

Town of Halfmoon Planning Board

April 25, 2011 Minutes

Those present at the April 25, 2011 Planning Board meeting were:

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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy
Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Paul Hotaling

CHA Representative: Mike Bianchino

Mr. Watts opened the April 25, 2011 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 11, 2011 Planning Board Minutes. Mr. Roberts made a motion to approve the April 11, 2011 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

New Business:

11.034 NB Lefner Lot Line Adjustment, Hudson River Road – Minor Subdivision

Mr. Paul Palegelli stated the following: I'm covering Attorney Stephen Connors who is representing the applicant in this matter. This is a relatively simple matter. Lot #1 is going to be conveyed. The original lot line goes through a metal shed; therefore, originally the applicant came in just for a lot line adjustment. Mr. Williams fortunately pointed out to the applicant that 2 landlocked parcels exists so the application is to change the lot line so that the existing structures would be with Lot #1 and 3 lots would be consolidated into Lot #2. Mr. Nadeau asked did you say that they would be creating 3 lots? Mr. Palegelli stated the following: It's ultimately going to be 2 lots. There would be 3 parcels being consolidated into Lot #2 because by creating Lot #1, 2 parcels are landlocked. So they would now be Lot #2. So, it's just simply a lot line adjustment and a consolidation and a consolidation deed would be prepared and that would reflect the fact that the 3 parcels are being consolidated into 1.

Mr. Roberts made a motion to set a public hearing for the May 9, 2011 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

**11.036 NB The Beauty Parlour/Joane Mastroianni, 1471 Route 9 (Crescent Commons)
– Change of Tenant**

Mrs. Murphy recused herself from this item. Ms. Joane Mastroianni, the applicant, stated the following: I'm relocating from 1548 Route 9 to Crescent Commons. My hours of operation would be Monday through Friday 9:00 am to 7:00 pm, Saturday 9:00 am to 5:00 pm and closed on Sunday. I have one chair and I don't have a sign and I don't need a sign. I've been at my present location for 8 years and I'm just relocating to the Crescent Commons at 1471 Route 9, suite 209. Mr. Watts asked where is your present business located? Ms. Mastroianni stated I'm at 1548 Route 9, which is located next to Emerick Funeral Home. Mr. Watts asked is that the location where periodically an A-frame sign would appear out by Route 9 and our Code Enforcement Officers would have to go over and remind you that it couldn't be located there? Ms. Mastroianni stated yes and that has been removed. Mr. Watts stated I'm going to wish you well in your new location and at the same time I'm going to give you an advanced warning that same rule applies at the Crescent Commons. Ms. Mastroianni stated I'm not going to have a sign.

Mr. Nadeau made a motion to approve the change of tenant application for The Beauty Parlour/Joane Mastroianni. The Planning Board asked the applicant to be diligent on not using any portable advertising signage. Mr. Higgins seconded. Motion carried.

11.037 NB ESP Auto, 1624 Route 9 (Lee's Plaza) – Change of Tenant

Mr. Eric Pearson, the applicant, stated the following: I'm the owner of ESP Auto, which is an automotive detailing business. I'm before the Board tonight because I wish to relocate my business into the Town of Halfmoon. I'm proposing to utilize an 800 SF garage bay in the rear of the building at 1624 Route 9, which is also known as Lee's Plaza. There would be no physical changes to the site that would be necessary. The services offered would be provided to new and used car dealers and the public. The services will include exterior and interior washing, buffing and waxing. Also, engine degreasing when required, would be done off-site. Both soaps and shampoos are biodegradable. All compounds and chemicals used to buff or refinish paint surfaces are VOC compliant and meet State guidelines. Wastewater from washing and rinsing cars would be discharged to a holding tank that will be professionally removed off-site. The holding tank will receive only wastewater from washing vehicles. An enclosed metal container will be used to house soiled and contaminated towels. All compounds, chemicals and solvents will be stored in an enclosed metal cabinet. Turnover of vehicles is quick and no more than 4 vehicles will be stored on site. My hours of operation would be Monday through Thursday 8:00 am to 7:00 pm, Friday 8:00 am to 6:00 pm and Saturday 9:00 am to 5:00 pm. Mr. Higgins asked would there be any other employees besides you? Mr. Pearson stated just me. Mr. Higgins asked do you need any kind of a State license for vehicle repair; are you going to get a dealer's license or anything for this site? Mr. Pearson stated none of that for this site. Mr. Watts stated the following: I know in the past that we have had issues with that site where there were maintenance issues. Lately it has been looking great; it's a clean site and we have had no issues with anybody at this plaza. Mrs. Murphy stated the following: You can have a maximum of 4 vehicles stored at the site. Are you going to have any other type of outside storage? Mr. Pearson stated no. Mr. Roberts asked the applicant if he would have a sign. Mr. Pearson stated at this time I won't have a sign because I really don't need it right away. Mr. Watts wished the applicant good luck and asked Mr. Pearson to please advertise as being located in Halfmoon. Mr. Pearson stated yes.

Mr. Berkowitz made a motion to approve the change of tenant application for ESP Auto condition on no outside storage of materials and a maximum of 4 vehicles stored at the site at any one time. Mr. Higgins seconded. Motion carried.

11.038 NB The Fitness Artist Studio, 1581 Route 9 (Rekucki Plaza) – Change of Tenant

Mr. Tom Andress, of ABD Engineering & Surveying, stated the following: Also, with me is the applicant, Mr. Travis Gil. The Fitness Artist Studio is located in the Rekucki Plaza. The applicant wishes to occupy the space that was previously occupied by Meadowbrook Organics who will be leaving the plaza. The applicant would occupy approximately 1,340 SF, which is on the upper and lower levels. We did provide a potential floor layout for the building. This is a one on one type of fitness and it is not an open gym type of membership. There are 2 small rooms on the upper level and it would be a single room on the lower level. The fitness classes would take place with up to 6 people. There would not be any equipment in the lower level other than 3 type cycles that would be used for warm up and cool down. Mr. Higgins stated the following: You do realize that with the last applicant at this location that we had concerns about the parking. What we discussed previously was the possibility that if it starts getting crowded up on the upper level that maybe you could encourage some of the employees to park in the lower level in the back just to provide enough parking for customers in the front on the upper level. Mr. Andress stated we certainly wouldn't have any problem with that. Mr. Watts wished the applicant good luck with his business and asked the applicant to please advertise as being located in Halfmoon.

Mr. Berkowitz made a motion to approve the change of tenant application for The Fitness Artist Studio. Mr. Ruchlicki seconded. Motion carried.

11.039 NB The Pet Lodge of Clifton Park (Adirondack Pet Lodge), 1868 Route 9 – Sign

Mr. Higgins recused himself from this item. Mr. Tom Wheeler, of A J Signs, stated the following: Also, with me here tonight is Mr. Matt Sames, the owner of The Pet Lodge of Clifton Park. This is kind of a unique parcel as the building itself is located in Clifton Park and the sign is also currently located in Clifton Park. What we are looking to do is to move the sign onto the New York State Department of Transportation (NYSDOT) right-of-way. In our submissions we also provided NYSDOT's permission to do so. The reason for this is because Old Route 9 goes through the front of the parcel so there is quite a significant setback there. The applicant wishes to relocate the sign in order to more easily direct their clients to the site. So, we're looking to have the sign placed right out on Route 9 so people can see it. The biggest thing is really a safety concern because people want to board their dogs and they have no idea where this place is and Route 9 is a 55 MPH road. We really just want to have people know where to turn and not cause an accident. Mr. Watts stated the following: I know that the NYSDOT looked at it carefully because it is the NYSDOT property. Based on the particularly unique circumstances of the location of the property it was deemed okay and you have entered into an agreement with the NYSDOT to use their property. Based on the location and the lack of visibility. Mr. Ruchlicki asked how are you going to supply power to the sign? Mr. Wheeler stated we would come off the power pole that is there. Mrs. Murphy stated the following: For proposes of the record; they do have an agreement with the NYSDOT where they are paying a fee. Basically they are renting the property for the off- premise sign. Also, due to the fact that this site is unique in many ways, not to mention the fact it is on the border of two different towns. Plus the expansive part that was Route 9, that no longer is and by function of law that reverted to the State; this would be an okay approval for this Board to do despite the ban on off-premises signs. Again, based on the fact that they are actually leasing the property that they have the agreement with the NYSDOT, which we have for our review plus the unique nature of the set-up of the actual site itself and the number of accidents, etc. that have occurred as a result of the location on Route 9.

For the record: The Planning Department's write-up for the sign is as follows:

Zoning: C-1, Commercial

Sign Size: 140 SF

Sided: ☐ one-sided ☒ Two-sided

Location of Sign: At the front entrance to the site on route 9

Lighted: ☒ Internal ☐ Flood

Mr. Ruchlicki made a motion to approve the sign application for The Pet Lodge of Clifton Park. Mr. Berkowitz seconded. Motion carried.

Old Business:

11.020 OB RGH Enterprises, Liebich Lane – Minor Subdivision
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11.021 OB RGH Enterprises, Liebich Lane – Commercial Site Plan

Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: I'm here tonight to continue the discussion of the RGH Enterprises site plan and to discuss the proposed subdivision for the site. The site plan consists of the construction of a 75,000 SF office/medical supply warehouse on a proposed 8.1-acre parcel as part of the Rolling Hills Estates Planned Development District (PDD). We were here before the Board in March to present the concept plan and since then we have proceeded through a couple of reviews with the Town's engineers (CHA). Mr. Vuillaume showed the Board an overall location map showing the proposed site in relationship with the residential portion of the Rolling Hills PDD and Sysco. Mr. Vuillaume stated the following: The overall layout of the site has not changed that much. The two access points are given to separate the office area from the truck delivery area. The required parking for the site is 119 parking spaces but the applicant feels that 57 parking spaces would be more than enough for their proposed use. We are providing 57 parking spaces and landbanking 62 parking spaces if there ever should be a need to add more parking. The landbanked parking spaces would mostly be in the front by the proposed parking area along with about 12 others near the loading dock area. The detailed site plans have been submitted to the Town's Engineer and we have responded to the comments received from the engineering review. All the technical comments have been addressed. Some of the technical questions included: The grading of the site has already been performed from the prior mining operations. CHA had some concern of the 2:1 slope so the applicant hired a geotechnical engineer to review. The geotechnical report stated that the 2:1 slope will be safe and has recommended some under-drains in certain areas where groundwater seepage may be encountered. Along with the slope issue is the concern of the preservation of the buffer vegetation that is there now. The applicant will need to remove some of the vegetation in order to get the site's grading to work. To offset the removal of vegetation, the applicant is proposing to add landscaping to the top of the slope where the buffering would be most beneficial. The PDD legislation required a 100 ft buffer to be maintained along adjacent residentially zoned parcels. Through the prior mining activity, the buffer was removed in the 100 ft buffer to meet the requirements of 50 ft at that time. The applicant's proposal is to add landscaping within the disturbed buffer compared to the adjacent residentially zoned parcel there is severe topography and wetlands next to the this proposed site. There are a number of development scenarios for the residential land that has been submitted to the Town and due to the land restraints there would most likely be no residential dwelling closer than 200 ft to the property line. The other issue that was discussed was the extension of Liebich Lane as part of gaining access to the proposed site but also that the Rolling Hills PDD legislation calls for the road to be brought out to Tabor Road. Liebich Lane is terminated at the end of the Sysco property and that the PDD legislation calls for Liebich Lane to be extended after the completion of Phase II of the Rolling Hills residential development. The owner of the property, RJ Valente, would like to extend Liebich Lane to the Phase II part with a gravel road instead of paving it right now. The reason for that is that there is a lot of material that needs to be removed from Phase

III and instead of the construction trucks traveling up and disturbing the pavement, the owner wishes to keep the road at a gravel base. That's my presentation and that there are representatives here from the construction company and RJ Valente Material Group. Mr. Williams asked the applicant to present the proposed subdivision to the Board before the Board starts its discussion. Mr. Vuillaume stated the following: The proposed RGH Enterprises site is proposes to subdivide an 8.1-acre parcel out of the existing 110-acre parcel that has been designated for the Light Industrial/Commercial component of the Rolling Hills PDD. The proposed parcel will contain all of the improvements of the proposed site plan and will have frontage on Liebich Lane. Mr. Watts asked the Board if there are any questions. Mrs. Murphy stated the following: I reviewed the Rolling Hills PDD language on the Liebich Lane issue and although it looks like there may be a typo, it has always been the intent of the Planning Board to have the Liebich Lane extension completed after Phase I and prior to Phase II being started. The past Rolling Hills Planning Board minutes make that intent very clear. Mr. Vuillaume stated that Phase I is very near complete, there are 5 building permits issued in Phase II. Mrs. Murphy stated then now is the time to complete the extension of Liebich Lane. Mr. Watts asked what the owner intends to do. Mr. Vuillaume stated the owner wishes to gravel the road base until Phase III is graded out. Mr. Watts asked what the educated guess would be as to when Phase III would be graded out and Liebich Lane is completed. Mr. Dean Marrotta, Valente Material Group, stated the following: What we wanted to do is extend Liebich Lane a couple hundred feet past the RGH Enterprises site and then gravel the road up to the Phase II part. The reason is that because Phase III has 30,000 yards of material that needs to be removed. We had a meeting with the Town and they asked to have the road graveled by June 1, 2011 to minimize construction traffic passing through Phase I. I was not part of the initial discussions of the road extension during the planning of Rolling Hills PDD and that he only has the Rolling Hills PDD legislation to guide him. The PDD language states that before the last CO is given in Phase II that Liebich Lane needs to be finished and that is our intent. The whole thing is market driven, if we get half of Phase II sold it is our intent to start grading Phase III. We have a contract with Lucarrelli & Sons to construct Liebich Lane. Once the material is removed from Phase III we would finish the Liebich Lane extension. Mr. Watts asked when would this all happen? Mr. Marrotta stated that sales have been good with five sold and 8 pending so we would have Liebich Lane completely gravel based this year with the binder course completed next Spring. Mr. Watts asked when would people on Tabor Road be able to travel down Liebich Lane to get to Route 9? Mr. Marrotta stated I believe next Spring. Mrs. Murphy remarked that what Mr. Marrotta stated was written in the PDD, is not what the PDD says and I don't want the Board to be confused. Mr. Nadeau stated the following: Three of the present Board members were on the Board when this project was started. The intent was to extend Liebich Lane at Phase II and allow the applicant to do Phase I to work up the money needed for the extension. At every meeting it was the Board's intent to have Liebich Lane extended prior to Phase II being started. The whole idea for this was to have the construction traffic, the same construction traffic happening right now, be removed off of Cary Road and use Liebich Lane. That was the whole objective of the Board. Mr. Marrotta stated the following: I do not disagree. RJ Valente took back the development from Charlew Builders who built Phase I. Before RJ Valente took over the development, we visited the Planning Department and spoke to Mr. Williams. Mr. Marrotta asked Mr. Williams if they were interpreting the PDD language correctly with it saying that Liebich Lane needed to be extended prior to the completion of Phase II. Mr. Williams stated that is what happened. Mrs. Murphy stated the following: I would suggest that I put together a packet with all of the meeting minutes that makes it very clear what this Board's intent was with regard to this issue. The Board can continue with setting the Public Hearing with the understanding that this Board's and the Town's opinion in the minutes are very clear when the road needs to be completed. The intent was to have the road completed prior to Phase II receiving CO's. Mr. Vuillaume asked is there an urgency to get this road completed. Mrs. Murphy stated the urgency comes from removing construction traffic from Cary Road. Mr. Vuillaume

stated that with the gravel road being placed that it would allow construction traffic to use Liebich Lane. Mrs. Murphy stated that the whole thought process was to allow all traffic access to Route 9 instead of using Cary and Tabor Road. Mr. Higgins added that at the Public Hearing held for the PDD it was a major concern of the residents that traffic needed to be alleviated off of the existing roads and by extending Liebich Lane would mitigate that concern. Mr. Watts asked if Mr. Valente was at the initial meeting held for the Rolling Hills PDD. Mr. Higgins stated he was on the committee and Mr. Valente was at committee meetings and Board meetings. Mr. Roberts stated throughout the process it was always stated when Liebich Lane needed to be extended but every time it comes up the applicant asks for a delay. Mrs. Murphy stated I do not believe the applicant is saying they are not going to extend the road but they are going to review the minutes we provide and agree to do what is stated and what the Town wants. Mr. Marrotta stated the following: I looked at the legislation and interpreted it with the Planning Office last Fall. We would not be able to complete Liebich Lane at the start because it is a one million dollar project. We understood what the PDD language stated but now we are here tonight hearing something different. Mrs. Murphy stated the following: That is because you were not here during the initial concerns of this Board and when this Board agreed when Liebich Lane would be extended. This is all in the minutes where the engineers and applicant agreed on the timing. I will provide you with a packet of information for you to make it clear to you and there will not be a misinterpretation. Mr. Watts asked are all other issues addressed? Mr. Bianchino stated the following: We asked the applicant to provide pictures and information on the buffer that was disturbed. The Rolling Hills PDD received a negative declaration to SEQR with the buffers and now they have been disturbed. We need to look at the buffer as it is now and what is being proposed to mitigate them to make a determination of the impact. Mr. Watts stated is everything else satisfied with the site plan absent the Liebich Lane issue? Mr. Bianchino stated yes, except a few minor stormwater details that will be worked out. Mrs. Murphy stated the following: A Public Hearing needs to be set and the outstanding engineering things can be resolved. The 100 ft buffer has been disturbed that was needed for the negative declaration on this project regarding SEQR? We need to look at that issue and whether there are any negative impacts with the loss of some of the buffer. If so, we would need to re-open the SEQR process for the PDD itself. I think we will get through the issue but I want that understood. Mr. Higgins asked about the 57% greenspace with the landbank parking. Mr. Vuillaume stated the 57% greenspace excludes the landbank parking. Mr. Ruchlicki asked where the corner of the building is near the steep bank and what the distance was. Mr. Vuillaume stated about 20 feet and will be a grass area. Mr. Higgins asked if the fire department is OK. Mrs. Zepko stated yes. Mr. Watts read a letter from Mr. Stiles on Route 9 with his concern of drainage leaving the site and possibly impacting his land. The letter has been entered into the file. Mr. Rick Machnics, GEIS Construction, the following: I would like to thank Board and asked if the issue with the extension of Liebich Lane would delay the construction of the site. Would the Liebich Lane extension issue impact the development? Mr. Watts stated the following: That it is conceivable. The Board may make a determination that the project cannot be approved without the Liebich Lane being extended or the developer may not agree to the timing. There are a number of scenarios that could play out to slow your project. The attorney is going to put some information together for the owner to review. Mr. Machnics stated that his concern is that his client may be in the position to withdraw if they cannot move forward in a timely manner. Mr. Watts stated I understand that. I hope the owner understands that the Town went out of our way to get this project started and have worked diligently to get to the point where we can make a decision on the proposed site and use. Mr. Marrotta stated what would happen if we pushed the Liebich Lane extension and we would have the binder course placed and ready to be traveled upon by the Fall. Mrs. Murphy suggested that she prepare the information packet. Mr. Marrotta stated that he does not wish to go there, that he is tired of arguing the point. Mr. Watts asked if you put the binder down, and the Town writes some sort of agreement stating that, you would

have Liebich Lane extended by Fall. Mr. Marrotta stated yes. Mrs. Murphy stated there is no action being taken by the Board tonight but the Board would be satisfied with that agreement as a compromise to this matter. Mr. Nadeau stated that would be fine and RJ Valente knows this is the time to get the road in. Mr. Ruchlicki asked how much material would be removed from Phase III. Mr. Marrotta stated according to our engineer there could be about 30,000 cubic yards. Mr. Ruchlicki asked if the applicant would be able to remove that much material prior to getting the road extended by the Fall. Mr. Marrotta stated yes. Mr. Watts stated that we have reached a rational compromise with rational people who wish to do the right thing. Mr. Machnics asked will the Planning Board make a determination for the site plan. Mr. Watts stated we are not going to take any action on the site plan tonight. We are going to vote on setting the needed Public Hearing for May 9, 2011 and at that time if everything is in order including the agreement of the timing of the Liebich Lane extension and our engineers determination with the buffering issue for SEQR, we will be ready to vote on the site plan. Mr. Watts asked for motion on the Public Hearing to be set for the next Planning Board meeting on May 9, 2011.

Motion for Project #11.020 - RGH Enterprises, Liebich Lane – Minor Subdivision

Mr. Roberts made a motion to set a public hearing for the May 9, 2011 Planning Board meeting for the RGH Enterprises proposed site. Mr. Nadeau seconded. Motion carried.

Motion for Project #11.021 - RGH Enterprises, Liebich Lane – Commercial Site Plan

This item was tabled for further review of buffering, Liebich Lane Extension and to allow the public hearing to proceed.

Mr. Berkowitz made a motion to adjourn the April 25, 2011 Planning Board Meeting at 7:51 pm. Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary