not. Mr. Williams asked Mr. Shevchik to clarify why he is subdividing the property. Mr. Shevchik stated that in case he has to sell his existing home, he would still have access to the river. Although the Public Hearing was closed, Mr. Watts allowed a neighbor to speak. Mrs. Donna Hartman, neighbor, stated she has an agreement with Mr. Shevchik that she would purchase the property. Mrs. Hartman asked if for any reason she does not purchase to the property, could a residential home be placed on the proposed lot. Mrs. Hartman asked if someone could purchase the property and have a large number travel trailers allowed to be placed there. Mr. Watts stated the proposed lot conforms to a residential lot. Mr. Watts stated he believes the Town's zoning ordinance does not allow travel trailer park to be placed there and if so it would be under the discretion of the Planning Board. Mr. Roberts made a motion to approve the minor subdivision contingent on Saratoga County Planning Board approval. Mr. Ruchlicki seconded. Motion carried.

Old Business:

04.111 OB J & S Watkins, 1675 Route 9 – Addition to Site Plan

Mr. Tom Andress, ABD Engineering, presented an addition to site plan to place a 1,800 SF addition on the existing J&S Watkins Plaza. Mrs. Murphy stated that the Planning Board is familiar with the proposal and that the Board does not need to have any additional public presentations on the subject if that is what the Board decides. Mr. Watts asked for a motion from the Board.

Mr. Roberts made a motion to approve the addition to site plan application. Mrs. Jordan seconded. Motion carried.

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

Mr. Jason Dell, Lansing Engineering, presented a site plan to construct (8) self-storage units to the existing self-storage business located off of Kennedy Lane. Mr. Dell stated that they have submitted plans and a stormwater report to CHA for review. Mr. Dell stated that the comments from CHA's letter are technical in nature and that the issues can be resolved. Some of the issues were hours of operation and site lighting issues. Mr. Bianchino stated the concept plan is different than what is proposed now. Mr. Bianchino stated the numbers of proposed buildings are different and wanted to present the plan to the Board so that the Board is aware of the changes. Mr. Roberts asked about the hours of operation. Mr. Tanski stated the use will be a dawn to dusk operation and that his brother in-law, partner, lives near by to keep a watch on the site. Mr. Tanski stated that the site is not visible from Rt 9 due to the existing mining operation. Mr. Ruchlicki asked if all the units would be built at the same time. Mr. Tanski stated no. Mr. Tanski stated the buildings would be designed with a residential character. Mr. Higgins asked if a fence would be place around the site. Mr. Tanski stated the site could be fenced if the Board feels that it is appropriate but the site can only be accessed for Kennedy Lane and maybe a fence near the entrance would be needed. Mr. Higgins stated that Kennedy Lane may need improvements to handle additional traffic. Mr. Tanski stated that Kennedy Lane used to be a gravel road and they placed a turn around area for the Town's trucks to maneuver. Mr. Higgins suggested the condition of Kennedy Lane be reviewed. Mr. Bianchino asked if the emergency lighting would be wall packs. Mr. Dell stated wall packs on timers. Mr. Bianchino stated the wall packs tend to shine light off of the site. Mr. Tanski stated woods surround the site. Mr. Watts asked if there would be architectural renderings provided for the proposed buildings. Mr. Tanski stated yes. This item was tabled for further review.

New Business:

04.208 NB Jay's Auto Repair, 20 Old Route 146 – Change of Tenant & Sign

Mr. Ray Sitterly, applicant, presented a change of tenant application before the Board to locate his automotive repair business in the existing auto repair garage located on Old Rt 146. Mr. Watts asked the applicant if only automotive repair will be performed at the site and that no auto painting will be done there. The applicant stated yes. Mr. Watts asked the applicant if he is aware that only (11) cars can be stored outside, on-site at any one time. The applicant stated yes. Mr. Watts stated that the sale of used cars would not be allowed on the site. The applicant agreed. Mr. Roberts asked if the applicant was proposing to replace the existing sign with the same dimensions. The applicant stated yes and the sign's dimensions are 4' x 8' and will be placed on the building. Mr. Roberts made a motion to approve the change of tenant and sign application as presented. Mrs. Jordan seconded. Motion carried.

04.209 NB Mr. Windshield Parkway Auto Sales, 1638 Route 9 – Change of Tenant & Sign

Mr. Joseph Rouchleau, applicant, presented a change of tenant and sign application to locate a used car sales operation at the former Gold Stat Auto Sales site located on the corner of Rt. 9 and Oak Hill Drive. Mr. Rouchleau stated his principle use will be for used car sales. Mr. Watts stated there have been a number of issues with the former tenant and keeping his site in compliance with the Planning Board's approval. Mr. Rouchleau stated he understood that and stated his other business, Mr. Windshield, has been operating for a number of years without any compliance issues with the Town. Mr. Watts stated he researched the Mr. Windshield site and that there have been violations of used car sales from that site. Mr. Rouchleau his landlord at the Mr. Windshield site was the one that placed the used cars there. Mr. Rouchleau stated when the violation notice was given the landlord stopped placing the cars at the site. Mr. Watts stated asked the applicant was operating a used car sales from the Mr. Windshield site. Mr. Rouchleau stated no. Mr. Higgins asked if the applicant has the proper permits to operate a used car sales from NYSDMV. Mr. Rouchleau stated he has other used car sales in other Towns and is closing one and moving the operation to Halfmoon. Mr. Rouchleau stated he needs an approved location before the permitting process can be completed. Mr. Watts asked if there will be any rehabilitation to the existing buildings. Mr. Rouchleau stated he would upgrade the building once he gets approval, which would be either painting the building or re-siding the building. Mr. Watts asked if there was a working bathroom and septic system. Mr. Rouchleau stated yes. Mr. Watts stated the site in an eyesore and needs to be upgraded. Mr. Rouchleau stated he would like to upgrade the site. Mr. Higgins stated that past tenants stated they needed more cars in order to be able to operate the site and the Board feels the site is limited in area and will place a total number of cars to

be sold limit on the use. Mr. Higgins asked if there would be any car window repair from the site. Mr. Rouchleau stated no. Mr. Roberts is concerned with the past issues and the total number of cars to be allowed for sale needs to be adhered to by the new tenant. Mr. Watts stated the site would be kept in compliance with all conditions set by the Planning Board. Mr. Rouchleau stated he would be able to operate with whatever condition set by the Board. Mr. Watts asked the applicant to fix up the site. Mr. Rouchleau stated the landlord will help out in that area. Mr. Roberts asked if the sign would be the same size as the formerly approved sign with the dimensions of 4.8' x 5.4', double sided freestanding sign. Mr. Rouchleau stated yes. Mr. Roberts made a motion to approve the change of tenant application with the condition of 12 used cars on display for sale at any one time. Mr. Ruchlicki seconded. Motion carried.

04.207 NB DeVoe Subdivision, 82 Plant Road – Minor Subdivision

Mr. Lawrence DeVoe, applicant, presented a minor subdivision application to the Board to create two parcels for two-family residential use located off of Plant Road. Mr. DeVoe stated there is an existing duplex on an existing 39-acre parcel and that he purchased a 21,000 SF lot adjoining the existing duplex lot. Mr. DeVoe stated that the existing duplex lot (39-acre) is zoned Commercial and the proposed duplex lot is zoned Residential and will need to have a portion of the Commercial land conveyed to it in order to gain the necessary area for a two-family residential use. The proposed parcels will have an area of 1.14-acres for the existing duplex and 0.97-acre for the proposed duplex. Mr. Watts stated the Building Department misinterpreted the zoning and has issued a building permit allowing the existing duplex to be built on Commercially zoned property. Mr. Watts stated Mr. DeVoe will be correcting the situation with the proposed subdivision. Mr. Watts explained that the proposal will be denied due to the proposed residential use on Commercial property.

Mr. Roberts made a motion to deny the minor subdivision application on the basis that residential uses are not allowed on commercial zoned parcels. Mr. Higgins seconded. Motion carried.

Mrs. Jordan made a motion to adjourn the September 13, 2004 Planning Board meeting at 8:11 PM. Mr. Ruchlicki seconded. Motion Carried.

Respectfully Submitted,

Jeffrey R. Williams
Town Planner