

Planning Board Minutes - April 26, 2004

Those present at the April 26, 2004 Planning Board meeting were:

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

Planner: Jeff Williams

Town Attorney: Bob Chauvin
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak
Mindy Wormuth

CHA Representative Mike Bianchino

Mr. Watts opened the April 26, 2004 Planning Board Meeting at 7:03 PM.

Mr. Watts asked the Board if they have reviewed the April 12, 2004 Planning Board Minutes. Mr. Roberts made a motion to approve the April 12, 2004 Planning Board Minutes. Mrs. Patenaude seconded. Motion Carried.

Public Hearing:

03.143 Halfmoon Sports Complex, 6 Corporate Drive, Commercial Site Plan – PDD
Emerick/Abele Subdivision, 1554 Rt 9, Minor Subdivision

Mr. Watts opened the Public Hearing at 7:05 PM. Mr. Watts asked if anyone wished to have the Public Notice read. No one responded. Mr. Tom Andress, ABD Engineering, presented a minor lot line adjustment to the Board which will add ~0.39 acres of Land of Emericks to the Halfmoon Sports Complex site. Mr. Andress explained the added area allows the applicant to provide all required parking to be on site by re-locating the proposed building location. Mr. Andress continued with the site plan stating they have revised the site plan per CHA's comment letter. The changes are the re-location of the proposed building, all required parking is represented on the site, the access drive has been relocated further away from Auto Mate's driveway and have looked into the drainage/buffer concerns from the adjoining neighbor. Mr. Andress explained the retaining wall would help in keeping the existing trees in place, which will benefit buffering from the adjoining neighbor. The site plan shows an additional evergreen tree buffer to be placed to enhance the buffering. Mr. Andress stated that the drainage and potential flooding has been reduced by the installation of the storm water management area for the site. All storm water will be conveyed to the storm water management area. Mr. Andress stated the drainage corridor between the site and the adjoining landowner conveys water toward Grooms Road. The elevation difference between Grooms Road area and the site is about 35 feet. Water should be able to flow freely through the area if the drainage corridor is kept clear. Mr. Watts asked if anyone from the Public would like to speak. No one responded. Mr. Watts closed the Public Hearing at 7:12 PM. Mr. Bianchino stated that he has discussed the flooding/buffering issue with Mr. Andress and finds the reasoning acceptable and asked for Mr. Andress to file an exhibit explaining the potential flooding issue and how it is mitigated.

Mr. Roberts made a motion for a Negative Declaration as to SEQR. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the Site Plan contingent of CHA's sign off. Mr. Nadeau seconded. Motion carried.

Mrs. Patenaude made a motion to approve the minor subdivision. Mr. Berkowitz seconded. Motion carried.

Mr. Watts welcomed the project to the Town of Halfmoon explaining that he believes there is a great need in the Town for a recreational facility. Mr. Watts also explained that he feels the applicants and the Planning Board worked very diligently on creating a sound project but cautioned the applicants that if traffic and parking became an issue with people parking on the streets that the applicant would be asked to appear before the Board to re-visit the issues with hours of operation, scheduling and intensity of use.

04.120 Lot 1 Halfmoon Executive Park, 1 Executive Park Drive, Minor Subdivision

Mr. Watts opened the Public Hearing at 7:17 pm. Mr. Watts asked if anyone from the Public wished to have the notice read. No one responded. Mr. Address stated the proposed subdivision was to separate two commercial uses on the same lot so that the owner may sell the properties separately. Mr. Address stated they have submitted easement language to the Town Attorney. Mr. Address stated that both lots conform the minimum lot requirements for a commercial zoned parcel as described in the Town's Zoning Ordinance. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:18 pm. Mr. Chauvin requested the applicant to file the easement with the County Clerk's Office and submit a copy to the Town's Planning Department.

Mr. Roberts made a motion to approve the commercial subdivision contingent on the Town Attorney's request. Mrs. Patenaude seconded. Motion carried.

04.144 Lepkowski/Micheals Subdivision, 91 Pruyn Hill Road, Minor Subdivision

Mr. Watts opened the Public Hearing at 7:20 pm. Mr. Watts asked if anyone from the public wished to have the notice read. No one responded. Mr. Gil VanGuilder presented a subdivision plan showing a transfer of 2.8-acres of Lands of Lepkowski to the Lands of Michaels. Mrs. Lepkowski's land will be ~2-acres after the land transfer and the Michaels will be ~4.8-acres. Mr. VanGuilder stated there would be no new building lot created from the proposed action. Mr. Watts asked the public if anyone wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:22 pm. Mr. Chauvin asked Mr. VanGuilder to place a note on the plan stating no new building lot has been created. Mr. Nadeau asked if there are any drainage issues with the drainage corridor that bisects the Lands of Lepkowski. Mr. VanGuilder stated no.

Mr. Nadeau made a motion to approve the subdivision. Mr. Berkowitz seconded. Motion carried.

Public Informational Meeting:

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

Mr. Watts opened the Public Informational Meeting at 7:24 PM. Mr. Watts asked if anyone wished to have the Public Notice read. No one responded. Mr. Address stated that a proposal for the old Crescent Salvage Yard site was brought before the Board in 2001. The proposal at that time was for a 3-lot subdivision for commercial uses. Due to concerns raised by the area residents on too intense of a development for the area, the applicant withdrew the application.

The applicant is now asking to place a 9,600 SF maintenance/storage garage and to improve the existing office building for the applicant's use only. AJS Masonry is a specialty masonry business, which currently is utilizing the Callahan Warehouse site at the end of Dunsbach Road. Mr. Address stated there would be no difference in traffic because the proposed site and Callahan site utilizes Dunsbach Road to travel. Mr. Address stated the existing building will be re-furbished to utilize as an office and the front of the site will be enhanced with additional green space. The existing gravel driveway will be re-stoned and buffering with a 6ft wood stockade fence will be added around the perimeter of the site. Mr. Watts asked if anyone from the Public wished to speak. Mrs. Judy Champagne, 156 Clam Steam Road, stated she reviewed the Planning Department file and was concerned that this proposal is another request to re-zone the area. She stated that the letters submitted with the application from area people stating they do not object to the proposed project are from people who either own businesses, such as apartments or mobile home parks, or that they have are not involved or affected by the proposed project. She stated the engineer stated that no additional traffic would occur from the project because the applicant already used Dunsbach Road to travel from Callahan's. Mrs. Champagne stated that there will be another tenant at Callahan's and that will add more traffic. Mrs. Champagne stated her greatest concern is the request for a zoning change under the PDD process. She continued that the SEQR document stated the project is compatible with the surrounding area up to a ¼ mile radius, which she disagrees. She stated that the project is not compatible with the surrounding residential uses and asked he Board to turn down the request. Mr. Frank Becker stated he never had a problem with the former junkyard. He stated that he would like the area to match the recommendations from the Town's Master Plan. He stated he understood that the conceptual Krause's plan would bring sewer to the area, which is conducive to more residential growth. Mr. Connassi stated there is an existing culvert pipe to the north of the site that needs to be looked at. The culvert pipe does not drain the area now and is concerned with extra development the drainage condition will worsen. Mrs. Karen Devendeltti, 4 Dunsbach Road, stated the proposed building would be able to be seen from her backyard. Mr. Address explained that there will be a 6ft stockade fence and additional plantings to help buffer. Mrs. Patenaude asked why the proposed building is showing a 25 ft setback instead of a 50ft setback. Mr. Address stated that the placement of the building was set to allow existing vegetation to remain and utilize an existing 10ft fence to help to buffer. Mr. Watts asked if anyone else would like to speak. No one responded. Mr. Watts closed the Public Informational Meeting at 7:43 pm. Mr. Nadeau asked how did the Planning Department notify the area of the Public Informational Meeting. Mr. Williams explained that the Planning Board asked to have the area of notification expanded during the 2001 proposal. The Planning Department used the same list as it did in 2001. Mr. Higgins stated he is concerned with the run off from the site with the expanse of the gravel parking area. Mr. Higgins

asked if they could relocate the building further away from the side yard, which would help with run off and buffering for the residents. Mr. Address stated it may work and would review the idea. Mrs. Patenaude asked for a copy of the Environmental Audit. Mr. Nadeau asked what the public benefit would be from this proposed PDD. Mr. Address stated the former use was a salvage yard and that the applicant is willing to clean up the area. The commercial use would strengthen the tax base. The area is zoned R-1 and if the site was to be developed residentially that would be a greater increase to traffic. Mr. Roberts stated that he feels that this project is a better proposal from the last one and that there would be less of an impact from this proposal if it were developed R-1. Mr. Berkowitz stated the site has been cleaned up from two years ago and questioned if he would ever buy a home on the site knowing the past use. Mr. Address stated that the applicant wishes to work with the area residents and offer any mitigation that would alleviate their concerns. Mrs. Patenaude asked the applicant to review the plans and try to come into conformance with the buffering and setback requirements. Mr. Nadeau asked the applicant what the proposed maintenance/storage building would be used for. Mr. Schecotti stated to maintain the vehicles and to service the equipment and to store the equipment. Mr. Berkowitz asked if there would be storage of flammable material. Mr. Schecotti stated no other than a gas can. Mr. Watts stated the item would be tabled for further review for the Town's engineer firm.

Old Business:

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

Mr. Gavin Vuillaume, EDP, presented the Board the revised plan showing the existing mature trees to remain along Crew Road as per the agreement with the committee review team of Mr. Roberts and Mr. Berkowitz. Mr. Roberts made a motion to approve the site plan contingent on the applicant gaining all work permits required by NYSDOT. Mr. Berkowitz seconded. Motion carried.

04.129 TEC Protective Coating Inc., 25 Brookwood Road, On-Site Work

Mrs. Patenaude recused herself from this application. Mr. Pete Verdinna, a chemist representing TEC protective coating, appeared before the Board to request approval to perform on-site work at the former Sharp's rigging site. Mr. Verdinna stated TEC would improve the site by placing ventilation and state of the art media blasting facility onto the site. Mr. Verdinna continued that the applicant only works on virgin steel and that any of the material blasted off will not be considered hazardous. Mr. Berkowitz asked if there ever would be old salvaged steel used. Mr. Verdinna stated no. Mr. Higgins stated the former site was used for storage of equipment like cranes and such. Mr. Higgins is concerned with the residential uses in the area and the possibility of strong odors being emitted from the site. Mr. Verdinna stated that all of the coatings used are meet all of the standards for VOC's and that the media used during blasting are not considered a hazardous waste and can be thrown away. Mr. Verdinna stated that the applicant wishes to incorporate a system that will allow up to 90% of the media to be re-used for blasting and all work will be done within a sheltered area. Mr. Nadeau stated that DEC has criteria where permits are needed and stated it would be up to the applicant to ensure they are within the States regulations. Mr. Berkowitz made a motion to approve the on-site operations as described in the submitted narrative. Mr. Roberts seconded. Mr. Higgins opposed. Motion carried by a 6 - 1 vote.

04.141 Betts Subdivision, Betts Lane, Minor Subdivision

Mr. Wesley Betts presented a minor subdivision plan showing two new lots that are to be proposed by an access easement and have no road frontage. All other lot requirements are met by the proposal. Mr. Roberts made a motion to deny the proposed minor subdivision. Mr. Nadeau seconded. Motion carried.

04.143 Snyder's Restaurant, Old Rt 146/Rt 9, Addition to Site Plan

Mr. Gil VanGuilder presented a plan showing a proposed addition to the existing restaurant. Mr. VanGuilder stated that he has the County's response on their concern with the parking spaces in the ROW. Mr. VanGuilder stated there is plenty of room to reconfigure the parking scheme. Mr. Higgins stated there are apartments above the restaurant and if parking is needed for that use. Mr. Nadeau stated he understands that the proposal does not meet the requirements for a corner lot and that the use is conforming but the area is pre-existing, non-conforming. Mr. Chauvin stated the proposal does not meet the set back standards for a corner lot where two front yard setbacks need to be met.

Mr. Roberts made a motion to deny the addition to existing site plan due to the proposed addition does not meet the requirements of a corner lot. Mr. Nadeau seconded. Motion carried.

New Business:

04.140 Adirondack Pet Lodge, Old Route 9, Access for Commercial Site

Mr. Martin Zanghi, Boswell Engineering, presented a proposal to utilize Old Rt 9 for the access of an Animal Care Facility located in the Town of Clifton Park. The access area has about of 6/100 of an acre in the Town of

Halfmoon. Mr. Zanghi stated they need approval from Halfmoon for the access to get site plan approval from Clifton Park. Mr. Zanghi states that NYS abandoned the road to the Town of Halfmoon in 1963. Mr. Zanghi understands the Town of Halfmoon Highway Department has not maintained Old Rt 9 in years. Mr. Zanghi stated that there are several people who utilize Old Rt 9 which are Nordaki, NiMo and now his pet lodge applicant. Mr. Zanghi stated that CHA has recommended, while performing a review for Clifton Park, that he applicant take over maintenance responsibility. Mr. Zanghi stated that request would be financially burdensome for his client. The maintenance should be shared with all that utilize the road. Mr. Chauvin stated he is researching the issue of the abandonment of Old Route 9 and what will be needed to resolve the issue. Mr. Roberts stated that the applicant may need to review the submitted sign application and that the sign should be lower in height. This item was tabled for the Town Attorney to review the issues with Old Route 9.

04.151 North Country Toyota, 202 Rt 146, Sign

Mr. Dan Tompkins presented a sign application for the Toyota car dealership to replace their existing pylon sign with a new sign with the new "Scion" advertising. The sign will be smaller than the existing sign and will be placed in the same location, which is 54 ft from the edge of pavement. Mr. Tompkins stated the area of the proposed sign is 175 SF with a total height of 15 ft. All existing signage is within the area allowance for signage per the Town's Zoning Ordinance. Mr. Roberts asked if there would be any neon. Mr. Tompkins stated no. Mr. Higgins requested that the applicant should use "Halfmoon" in their advertising. Mr. Tompkins stated he would relay the message to the applicants.

Mr. Roberts made a motion to approve the sign as presented. Mr. Higgins seconded. Motion carried.

04.152 Electronic Specialist Inc., 1428 Rt 9, Change of Tenant & Sign

Mr. Harold Father Jr., applicant/owner, presented the change of tenant application to utilize the former Landry Auto Garage as an electronic repair shop. Mr. Nadeau asked who is presently in the building. Mr. Father stated the building is presently vacant. Mr. Roberts asked if there would be any outside storage. Mr. Father stated no. Mr. Nadeau asked what type of repairs does the business perform. Mr. Father stated televisions, audio and other electronic repairs. Mr. Higgins asked if there was sufficient parking. There are 8 parking spaces from the Landry Auto Garage site plan. Mr. Father stated that most of their work is performed at the customer's site and repairs at the site will be a drop off and pick up service. Mr. Roberts asked about the sign application. Mr. Father stated he has withdrawn the application for now to review and re-submit at a later date. Mr. Berkowitz made a motion to approve the change of tenant application. Mr. Higgins seconded. Motion carried.

04.153 Realty USA, 1547 Rt 9, Commercial Site Plan

Mr. Brett Steenburgh, engineer representing Realty USA, presented a concept site plan for a 21,000 SF office building to be used as the regional headquarters for Realty USA. The site is zoned C-1 and is a 2.5-acre parcel located south of the WalMart site. There are the required 105 parking spaces provided on the site plan. Mr. Steenburgh stated they are proposing public water and have contacted the Town's Water Department. The applicant is proposing public sewer by connecting to WalMart's existing line by using a low-pressure grinder pump. The site is proposing a right in and right out onto Rt 9 and a shared access easement as part of the WalMart site, which will allow people to utilize the WalMart traffic light on Rt 9. There will be a storm water management area on the site and a berm with pine trees to help buffer the neighboring residential uses to the east of the site. Mrs. Patenaude asked if there are 100-125 employees, how will 105 parking spaces be sufficient. Mr. Steenburgh stated that realtors come and go and will not all be at the office at the same time. Mr. Nadeau asked if there is training conducted at the site. Al Peechey from Realty USA stated yes with about 10-15 people. Mr. Higgins stated that the Board will ask for a greater buffer for the residential uses on Plant Road. The Planning Board stated they would look into the buffer requirements between two districts and/or two different uses. Mr. Chauvin asked for the applicant to submit a narrative describing the operation of the site with number of employees, different involved offices within the corporate structure and their uses and training operations. Mr. Watts asked about the design of the building. Mr. Steenburgh stated it would have a colonial look and the appearance of a residential structure.

Mr. Watts stated they would table this item for further review and referred the application to CHA.

04.154 Fellows Subdivision, 82 Fellows Road, Minor Subdivision

Mr. Gil VanGuilder presented a minor subdivision application to the Board with a request of creating two new lots from the existing 84.2-acre parcel located on Fellows Road. The parcel is zoned R-1. The first lot will be 2.60-acres and will separate the existing Fellow residence from the 84.2-acre parcel. The second lot will be a 1.71-acre parcel and will be left vacant.

Mr. Roberts made a motion to set a Public Hearing at the May 10, 2004 Planning Board meeting. Mrs. Patenaude seconded. Motion carried.

Mrs. Patenaude made a motion to adjourn the April 26, 2004 Planning Board meeting at 8:51 PM. Mr. Ruchilicki

seconded. Motion carried.

Respectfully submitted,

Jeffrey R. Williams
Town Planner