

**Town of Halfmoon Planning Board****Meeting Minutes – March 24, 2014**

Those present at the March 24, 2014 Planning Board meeting were:

**Planning Board Members:** John Ouimet – Chairman  
Don Roberts – Vice Chairman  
Rich Berkowitz  
Tom Ruchlicki

**Planning Board Alternates:** Margaret Sautter  
Robert Partlow

**Director of Planning:** Richard Harris  
**Planner:** Paul Marlow

**Town Attorney:** Lyn Murphy

**Town Board Liaison:** Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Ouimet opened the March 24, 2014 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the March 10, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the March 10, 2014 Planning Board Minutes. Mr. Berkowitz seconded. Vote: 6-Aye, 0-Nay. Motion carried.

**Public Hearing:****14.016 PH Ballard Duplex, 23 Smith Road – Special Use Permit**

Mr. Ouimet opened the Public Hearing at 7:02pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Tom Ballard, the applicant, stated the following: I am here tonight looking for an approval for a duplex on Lot #23 on Smith Road. Mr. Ouimet asked if anyone from the public wished to speak. Ms. Dianne Barmonde stated the following: I own a duplex located at 147 Anthony Road and I have lived there for more than 30 years. I think duplexes are great, it's owner occupied and it is great for the Town. Although I rent out the other side of my duplex, I'm right there to take care of it. I think it is the best of all possible situations and much better than developments where you have 100 tenants and someone is being paid to do the lawn or something. I'm right there, I'm a landlord watching what is going on at my property and I'm keeping it up. Ms. Amanda House, 20 Smith Road, asked is the applicant planning on putting a new driveway in? Mr. Ballard stated currently there is an existing driveway and the second driveway will be located on the southern side of the parcel and is proposed to come out onto Smith Road. Mr. House asked even though there are two garages, would there only be one driveway? Mr. Ballard showed Ms. House the location of the existing driveway and the proposed driveway and stated it may not look exactly like this, but it's going to be close to or similar to the existing driveway. Ms. House stated the following: Okay. So; one driveway is existing and the

other driveway would be the new driveway. Is the proposed duplex going to be owner-occupied? Mr. Ballard stated yes, the duplex would be owner-occupied and then someday when he can afford it, he would like to build himself a new house and then he will probably rent out the other half of the duplex that he was occupying. Ms. House asked is the hill in the front of the property going to be leveled? Mr. Ballard stated yes, it will be level with the road or a foot above. Ms. House asked will the property still slope back? Mr. Ballard stated the following: Correct and more than likely, most of those houses along there or whatever goes in there will have walk-out basements. Are you okay with it? Ms. House stated the following: Well, of course I would prefer that it wasn't there, but I'm more comfortable with it being owner-occupied. Mr. Ouimet stated just to clarify; you would prefer if it were a single-family home? Ms. House stated the following: Yes, I would definitely prefer it to be a single-family home and because of what Mr. Ballard said, that they have a plan and the plan is when he can build a single-family home that he wants, he's going to move out and then both sides of the duplex would be rented. Mr. Ouimet stated that's not much different than if you have a single-family home and sell it somebody else. Ms. House stated right, but I would prefer people with a vested interest in the community because property owners care more; they take better care of things and make better neighbors. Mr. Barry Ballard, son of Mr. Tom Ballard, stated the following: I am going to be the occupant of this duplex and I have two kids. I know that some of the neighbors would like more families in the community and around them and I know that was one of the complaints. I love Halfmoon, I wish to stay in the community if I can and I'm willing to pay a lot more to put a duplex up in this community. I also had a petition made and I had a bunch of people in the Town of Halfmoon sign it saying that they were okay with a duplex going in in Halfmoon. Mr. Joe Christopher, 96 Werner Road, stated the following: I hate this because I have to get up and speak against another resident. Obviously, he had a touching appeal as he wants to move to Halfmoon, but I think when the Town Board adopted this legislation, I think they made a statement and I think that people in this Town have expressed their opposition to the rise of multi-family and higher density construction. Like I said, the Board responded last year by requiring Special Use Permits for duplexes and I was there when many members of this Board got up in favor of that legislation saying that for the most part that public opposition was overwhelming. Residents are opposed to them and I think the Town's identity is being challenged by multi-family development. Also, I think it is ironic that that's why people are willing to come here and pay higher rents because of that. Halfmoon is known for nice neighborhoods and good schools, but when that character is destroyed, it's bad for everyone; people in single-family homes, trailer parks, apartments and everyone. I was there when the builder recognized this and he was asked why he was proposing two driveways, like he did tonight, and he said to make it look like a single-family because that's what people want and I think he's right. People want multi-family in disguise or hidden behind arborvitaes or otherwise and they're demanding single-family homes to protect their community, which includes everyone and all types of housing. At the last meeting the builder was quick to point out the four trailer homes on the street, a potential duplex across the street and he had pictures. I will say that there are more duplexes on Vosburgh, more on Werner and more multi-family homes on Cemetery Road, but that's what inspired people to come and speak out and I don't feel that it's an argument for more of it. Mr. Belmonte proposed the same thing right around the corner and you told him no and I don't see any difference in the proposal here tonight. Mr. Ouimet closed the Public Hearing at 7:10pm. Mr. Ouimet stated the following: I would like to say that Mr. Ballard submitted a petition signed by 22 individuals, which we will make part of the record that is available in the Town's Planning Department in the Ballard file. The petition was to support the building of a two-family duplex on Smith Road in the Town of Halfmoon. We also received correspondence from Mr. Ed Evers which stated: (*quote*) Subject: Barry Ballard proposal, I am currently in Florida and will not be able to

attend Monday night's meeting when the above mentioned proposal will be discussed. I have no objection to the duplex that is being proposed on his site. Ed Evers, 32 Smith Road (*unquote*). There was also an email from Ms. Debbie Tozier which stated: (*quote*) Subject: Ballard Property, We will be unable to attend the meeting next week, but wanted to make sure that we understand Mr. Tom Ballard has intended to building a duplex on Smith Road. Being that we live almost across from the potential building, we have no issue with a duplex being built. Thank you, Debbie Tozier, 30 Smith Road (*unquote*). Those are the only two emails that we received and tonight we received the petition. At the last meeting I had formed a committee and I asked the committee to go out and meet with Mr. Ballard and look at the site and Mr. Roberts was a part of that committee and Mr. Roberts will tell us what the committee saw. Mr. Roberts stated the following: Mrs. Sautter, Mr. Higgins, Mr. Harris and I met at the site with Mr. Ballard and his son and we noticed that north of the site there's a duplex and almost across the street there is a two-family home that doesn't look like a duplex, but a two-family home. Going south a little ways there is a duplex down there. So, I share concerns about duplexes in residential and single-family neighborhoods, but seeing that there are other duplexes in the area, I think a little differently. Mr. Roberts asked Mr. Ballard how many other parcels he had that could be developed there? Mr. Ballard stated right now there are four. Mr. Roberts stated so, there are four other ones and I questioned Mr. Ballard and said if this does get approved, please don't think that the Board is going to approve duplexes on any of his other sites. Mr. Ballard stated they are not big enough and also I brought over that nice lady to talk to you. Mr. Roberts stated yes you did, the woman who has the two-family house and she had no objections either. Mr. Ballard stated I talked to a woman this morning who lives at 31 Smith Road and she was okay with it as well and she has a single-family home. Mr. Roberts stated I just want to caution that if this does get approved, don't anticipate that you can build more duplexes. Mr. Ballard stated I'm not coming in for more of those. Mrs. Sautter stated I think we brought up all of the concerns that we had when we were there. Mr. Harris asked Mr. Ballard if he disturbed over an acre on that parcel and did you receive a Soil Disturbance Permit? Mr. Ballard stated yes I have and that all happened when I got the approval for the subdivision. Mrs. Sautter stated Mr. Higgins, who is not present tonight, had brought that up and he wanted me to mention that because it was after you had left. Mr. Ballard stated yes, I remember that because I had to hire Lansing Engineering to take care of that. Mrs. Sautter stated the following: We felt the same when we drove down there as we wanted to see what we were in for. I've been listening to Mr. Christopher and I'm hearing what they are saying and their concerns and I think I've tried to feel this out and read about it and tried to figure out why that was stipulated and why this came about. However, I also think that we have to look at each piece individually and each parcel individually. I think that is what we did by going on the site visit and talking to the people. You brought neighbors over and we talked to them and for this I really didn't have any questions or concerns in this instance, but I agree that our main concern was that if we look at each one individually, we don't want somebody to come down and say "okay, this can't happen here" and because it is, your son is going to live there I assume for several years, we're hoping. If this is approved, I think that's the only concern that I had in saying what the others brought up. Mr. Ouimet stated and that is further development in the other lots and the duplexes. Mr. Partlow stated the following: Can you tell me what the other part of the driveway is on the backside of the lot? Is that existing and will continue to exist? Mr. Ballard stated there are some buildings down in there and eventually, maybe on the next lot, the driveway here for this house will just come on down here and that will probably go away, but for now, it's there until we do something further on the next parcel. Mr. Berkowitz asked what kind of buildings are back there? Mr. Ballard stated pole barns as I was an excavator by trade and that's where I stored my equipment and I have old farm tractors in there now. Mr. Ouimet stated I would just like to say Mr. Ballard, I think it is significant

that you son is going to be living in one-half of the proposed duplex. Mr. Ballard stated and even if he builds a new home, he might be next door to it. Mr. Ouimet stated well, I hope he doesn't ask for another duplex. Mr. Ballard stated no, it would be a single-family home and he'll want to upgrade.

Mr. Ruchlicki made a motion to approve the Special Use Permit for the Ballard duplex. Mr. Partlow seconded. All-Aye. Motion carried.

**New Business:**

**14.021 NB**

**Rafferty Subdivision, Middletown Road/Brookwood Road – Minor Subdivision & Special Use Permit**

Mr. Wade Newman from M J Engineering stated the following: I'm here tonight representing the applicant, Mr. Charles Rafferty, for a minor 2-lot subdivision. The project is located at the intersection of Middletown Road and Brookwood Road. The parcel is 3.99-acres and it is in the R-1 Residential zoning district. The existing site is predominantly undeveloped woodlands with relatively poorly draining soils. We have done some preliminary testing and they will support on-site septic systems. There is a mapped Army Corp of Engineers (ACOE) wetland located on the far southeastern corner of the parcel and extends down to the neighboring parcel and we anticipate that it will have no effect on that wetland. There is a second wetland area on the northwest corner that is kind of adjacent to Brookwood and we are also anticipating having no effect on that. That wetland is not mapped, but depending upon the outcome of tonight, we would do a full wetland delineation on that. There are no New York State Department of Environmental Conservation (NYSDEC) regulated wetlands on the property and it is not located within any floodplains. It is located within an archeological sensitive area, however, it is not on the Town of Halfmoon's map and that's something that we would take care of as we move forward. The property is not located in a mapped area, which contains or is likely to contain rare or endangered species. The bulk lot requirements in this zoning district are all being met by the proposed plan that we have shown. The applicant is proposing two lots each with a duplex totaling 4-units on 2-lots. Public water is available in the street and we would be extending new services to each duplex. The water service internal within the buildings would be metered separately. As I alluded to earlier, on-site septic systems would be required and they have not yet been final designed and we anticipate that they would probably be a mound system. Electric and natural gas is available and as I was saying before, we do not anticipate any effects on the wetlands. We're proposing two new driveways for each lot so that each unit in the duplex would have their own driveway and we don't anticipate that having any real impacts on traffic, but that is something that we could look at as we move further ahead. The project is approaching one acre in disturbance and it would require a SPDES (State Pollutant Discharge Elimination System) permit under most circumstances. What we would like to discuss with the engineer later on is that if this were 4-lots as opposed to 2-lots, we would be exempt from doing long term post construction stormwater controls and we would follow under Appendix B of the general permit. So, that is something that we can talk about. Mr. Berkowitz asked why two duplexes in this neighborhood? Mr. Newman stated that is just the direction that the applicant is looking to go and he is not here tonight. Mr. Berkowitz asked is the applicant going to be living there? Mr. Newman stated I don't think so, but I'm not sure and I can check on that. Mrs. Sautter stated on here you said only some of the wetlands were located and some you did not put on here. Mr. Newman stated neither wetland is shown on our plan, but they are federally mapped wetlands that are located in the far corner of the site and in doing some site visits out there, we saw that there are wetlands on this edge here, which are not mapped, but they are probably also protected by the ACOE and that is something that we would delineate and get more

information on. Mrs. Sautter stated the following: I think it was brought up during a pre-meeting that this had been before the Board previously and there were issues that this is possibly a lot more wet than you're thinking at this point. So, that would be of interest and I think the map should show that and indicate that when you bring it in. After hearing what I've heard, this is a big area for that. Also, you mentioned the archeological sensitive area and you're saying that it is not on our historic maps and that's not indicated on this map, but it is on State Historic Preservation Office (SHPO), right? Mr. Newman stated right. Mrs. Sautter asked did you get this from the short version or the long version or just looking through their mapper? Mr. Newman stated yes, we went through their mapper and we would correspond with them. Mr. Roberts asked where are other duplexes located in this area? Mr. Newman stated I couldn't tell you that because I kind of wish that I looked that up now based on the previously presentation, but that is something that I can look at. Mr. Ruchlicki stated you made comment on the soil conditions and what was it that you said? Mr. Newman stated I said that they don't drain particularly well, but we have done some perc testing out there and they will support septic systems. Mr. Partlow asked has there been any thought process to doing one curb cut per side or on the duplex that's coming out onto Middletown Road, turning that and putting that on Brookwood because Middletown is a pretty busy road. Mr. Newman stated after we delineate the wetlands along Brookwood, maybe we can do that, but just from being out there it looked like the wetlands approximated this tree line so; maybe there is an opportunity to sneak it in here. Mr. Partlow asked would you be willing to look at a single curb cut for each duplex as opposed to two curb cuts? Mr. Newman stated we probably could, yes. Mr. Ouimet stated the following: I think you're probably going to run into difficulty with the County on the two curb cuts on Middletown Road. Since this abuts a County road, this proposal has to get a mandatory referral to the County Planning Board. Mr. Newman stated yes. Mr. Ouimet stated the following: Four curb cuts is kind of difficult and it's a pretty heavily trafficked area. I think you really have to spend some time thinking about reducing the number of curb cuts. I also agree with Mr. Partlow about looking to move the driveways away from Middletown Road because that is a really busy to Brookwood Road. Mr. Newman stated okay. Mr. Ouimet stated I'm not really thrilled about the fact that you're asking for two duplexes here. Mr. Roberts stated I have concerns as well. Mr. Ouimet stated the following: So; I think you really want to go back to the applicant and tell him that it may not go for duplexes, but at this point in time we want to refer this to CHA because there is a lot of engineering issues that you raised yourself and we would like to have CHA take a look at that. Again, this proposal does require a mandatory referral to the County. So, in theory, we could put this on for a Public Hearing in two meetings from now. Mr. Polak stated the following: I would like a drawing to go to the Town's Highway Department also because I know for a fact that that whole corner ponds there. So, I want our engineers to look at where the water is going to go there and I just want to make sure that we don't have any problems with any flooding over the top of Brookwood Road. Mr. Roberts asked should we wait until we get a response back from CHA before we schedule the Public Hearing? Mrs. Sautter stated the following: I would think so because the wetlands are not even delineated on the maps that we're seeing here and after hearing the comments from the Board and what Mr. Polak has said, I just think there may be more issues. I think that whatever was proposed here previously was denied because of those issues. Mr. Roberts stated I, myself, would feel more comfortable waiting until we get a report back from Mr. Bianchino.

This item was tabled and referred to CHA for their technical review and awaiting a response from the Saratoga County Planning Board.

**14.025 NB      Thumm/West Subdivision, 59 Plank Road – Minor Subdivision & Special Use Permit**

Mr. David Flanders, of David A. Flanders Surveying, stated the following: I am here tonight with Mr. Eric West who is a relative of the applicant. The proposed subdivision is an older parcel of land that is actually separated by Route 9. The proposed development area lies between Route 9 and Plank Road and it is a 2-acre parcel. Also, we have shown on the plan the 2.6-acre portion of the deed parcel, which we have no plans on doing anything with at this time that lies on the westerly side of Route 9. The property is zoned C-1 Commercial and on the property there is an existing older home, which has been used for residential purposes forever. Most of that area of Plank Road is also R-1 Residential, therefore we filed an application for a Special Use Permit to use just that 2-acre portion that we want to divide into two lots for residential purposes and that would be single-family. We have also submitted in conjunction with the plan that you see before you, another plan done by Mr. Tom Andress, which shows proposed water and sewer connections to existing utility lines just opposite the property on Captains Boulevard. Also, there is an existing sewer line there, a fire hydrant and waterline that we're going to extend across to service our development and we're going to construct a new hydrant in front of the property and the sewer disposal will be by a pressure sewer line. The lots meet the existing zoning for area setbacks and the building envelopes are shown on the plan. There is also an older barn on the northerly of the three lots, which will be demolished at one point in time when we finally construct a house on the northerly lot. Mr. Ouimet asked is this Lot "C" in your plan. Mr. Flanders stated it is Lot "C" and there is a southerly Lot "A", which is vacant and the older house is on the middle lot. Mr. Berkowitz stated for Lot "D", what lot is that attached to; is it Lot "A", Lot "B" or Lot "C" or is that a totally separate lot? Mr. Flanders stated it lies on the west side of Route 9 so; it is not attached to any of those lots you mentioned. Mr. Berkowitz asked is it the same piece of property right now? Mr. Flanders stated there is one old deed that describes the property before Route 9 existed and that's the same deed of record that's being used up to today. Mr. Berkowitz stated so; it's one lot as of today? Mr. Flanders stated as of today, the land between Plank Road, Route 9 and the westerly side of Route 9 is one parcel in the deed. Mr. Berkowitz stated so; you're making four parcels out of that one parcel, correct? Mr. Flanders stated the following: If you chose to look at that way, yes because Route 9 created the separation and that's why we showed it that way. When I met with Mr. Harris he requested that we show that piece of land, which is also zoned C-1 Commercial, but we're not asking for that to have a Special Use Permit approved for it. Mrs. Sautter stated and I agree with Mr. Harris because it is a single parcel according to the tax maps and in fact, there is a small portion of it that is on the other side of the line. Mr. Flanders stated the tax map has that parcel shown incorrectly. Mr. Sautter stated the following: Okay. So; you're saying just because Route 9 is there that it is separate maps. Mr. Flanders asked are you talking about on Plank Road? Mrs. Sautter stated well, you're saying this and this is not a single parcel and we're just asking for verification because some people who can't see it can read the minutes and they are going to understand why you're saying it is three, but it really is four. Mr. Flanders stated yes and I think the table designates it as four for site statistics. Mrs. Sautter asked did you say that you were going to get rid of the existing barn on Lot "C"? Mr. Flanders stated when we go to build a house on that lot, yes. Mrs. Sautter asked what about the old brick house on Lot "B"? Mr. Flanders stated that is going to remain. Mrs. Sautter stated are there any other existing structures there? Mr. Flanders stated the following: No. There is a loop driveway there and we're going to use both access points on Plank Road for both Lot "B" and Lot "C". We're also going to have a new curb cut on Plank Road for Lot "A" and we're not going to have access on Route 9. Mr. Ouimet stated the Lot "A" curb cut is not shown on this map, right? Mr. Flanders stated no, we didn't, but we can add that because it basically is going to be in the middle of the lot. Mr. Berkowitz asked are they all

going to be single-family homes? Mr. Flanders stated yes, single-family. Mr. Roberts asked for Lot "A", how far is that from the turn when they come off of Route 9? Mr. Flanders stated the following: It's quite a ways and the Niagara Mohawk right-of-way is pretty wide there and the turn is way down here. The right-of-way appears to be about 120 FT so; it must be at least three times that and the State took all that land with Route 9 because it's so narrow. Mr. Roberts stated I'm just worried about the drive coming out and do you think it will be alright? Mr. Flanders stated no, there's good access and the grade coming off of Route 9, if I'm not mistaken, is actually coming down a little bit there and then comes back up and there is good sight distance. Mr. Berkowitz asked why are you converting this from C-1 Commercial to R-1 Residential because it's on a major highway and it's a busy highway? Mr. Flanders stated because the applicant wants to build a home on the northerly lot, they want to use the existing home as a house and the rest of the street is R-1 Residential. Mr. Berkowitz stated I know, but it's zoned C-1 Commercial. Mr. Flanders stated the only way that you could possibly use that property, I would say in my opinion, for a Commercial use would be extensive filling and it would be quite difficult to get a curb cut from the New York State Department of Transportation (NYSDOT). Mr. Berkowitz asked how low is that area? Mr. Flanders stated there is a culvert underneath Route 9 and that's the low point and there is a ditch going all along Route 9. The grade is coming down on Route 9 here and the grade is coming this way and the Niagara Mohawk power transmission line; half of that is quite high and half of Lot "A" is fairly high and then it dips down in the middle. Mr. Berkowitz asked is that culvert directly south of the existing house? Mr. Flanders stated the culvert is shown on the map. Mr. Berkowitz stated okay, so it is directly south of the house. Mr. Flanders stated there is headwall shown there too and it's an 18-inch pipe and it picks up all the water running off the shoulder of Route 9 in that area and it heads underneath Route 9 and flows in a westerly direction. Mr. Berkowitz stated so; it's going toward the other side of Route 9. Mr. Flanders stated it's flowing westerly and the purpose of that culvert is to pick-up the runoff of the easterly side of Route 9. Mr. Ouimet stated the following: At this point we have to make a referral to the County and they won't meet until after April 14<sup>th</sup> so; they won't meet before our next meeting. So, we'll make the referral to the County now and we can schedule a Public Hearing for our April 28, 2014 Planning Board meeting on the subdivision and the Special Use Permit.

Mr. Berkowitz made a motion to schedule a Public Hearing for the April 28, 2014 Planning Board meeting. Mr. Ruchlicki seconded. All-Aye. Motion carried.

**14.028 NB      Horner Subdivision, 216 Lower Newtown Road – Minor Subdivision**

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight representing the applicant, Ms. Mary Horner, in her request for a 2-lot subdivision located at 216 and 220 Lower Newtown Road and it's located on the southerly side of Lower Newtown. What Ms. Horner is requesting is to create a 1.37-acre parcel around what used to be the existing homestead parcel to create this lot and then she initially had her 1-acre parcel around her house and this parcel she is consolidating back into the farm. The farm is approximately 185-acres and there is no new construction planned. So; we're just creating it around, what I believe to be, her son's house.

Mr. Berkowitz made a motion to schedule a Public Hearing for the April 14, 2014 Planning Board meeting. Mr. Partlow seconded. All-Aye. Motion carried.

**14.029 NB      Crowther & Voland/Stalker Subdivision, 756 Hudson River Road – Minor Subdivision/Lot Line Adjustment**

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight representing the applicant's, Mr. David and Loretta Crowther for a proposed 2-lot subdivision and lot line adjustment. The parcel is located at 756 Hudson River Road, which is about three-quarters of a mile north of Lower Newtown Road. The request is to subdivide a 3.82-acre parcel into two residential lots. Lot "A" is approximately 3.0-acres that would encompass the existing house and improvements, including the garage. Lot "B" is for a proposed single-family residential lot that would be about three-quarters of an acre. On both lots the curb cut will come out onto the existing curb cut where it is now instead of creating another one on Routes 4 & 32. The existing driveway that goes back to the garage in the back will be relocated so it's entirely on Lot "A". Both houses will tie into public sewer and public water. Regarding the lot line adjustment; the original lot line is across here and just south of the house and we are proposing to create a lot line adjustment where the line will now follow along an existing wood stockade fence. Mr. Ouimet stated and now that will make that lot conforming, correct? Mr. Rabideau stated more conforming. Mr. Ouimet stated so; there will only be one curb cut on Hudson River Road, correct? Mr. Rabideau stated that's correct. Mr. Ouimet stated so; you're not altering the curb cuts at all? Mr. Rabideau stated no, that is correct. Mr. Ouimet stated this application will require a County referral so, we won't be able to schedule this for a Public Hearing until the April 28, 2014 Planning Board meeting at the earliest. Mr. Rabideau stated okay.

Mr. Berkowitz made a motion to schedule a Public Hearing for the April 28, 2014 Planning Board meeting. Mr. Ruchlicki seconded. All-Aye. Motion carried.

**14.033 NB      Rock's Precision Automotive, 190 Route 146 – Change of Use**

No action was taken on this item due to the applicant's failure to appear before the Board.

**14.034 NB      NYSEG Corporate, 6 Werner Road – Sign(s)**

Ms. Jane Beale stated the following: I am the local real estate representative at the NYSEG Service Center over on Werner Road. We are looking to replace six existing signs that we have on our property. Five of the signs are post-in-the-ground monument signs that would be two-sided and one is a wall-mounted sign that will be one-sided and that one-sided sign would be attached to our gate at our receiving dock. The signs are being replaced in place and I believe that the requirement was because there were posts involved and that we go before the Board. Mr. Roberts stated I have reviewed the six signs and all the signs meet the Town requirements.

**For the record: the sign dimensions are as follows:****Number of Signs: 6**

- Sign 1: 4 x 2 = 8 SF (Wall-Mounted)
- Sign 2: 3 x 4 = 12 SF; 24 SF total (two-sided Monument)
- Sign 3: 3 x 4 = 12 SF; 24 SF total (two-sided Monument)
- Sign 4: 2 x 4 = 8 SF; 16 SF total (two-sided Monument)
- Sign 5: 2.3 x 3 = 7 SF; 14 SF (two-sided Monument)
- Sign 6: 3 x 4 = 12 SF; 24 SF (two-sided Monument)

Mr. Roberts made a motion to approve the sign(s) application for NYSEG Corporate. Mr. Partlow seconded. All-Aye. Motion carried.



**14.035 NB      Revelation Tae Kwon Do, 1709 Route 9 – Change of Tenant/Use & Sign**

Mr. Jeff Williams from Bruce Tanski Construction and Development stated the following: I'm here tonight representing Mr. Tanski who is the owner of the Shoppes of Halfmoon plaza and Mr. Joshua Fischer who is the proposed business owner. Mr. Fischer wishes to operate Revelation Tae Kwon Do in a vacant storefront in a 2,374 SF space that is located in the Shoppes of Halfmoon. The former two uses of this space were campaign offices. Mr. Fischer has 19 years of experience with seven of those years instructing the practices of Tae Kwon Do. Mr. Fischer wishes to operate his business utilizing one full-time employee, which would be himself and one part-time instructor and would have a maximum of ten students per session. The hours of operation would be Monday through Thursday 5:00pm to 8:00pm, Friday 5:00pm to 7:00pm, Saturday 9:00am to 12:00pm and closed on Sunday. The typical sessions are set up from 5:00pm to 5:30pm, 5:30pm to 6:15pm, 6:15pm to 7:00pm and 7:00pm to 8:00pm. I stated that they are closed on Sunday, but the applicant anticipates being open on the first Sunday in December to hold a tournament and the tournament would be held from 9:00am to 12:00pm with 20 to 30 children aged students and 12:00pm to 2:00pm with about 10 adult students. We are also proposing a sign that would be 2 FT x 8 FT for a total of 16 SF, single sided, non-lit and it will be uniformed to the rest of the signage in the plaza. Mr. Ouimet stated would there be a sign on the monument sign? Mr. Harris stated the application submitted only had the one wall-mounted sign above the door on the façade. Mr. Williams stated we will bring in an application for the monument sign. Mr. Tanski stated the following: I don't know if this pertains to it, but it's only a small sign that is 6 inches high by 18 inches wide that is out by the Key Bank and it's kind of like a directional sign. I've never done that in the past and nobody has ever asked, but if you want me to, I will. Mr. Ouimet asked the Planning Staff if they had an opportunity to look at the parking situation at the site? Mr. Marlow stated the lot itself is one whole lot in that corner and giving all the other sources that are there with the parking, there are roughly around 300 plus or minus parking spots that are paved and lined there. The building itself has 60 spaces that are delineated towards that and with the parking calculations of using the physical training area at 1 per 50 SF and factoring in all the other tenants, this plaza and where this is proposed to go directly itself would require almost 130 spaces. There is an overflow lot behind the Rite Aid that can accommodate parking, but it's up to the Board if they feel that's fitting. Mr. Ouimet asked is this the last use in that building? Mr. Williams stated yes, the building will be fully occupied with the approval of this tenant. Mr. Ouimet stated the following: so; you have two restaurants in that building, a barbershop, a nail salon and a yoga studio. I know every time I go to the Sushi Thai restaurant it's always difficult to find a place to park since the handicap spaces are in front of the sub shop and there are no handicapped parking spots near the Sushi Thai restaurant. I have an issue here and I don't what the rest of the Board feels about this, but we approved a Tae Kwon Do operation in Salty's plaza and we've had nothing but major league demands on parking and I don't really want to create that here. The lot that's the "overflow lot", which is behind the Rite Aid is separated by two berms or two grassy areas from the building that you're proposing to rent for this operation. Mrs. Sautter stated the following: I'm looking and I guess there's nothing up there, but what you're showing us is this birds-eye-view. I agree with Mr. Ouimet, when I go to Sushi Thai and to Red Lotus, I'm seeing the parking and I know what it's like parking over there just for those and now with adding something new, and Mr. Ouimet has mentioned the berms there, but to me that's a major thoroughfare going from where you're saying behind the Rite Aid and walking across. The way you have to get into this plaza, I have to figure it out every time I go. Sometimes I go behind it and sometimes I go up towards Lowe's and back around to get this way and you would have to cross a road to get to the parking to over to where you are saying and where you're suggesting now. I don't if you would call it a parking lot road,

because it really is, as people can cut through right from Route 9 to go over behind it and then go up through Lowe's or whatever. It is very busy, as Mr. Ouimet said, and I think it is always busy there. Are you going to do any aftercare? Mr. Fischer stated I wouldn't be doing any daycare type thing and we're not interested in doing something like that. Mrs. Sautter stated so; nothing like from 2:30pm to 5:00pm where most kids go after school for programs? Mr. Fischer stated the following: No, I would not be doing any after school type thing. The only thing that I might do is one-on-one private lessons, but that would be for the adults anyway. Mrs. Sautter stated and most of your lessons you said Monday through Friday 8:00am to 5:00pm when kids are obviously at school from 8:00am to 3:00pm so; you're going to say that your biggest times are between 3:00pm and 8:00pm or 9:00pm. Mr. Fischer stated the following: No, our classes will not even start until 5:00pm because we do outreach programs. So, that's where we do all the daytime stuff from 3:00pm to 5:00pm. Mrs. Sautter stated so; it's not there? Mr. Fischer stated correct, it is at other locations at schools and stuff like that. Mrs. Sautter stated the following: I was looking at the E Studio, which is the yoga, because I know there has been some parking issues there and I believe they start at 5:30 and I think they have one class in the morning, and I could be wrong, but according to their schedules they start at 5:30 at your peak time too. So, I'm just a little concerned about the parking. Mr. Fischer stated yes and unfortunately that will be the busiest time between 5:00 and 7:00. Mr. Partlow stated the following: I have to the same thing about what Mrs. Sautter has brought up. I'm looking at the numbers here and it said there was a maximum of ten students per session and you have sessions running from 5:00 to 5:30 and 5:30 to 6:15, 6:15 to 7:00 and 7:00 to 8:00 and each time you have a change of class, you could have up to 20 cars travelling through that area at any given time and that's not including the other facilities that are there. I don't believe this area can handle that kind of traffic. Mr. Tanski stated the following: I take exception to some of these remarks and I'll explain to you why. #1 – when Mrs. Kathy Marchione was running for senator, we had literally hundreds of cars there. They parked in the overflow parking lot, the people traversed the driveway going to that unit and never once did we have a complaint. We also had our new Sheriff have his office there and the same thing happened where we had a lot of people traverse that and I've even seen some people in this room that are on this Board that were at some of these meetings and I never had a complaint. Sushi Thai does real well, some of the people park in Snyder's parking lot and they walked there. This store has been vacant for two and a half years, I pay taxes on this and I have to take care of this store and this is the first time I've been able to rent it. I don't understand what the problem is with parking; so, people have to walk to it and if people are bringing ten people there, they're dropping them off and they're not going to park and wait as they will drop the people off and they are going to go inside. So, as a business person, I really need to rent this place #1 and #2 – some of you people who have lived around here for a long time; I know that Mr. Berkowitz has, Mr. Ruchlicki has and some of you other people I don't know that well, but that place was a dump, an absolute dump, before I tore the houses down and redid Snyder's and made that place look like what it is today. So, to deny a business coming in here because of parking when we have over 300 parking spots and I think we even have some landbanked spots in the back of the building and that is just incomprehensible at this point especially when we have a Supervisor that's pushing for businesses in Town. I just don't understand it. Mrs. Sautter stated I understand all of the past uses that he talked about and not one of them would include children coming back and forth from that road and I think that is my major concern. Mr. Partlow stated the following: I'll have to agree with Mrs. Sautter on that as well because they're going to be bringing children across that busy road and typically in a situation like this they're not just drop offs. I had my children go to another facility at one point and we ended up staying to watch them most of the time. Mr. Ouimet stated at this point I'm going to have a committee put together to go out and take a look at the site. Mr. Williams stated the

following: I would just like to clarify one thing; I think Mr. Marlow said that we needed 48 parking spaces for this use in this spot, but we're only at a maximum of ten students and two instructors per sessions. I would think there has to be a balance there somewhere with the 48 number that you're saying we need and the 12 people that are going to be utilizing the parking spaces on that site at that point. Mr. Marlow stated like I said; there is not necessarily a clearly defined use of parking as far as what we need to calculate something such as the Tae Kwon Do. Mrs. Murphy stated the following: Why don't we do this; when the committee goes out to the site, you can talk to the applicant's representative who is there to meet you, whoever that committee is going to be. You guys have obviously reviewed other Tae Kwon Do practices in the past and I would just ask that you be consistent with whatever you did with those in the past and you can research that and then the committee can report back instead of going back and forth about what we may or may not do. Mr. Ouimet stated the following: So; what we'll do is we'll send the committee out, they will arrange a time to meet with you and Mr. Tanski, if he wants to be there, and Mr. Harris from the Planning Department. Go out to the site to look at the place, take a look at the parking layouts and come back with a recommendation as to whether or not you think that this use fits in that space.

This item was tabled and the Board established a committee to visit the site and report back to the Board regarding parking concerns raised at the meeting.

**14.036 NB      CB&I Federal Services, 3 Halfmoon Executive Park Drive – Change of Tenant**

Ms. Shawna Cranney stated the following: I represent the owner's, Mondragon, McGrinder, Stier OB-GYN Associates. We are looking to do a Change of Tenant to CB&I that is an engineering firm in the building that we own. The space is 1,000 SF and their hours of operation will be 8:00am to 5:00pm Monday through Friday and not weekends. They have a total of five employees and they will need a total of five parking spots. CB&I is an engineering firm with a wide range of services including design, engineering, construction, fabrication, maintenance and environmental services. This would basically be a satellite office for them and they use it for a conference room, some desks and some office space, but there would not be any customers coming in and out and this is just their meeting space. Mr. Ouimet asked the Planning Staff if they had an opportunity to look at the parking situation there? Mr. Marlow stated yes we did and this particular tenant needs five spaces out of 50 lined parking spaces and the entire building with all the tenants together requires 43 parking spaces. Mr. Roberts asked did you say that there would not be customers coming to the site? Ms. Cranney stated the following: Correct. It is just their satellite office for their businesses where they will have meetings. So, this is just kind of a workspace for them. Mr. Roberts asked are you proposing any signage? Ms. Cranney stated no.

Mr. Roberts made a motion to approve the Change of Tenant/Use application for CB&I Federal Services. Mr. Ruchlicki seconded. All-Aye. Motion carried.

**14.037 NB      Crossfit, 11C Solar Drive – Change of Use**

Mr. Ian Hogan, the applicant, stated the following: I'm here tonight with my business partner Caleb Nelson and we're representing Crossfit. We've been in business in Halfmoon for three years, we are currently located at 1580 Route 9 at Pai's Tae Kwon Do and we're looking to move to 11C Solar Drive. We're looking to expand our business where there is a little more space, more parking and things like that. Our hours of operation are currently Monday through Friday 5:30am to 9:00pm and Saturday and Sunday 8:00am to 3:00pm. Our business consists of two full-time employees; Mr. Caleb Nelson and myself. Peak time of business for us is between 5:30pm and

7:30pm. The current tenant in the new space is AGM who is a glass manufacturer next door and their workers typically leave around 3:30pm and their office workers are gone by 4:30pm. We do cap our classes at a maximum of 15 to 20 people so, that will cover any overcrowding on parking issues that we may have. We are also incorporating massage therapy into our business. Mr. Ouimet stated I think that there is a problem here and the problem is that the building that you want to move into is part of a Commercial-Planned Development District (PDD) and I don't believe that the use that you are proposing to bring in there is permitted in that district. Mrs. Murphy stated it is M-1 Industrial and unfortunately that isn't a defined use under the manufacturing. So, I believe that the Planning Staff had already talked to you about that. Mr. Hogan stated the following: Yes, we have already discussed that. I would also like to know if there is any other things that we can do as far as any other issues you would see with that now so, when we go to the Zoning Board of Appeals (ZBA) and then come back, if there is anything else that you would need. Mr. Harris stated the following: Like some discussions that just happened regarding uses of physical training or karate Tae Kwon Do and based on the standard you apply, I think the applicant may want to explain the usage of the property. I don't know if you want to get into that now or wait to see if they get their variance to come back and discuss that. Mrs. Murphy stated I believe it would be more appropriate to wait. Mr. Harris stated okay.

Mr. Roberts made a motion to deny the Change of Use application for Crossfit. The application was denied based upon a determination by the Board that the proposed use is not a permitted use in the M-1 Industrial zoning of the Parkford Planned Development District (PDD). Mr. Partlow seconded. All-Nay. Motion carried.

**Old Business:**

**14.008 OB      Olesen Duplex, 30 Route 146 – Special Use Permit**

Mr. Ouimet stated the following: This matter was before the Board at our March 10, 2014 Planning Board meeting and there was a misunderstanding that there were current existing code violations in the building and there are not because the building is not being used for residential purposes. So, at this point in time, if the Board is satisfied, we can schedule a Public Hearing on this application for a Special Use Permit.

Mr. Roberts made a motion to schedule a Public Hearing for the April 14, 2014 Planning Board meeting. Mr. Berkowitz seconded. All-Aye. Motion carried.

**13.044**

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**13.045 OB      Regency Park Planned Development District, Route 9 – PDD Recommendation**

Mr. Ouimet stated the following: This item was also was on our agenda for the March 10, 2014 Planning Board meeting and it is my understanding that the applicant has made some modifications to this project and the applicant wishes to present those modifications to the Board tonight. Mr. Jeff Williams from Bruce Tanski Construction and Development stated the following: I'm here tonight representing the owner, Mr. Bruce Tanski, for the Regency Park Planning Development District (PDD). As Mr. Ouimet has stated, the map that we are looking at tonight was in front of the Board at the March 10, 2014 Planning Board meeting. We discussed this revision that was created from comments received from the Board and CHA's comment letter dated May 2013. What we showed here was about 294,000 SF of potential Light Industrial space that included all of the 1,000 linier feet of frontage on Route 9 and some office warehouse spaces in the back towards

SYSCO. We also showed a 51-lot single-family senior housing component that we're looking forward to creating. One thing that was mentioned at the March 10, 2014 meeting was that some of the Board members kind of asked us to create some sort of atmosphere where the senior component could possibly walk down to some of the shops, retail areas and stuff like that. Also, there was mention of a community center. So, what we did is, we took these two pads out that were 13,000 SF and replaced it with a building that you have seen before and I'll show you the rendering in a minute. It has about a 10,000 SF footprint of retail office space and then the second and third floor has a total of 42 apartment units attached to it. What I'm showing you now is a rendering of the building and we think it is quite attractive. Once again, there is about 10,000 SF of office, retail or personal service type spaces and then the second and third floor would have luxury apartments. The center hall on this building would be used as a community center for the senior component and it would probably have a kitchenette in it and there would be a large room that people could rent to have parties there with their families, have bridge parties or whatever else they would like to do. We listened to what the Board's concerns were with the last revision, we responded back and we brought this back and this is the original building that was first proposed when the PDD was proposed back in 2013 and we just wanted to see what the Board felt about this. Mr. Ouimet asked so, would the second building be the same as you presented the last time where you had two commercial buildings. Mr. Williams stated the following: No, there will only be one at this point and we're still going to leave this as a Light Industrial/Commercial (LI-C) space. You have to remember that it is a LI-C space but it also could be a commercial type space, which is allowed in the LI-C zone. So, there might be more of a service type or something there, but that's going to be for a spec at this point. Mr. Berkowitz asked would the residential space there have the same owner configuration as the other 51-lots or would that be purely rental? Mr. Williams stated I think they would be purely rental. Mr. Ruchlicki asked would they have garaging for those units in the back? Mr. Tanski stated there would be garages underneath in the back. Mr. Ruchlicki stated is that the original proposal that we're basically looking at? Mr. Tanski stated the following: Correct and we responded to Mrs. Sautter's concern at the last meeting for something like a community room and space and that is what will be in the middle. This building has some metal on it, it has brick on it, it has siding on it and it has stone on it so, it has a lot of different types of architecture. Mr. Ouimet asked how many apartments are you proposing? Mr. Williams stated that building will hold a total of 42 apartments units; with 24 one-bed units and 18 two-bed units. Mr. Partlow asked would the apartments be geared toward seniors as well? Mr. Williams stated the following: The apartments would be open for anyone to rent them. So no, it would not just be for seniors. Mrs. Sautter asked would the people living in the apartment units also be able to use the community room as well if it is not geared towards seniors? Mr. Tanski stated the following: The community room would be open to anyone who wants to use it because like we have in the Senior Center, if they want to use it, we wouldn't charge any of the people who wanted to use it. They would just have to sign up to use it and they could use it for parties, Super Bowl parties and if they wanted to play cards or have a family reunion. We just had a couple who had a family reunion in the Senior Center and that worked out real well. Mr. Berkowitz asked would the rental office be in that area also or would that be in another area? Mr. Tanski stated the rental office would be located where there are some small offices in the back. Mr. Berkowitz asked would those offices be located in the back of the building or in the back of the community center? Mr. Tanski stated in the back of the community center. Mr. Berkowitz asked would that also be the sales office for the seniors? Mr. Tanski stated correct and then we wouldn't have to put another building up. Mr. Berkowitz stated say that the building to the north of there becomes more industrial; would you be willing to put a false façade on that to match the other building? Mr. Tanski stated the following: Yes, I would. That's was kind of my plan if somebody else came in there and we want it to look

something like this with the same type of materials. I would assume that it would probably be at least a two-story building and I would have control over that. Mr. Ouimet asked is it still your plan to run the sidewalk that you talked about before. Mr. Tanski stated yes, we would run a contiguous sidewalk all the way down especially to this area, to the shops underneath and also to Stewart's, which is a short run. Mrs. Sautter stated the following: I do appreciate that you remembered that I asked about that because that was, like I said, in the proposal. That was a very interesting proposal and I thought it was a really really important component for this because the idea is so unusual. Also, I like the idea that you're bringing back some shops and some stores and I can see maybe a CVS or something. I don't know, but that's what I would see would benefit in this area. So, I appreciate that you showed us some more pictures and ideas and to my knowledge, the reason why you're having the apartments above it is twofold. I think you said one was to entice the commercial portion of it to kind of offset formalities. Mr. Tanski stated also too, I think the Board has to be cognizant of the fact that this is about an \$8,000,000 building and without some income from the apartments, it would never sustain it and the bank would never loan any money for it because the commercial market is too volatile today for anything like this where the apartments would almost be a guarantee that it would work. Mr. Berkowitz asked how would this be staged then as far as the building? Mr. Tanski stated this building is 300 FT long. Mr. Berkowitz stated I'm talking about the whole project. Mr. Tanski stated well, we would probably start it all at once. Where the senior homes would go; basically we would be putting the infrastructure in and then a sub-contractor would be setting the homes. So, that wouldn't be that big of a deal once the infrastructure is in and my company would build it. Mr. Berkowitz stated with the industrial part, would we just wait until you had a tenant? Mr. Tanski stated the following: Right, wait until we have a tenant for it and then they would come in and do their own site work if they were going to buy it or unless we were going to do a land lease, then I would come back in for that. Also, really there's nothing in that end of Town and I think this would definitely open everybody's eyes coming into Halfmoon from that end because it's not desolate, but there's nothing there. So, this would definitely make a nice presentation coming into Halfmoon.

This item was tabled and referred to CHA for their technical review.

Mr. Ruchlicki made a motion to adjourn the March 24, 2014 Planning Board Meeting at 8:19pm. Mr. Berkowitz seconded. All-Aye. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary