

## Town of Halfmoon Planning Board

### January 26, 2009 Minutes

Those present at the January 26, 2009 Planning Board meeting were:

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

***Alternate***

**Planning Board Members:** Bob Beck

**Senior Planner:** Jeff Williams

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Paul Hotaling  
 Walt Polak

**CHA Representative:** Mike Bianchino

Mr. Watts opened the January 26, 2009 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the January 12, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the January 12, 2009 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

**Public Hearing:**

**08.060 PH      Donati Subdivision, 172 Anthony Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:00 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am here tonight representing the Donati's in their proposal to create a 5-lot subdivision. The parcel is located on the southwesterly side of Anthony Road about a quarter mile east of Farm to Market Road. Again, the proposal is for 5-lots but in essence they would be creating 3 new lots. The Donati's currently have 2 deeded parcels. The parcels total approximately 14-acres. What we are proposing to do is to create a flaglot scenario with 4 of the lots coming off of one common drive and the Donati's will come off of their existing drive. Lot #1 includes all the improvements for the existing house; lot #2 would be a little over 9.0-acres which includes all the wetland areas that cannot be developed. This lot can no longer be subdivided. Lot #3 is a little over 1-acre, Lot #4 would be 1.4-acres and Lot #5 would be 1.3-acres. The subdivision is set-up to tie into public water and each of the lots would have an on-site septic. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:02 pm. Mr. Ouimet asked if all the

homes would be single-family homes. Mr. Rabideau stated yes as per note number 5 on the map. Mr. Watts asked if the note stated that all lots would be single-family? Mr. Rabideau stated that is correct, with the potential for review by the Planning Board if someone decides differently. Mr. Nadeau stated regarding Lot #2; are most of the remaining lands undevelopable? Mr. Rabideau stated that is correct. Mr. Higgins stated as far as the proposed common driveway it looks to me like Lot #4 would own it and asked if the other lots would have easements to utilize the common driveway. Mr. Rabideau stated Lots #3, #4 and #5 would have ownership of portions of the driveway but they have a common ingress/egress and utility easement over all 3 of the parcels so there shouldn't be any issue with access and their utilities. Mr. Ruchlicki asked how wide is the entrance at its widest point on Anthony Road. Mr. Rabideau stated it would be about 16 FT wide and it would be wide enough for fire apparatus. Mr. Ruchlicki asked if it would appear as one driveway. Mr. Rabideau stated the following: Yes that is correct. It would be one driveway and would basically be setup so that it would not appear to be a bowling alley type thing because they want to do a nice job. Mr. Ouimet asked have you figured out where the snow would be plowed to when they plow all of those driveways because they wouldn't want to plow it in the turnaround. Mr. Rabideau stated I would assume they would plow down. Mr. Ouimet stated the following: Right but at the end of the common driveway is a driveway. I am concerned about Lot #5 and if they push all the snow down from Anthony Road to Lot #5 where is it going to go? Mr. Rabideau stated basically you plow it to the side. Mr. Ouimet stated well they have to turn the plow around somewhere. Mr. Rabideau stated when the plow goes in there, they plow in and this is generally done by a pickup truck. Mr. Higgins asked where Lot #1's driveway would come out. Mr. Rabideau stated it would come out where the existing driveway is now located. Mr. Higgins stated then you are going to have 2 driveways within 30 FT of each other. Mr. Rabideau stated the following: It is probably about 40 to 50 FT. Mr. Higgins stated the plan shows the driveway for Lot #1 is going to have to get an easement anyway where it is shown, because they will be on other people's property. Mr. Rabideau stated yes that falls within this common ingress/egress easement area. Mr. Higgins asked if there was any way that they could redo that so it is a common driveway because I am concerned about the 2 driveways being so close together. Mr. Rabideau stated from one driveway to the other there is a drop of about 6 to 7 FT and that would be an issue. Mr. Higgins asked if it drops off that much, how is the sight distance and can the people coming out of the common driveway see to the right if it drops 6 to 7 FT? Mr. Rabideau stated the following: When they are waiting to pull out of the driveway, there is good sight distance both ways. Looking left it would be about 570 FT and looking right it would be about 670 FT, which is good sight distance and that is why we picked that spot. Mr. Higgins asked if the easement language had been submitted to the Town Attorney for review? Mr. Rabideau stated no. Mrs. Murphy stated the following: The bottom line is that the easement would be enforceable against private landowners and the Town wouldn't have control over it. In the past this Board has asked me to review them just to ensure that they exist. It is a buyers beware situation and really not the Town's issue. Mr. Watts stated that is going to be an issue amongst the people making the purchase as well as keeping track of the snow plowing and all that. Mr. Rabideau stated yes, there would be some driveway maintenance agreement and there maybe a situation where they're all doing it and paying for the service. Mr. Higgins asked if the extension of the water district had been approved. Mr. Rabideau stated I believe we are in the water district. Mr. Williams stated I believe they are in the water district but I will check with the Water Department. Mr. Rabideau stated yes because we talked about that and you said we were and we do have a water main on the north side.

Mr. Berkowitz made a motion to approve the Donati minor subdivision contingent on the parcels being located within the Town's water district. Mr. Ruchlicki seconded. Motion carried.

**New Business:**

**09.003 NB I Love NY Pizza Catering, 1 Plant Road – Concept-Commercial Site Plan**

Mr. John DeFino, Architect, stated the following: I would like to thank Chairman Watts and the Planning Board for allowing us to submit this revised project. The proposal for this project is now that of a catering only business and would not be open to the public. There would be approximately 2 full-time employees and maybe 1 part-time employee that would do deliveries. There would be no pickup and it would not be a restaurant. This change was made because of the concerns that the Planning Board had over the traffic impacts on Plant Road. After a lot of consideration, my client thought that maybe this would be the thing that would finally help that situation. Mr. Watts asked if the business would be catering and delivery. Mr. DeFino stated yes sir. Mr. Watts asked could someone who was driving by stop in and be able to buy a pizza. Mr. DeFino stated the following: No. If someone did come in to order a pizza, we would tell them that we could deliver it to them but they can't pick it up. Mr. Nadeau asked what if someone called and said they were going to be driving by in a half hour and asked if they could stop in to pick up a pizza. Mr. George Lulgjuarj, the applicant, stated delivery yes, no pick-ups. Mr. DeFino stated the following: I also asked Mr. Lulgjuarj the same thing. I think Mr. Lulgjuarj is at a point now where in order to just make it work and to make a living because he does have another restaurant that he owns in Delmar which is basically his income and this proposal would be a chance to pay his bills. As you are aware, Mr. Lulgjuarj owns this property, which doesn't have a building on it, and I think he can make a go of it with just deliveries. Mr. Lulgjuarj stated this is the only choice I have because you guys are concerned about the traffic and now we have eliminated the traffic completely. Mr. Watts stated the following: We also did not have a choice in terms of making sure of the safety of people driving on Plant Road. You did purchase the property and that is why we have worked with you to try to get you to a point where everything is safe and that is as much as we can do. Mr. Watts asked what is the size of the proposed building. Mr. DeFino stated the following: It would be a lot smaller than it started out to be. The building would be approximately 23 FT x 56 FT or 1,288 SF and we are showing 6 parking spaces in the rear of the building including a handicap parking space. This is a lot more than I think he needs but he can easily accommodate that. It would just be Mr. Lulgjuarj and his wife working there and in the afternoon he would have a part-time delivery person. Mr. Lulgjuarj stated I would do deliveries also. Mr. Higgins stated if this is going to be delivery only, why do you need a front entrance? Mr. DeFino stated the following: There would be 2 exits, one in the rear and one in the front. The building has frontage on Plant Road and it should have an architectural front and back. Mr. Higgins stated there would be a main entrance but you would utilize the rear entrance most of the time. Mr. DeFino stated the people would only be using the rear entrance and I don't think anyone would ever use the front entrance. Mr. Lulgjuarj stated no one would use the front entrance because the business would advertise for deliveries only. Mr. Watts asked if they would have a sign. Mr. DeFino stated the following: He will have a sign but it would say "I Love NY Pizza Catering". Obviously in the beginning people would be driving by and they'll see the name "pizza" and they will have to be turned away but eventually it would catch on through advertisements in the papers and whatnot that it is a delivery only. Mr. Lulgjuarj stated the following: My business in Delmar is 80% deliveries and 20% pick-ups. The Board's concern was the traffic so I eliminated the traffic. Mr. Nadeau stated a concern I have is what is the Board's control once we give an

approval and there are issues at that site? Mr. Watts asked Mr. Nadeau if he was referring to people coming to the business. Mr. Nadeau stated I would have a hard time turning somebody away who walks into my store wanting to buy this item and I'd have to say, "I'm sorry but you are going to have to call to order the item". That wouldn't happen because I would sell the item to them. What is our mechanism for policing that? Mrs. Murphy stated the following: What would happen is the site plan would be contingent upon delivery only and then the way that we have changed the local laws in the Town of Halfmoon we could enforce that provision by citing the applicant and fining him applicably with regards to any violation. If you are asking me practically what would that look like, that is a more interesting statement because that would involve having a Code Enforcement Officer basically on site making sure nobody is coming there and picking up. Mr. Watts stated the following: That could be generated either by a complaint from neighbors or visual observations when a Code Enforcement Officer is out doing inspections. Generally if things were going on, people in the neighborhood would say something. Will you have tables inside for people to sit down at? Mr. DeFino stated there would be no tables. Mr. Ouimet stated the following: Regarding the floor plan, the more I look at it the more I see the front of the building being the main entrance and everything seems to be set up that way. There is a vestibule, a counter and offices in the back. If the back is going to be predominately the way you enter the building, why wouldn't it be reversed? Mr. DeFino stated the following: Because that is where the parking is and it is not a building that the public is going to be coming into. We do have to have 2 means of egress. I understand that the exit in the front looks like a front entrance but practically speaking the entrance and the use of the building is in the rear. Mr. Ouimet stated the following: I guess it is just mislabeled "front entrance". Mr. Lulgjuarj stated yes. Mr. Ouimet stated the thing that is confusing me is that the counter is in the front of the building and not in the back of the building. Mr. DeFino stated the following: I think the counter is for making the pies or making the food. It is not a counter where somewhere would purchase food and it would be strictly a work surface counter. Mr. Berkowitz asked if the counter was open to the hallway. Mr. DeFino stated yes, basically this is a continuous hallway. Mr. Berkowitz asked if the counter had a half wall. Mr. DeFino stated the following: Yes it is a half wall with a counter on top. It is possible for someone to drive-up and come in the back and sit down with Mr. Lulgjuarj to make plans for ordering catering of a Super Bowl party or something like that. Mr. Lulgjuarj stated people can call and make appointments for the catering. Mr. Watts asked so there will be absolutely no pick-up of food. Mr. Lulgjuarj stated you have my word; there would be no pick-up. Mr. DeFino stated and that is what the Certificate of Occupancy would be based on and that is what the use of the property would be. Mr. Roberts stated if you are going to have a sign, you would need to come in for a sign application.

Mr. Roberts made a motion to approve the commercial site plan for I Love NY Pizza Catering contingent upon the business will be for delivery only with no take-out or seating. Mr. Nadeau seconded. Motion carried.

**Old Business:**

**07.101 OB Glen Meadows PDD, 130 Upper Newtown Road – Major Subdivision/  
PDD**

Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: I am here tonight with Mr. Chris Abele, of Abele Builders, to present the Glen Meadows PDD. The application was last in front of the Board on December 8, 2008 where we presented the Planning Board the results of our environmental studies that we have been conducting over the

last 6 to 8 months. Those environmental studies included a steep slope analysis, a traffic study, a wetlands analysis and an overall layout of the greenspace analysis for the project. During that presentation the Planning Board seemed very comfortable with the results of that study information that we presented and the comments that we received at that meeting were just to revisit the overall density of the project. Mr. Abele and myself looked at the site plan and we tweaked it a little bit more in order to minimize the overall impacts of the project. At that time the overall density that we had was 140 units and we have reduced it down to 129 units. I will show you some of the areas that we tweaked. If you remember on the original sketch we had a cul-de-sac that ran along the edge of the ravine or the steep sloped area just to the southwest of the majority of the development. There was a cul-de-sac that we had at that location and that cul-de-sac has been removed along with the units that were on it. We have also reviewed at some of the areas around some of the archeological sensitive areas and we have removed some of those lots and also removed a keyhole lot up in the northwest corner of the development. Overall our unit count now sits at (64) single-family homes, (44) twin home units and (21) 3-unit homes. The nice thing that you start to see with the plan that I have highlighted is the neighborhood scheme that we are starting to develop. Again, this is still conceptual but this is pretty close to what we are hoping would be the final layout. You can start to see now in the yellow highlighted, where we have all the single-family homes in the center of the project. The majority of our development and a majority of our sales would be the single-family homes. After that, along some of the ridgeline and wooded areas we have the twin homes that would have the nice scenic views to the east and then in the upper corner we have a small cul-de-sac that would just have the small amount of 3-unit homes. So we have a nice mix of all different housing types that Mr. Abele feels would be marketable in today's housing market. As well as we can guess at this point, we're figuring that this kind of a mixture is really what is necessary to have successful residential development. Again, keep in mind that we are still maintaining a lot of the original features that we presented 6 to 8 months ago with regards to additional buffers along Upper Newtown Road and we still have the landscape circle up front. We are preserving over 18-acres of open space where we originally had 15-acres. The 18-acres would be quality open space, not just wetlands and steep slopes. This quality open space would be available to many of the residents within the project. We feel we are pretty much where we want to be to get this project back in front of the public. We are here this evening to request that the Board set up a public hearing so we can present it in front of the public and hopefully, if things go well, we can get to the Town Board. We also have received a comment letter from CHA and I think CHA is in agreement with our studies and recommend that there are no environmental impacts that would be caused by this project. Mr. Higgins stated I question the fact that there are only 20 FT front yard setbacks on a bunch of the town home units and 30 FT front yard setbacks on the twin home units. Mr. Vuillaume stated I think we have 30 FT front yard setbacks on all of them. Mr. Higgins stated the plan that I have says 20 FT front yard setback for the town home units unless I don't have the right drawing. Mr. Vuillaume stated the plan I am looking at now says 30 FT of frontage throughout the project and it should be 30 FT of frontage on all the lots. Mr. Williams stated the typical town house units say 20 FT of frontage. Mr. Vuillaume stated oh yes, for the 3-unit buildings we do have a 20 FT front yard setback but I don't see why we couldn't increase that to 30 FT because that shouldn't be a problem. Mr. Higgins stated the Town is experiencing other situations where people are parking on the road especially with trying to get snow removal and on this plan there are no provisions for any kind of turnouts on any of these and you know you are going to have 2 or 3 cars in each of these houses. Mr. Vuillaume stated the following: Correct. We will make sure that the front yard setbacks would be 30 FT on all of the units in

the project. Mr. Higgins stated and no turnouts or no doublewide driveway or anything like that because 30 FT is still only 2 small cars or 1-1/2 cars. Mr. Vuillaume stated right, but then you have the right-of-way. So there is 30 FT plus another 15 FT of right-of-way. So you really have over 40 FT to work with for the driveway length. Mr. Ouimet stated when you look over at #'s 112, 114, 115 and 117 it doesn't look like you can push that back another 10 FT without going into the slope area. Mr. Vuillaume stated you can see that there is actually 2 lines there; the heavy line is the area that is the actual steep slope and then there is basically a setback from that area. Mr. Ouimet stated right, I'm looking at the shaded line and it says "limits of safe slope stability". Mr. Vuillaume stated the following: You're correct. That is about where you want to have the units. You don't want them to go back any further than that. Mr. Ouimet stated right, but I don't know how you can increase your driveways an extra 10 FT. Mr. Vuillaume stated the following: Again, this is 100-scale map. It looks like that on all of those except for maybe Lot #114, which is the only lot that is really close to that line. Everything else can be pushed back 10 FT. Remember we took out that keyhole lot so the whole cul-de-sac could probably even move back a little bit. Mr. Higgins asked has there been any thought of possibly putting a common off-site parking area, especially for the winter, just so people don't have to park on the streets. Mr. Vuillaume stated the following: Yes, they have just done the project over in Sheldon Hills where we haven't set up the 3-units buildings yet but with the twin homes I don't think they have ever had any problems with people parking on the street and it is the same layout. I don't know if we have areas here that we could allocate towards those types of parking areas. I don't think you are going to run into that situation where you are going to have cars out on the street. The 40 FT would give you 2 cars per unit. Mr. Abele stated the following: All the twin homes and single-family homes would have 2 car garages. So there would be double parking within the garage and as Mr. Vuillaume has stated the 30 FT setback is to the property line and the property line to the street is about 12 to 15 FT and there will be availability for 2 cars. We really haven't looked at the additional off-site parking. If it was necessary I wouldn't be opposed to it. I would not want a setback less than 30 FT. Mr. Higgins asked would each unit have a minimum of a 2-car garage for each unit? Mr. Abele stated each single-family unit and each twin home unit would have a 2-car unit. With the (21) 3-unit homes I would prefer to do a double garage but we really haven't done the detailed site plan yet to make sure that we can achieve that. Mr. Vuillaume stated I helped Mr. Dave Michaels from the Michaels Group where we laid out the multi 3-unit buildings. I believe all the middle units have a single garage but end units all have double garages. There would only be 7 units that would have a single garage and everything else would have a double garage. Mr. Abele stated we tend to do the driveways straight out from the garage so that the width of the driveway would be 20 FT by 40 plus FT where you could park 4 cars in the driveway and 2 cars in the garages. Mr. Higgins stated the reason why this came up is because of parking problems in some of the developments during the recent snowstorms where cars had to be ticketed and towed. Mr. Ruchlicki asked who would be responsible for the snow removal in the multi-family units? Mr. Abele stated the following: My intent is to do a Homeowner's Association (HOA) very similar to Sheldon Hills. The HOA would be a full maintenance, for not only the lawn care and snow removal for the homes, but for the entire development for the common space, the park area, for the entrances, etc. Mr. Ruchlicki stated based on that, what is your experience already with snow removal as far as the residents' moving their vehicles. Mr. Abele stated the following: Our experience in Sheldon Hills with the 2-car garage units is most people park within the garage and maintenance comes in and they snow plow. Once in a while there are people who have 3 cars and they work around it. This is our third year in Sheldon Hills and to my knowledge there have been no problems with snow removal within the driveways. Mr.

Ruchlicki stated I think that is where we came up with the idea of having a common parking area for a snow event where if there were somebody who couldn't get a vehicle out of their driveway they'd have no choice but to put their vehicle on the street. So if there was another parking area away from the residents off of the road, they could take their cars to the common area and then the maintenance people could plow the driveway and then they could move their cars back to their driveways. Mr. Abele stated what we could do is look at integrating some parking within the park area that is over 1.5-acres. Our intent there is to do a park with possibly a gazebo, playground and park benches and maybe we could incorporate some additional parking in there as an overflow. I would definitely be open to that. Mr. Watts stated we could take a look at that. Mr. Watts asked who would own the roads. Mr. Abele stated the Town. Mr. Watts stated so the roads would all be built to Town standards. Mr. Ruchlicki stated the following: You have two archeological areas marked on the plans. What leads you to believe that they could potentially be sensitive areas and what is the history of the property that you are aware of? Mr. Abele stated the following: We have had an archeologist at the site and they have found a couple of items when we were in the Phase II process. What we have tried to do is perform the studies before we came in so that our conceptual plan didn't have to be changed that much.

Mr. Roberts made a motion to set a Public Informational Meeting for the February 9, 2009 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the January 26, 2009 Planning Board Meeting at 7:38 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Department Secretary