

Town of Halfmoon Planning Board

February 27, 2006 Minutes

Those present at the February 27, 2006 Planning Board meeting were:

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

Alternate

Planning Board Members: Jerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the February 27, 2006 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the February 13, 2006 Planning Board Minutes. Mr. Berkowitz made a motion to approve the February 13, 2006 Planning Board Minutes with changes. Mr. Nadeau and Mr. Ouimet abstained due to their absence from the February 13, 2006 Planning Board Meeting. Mr. Higgins seconded. Motion carried.
Mr. Leonard replaced Mr. Roberts in his absence.

Public Hearing:

04.235 PH Adam's Pointe PDD, Johnson Road – Major Subdivision/PDD/GEIS

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Matt Brobst, of Ivan Zdrahal Associates, PLLC, stated the following:* The Adam's Pointe PDD is proposed for a 20-lot subdivision to be located on the corner of McBride Road and Johnson Road. The Adam's Pointe PDD property is located approximately 250 FT. east of Timothy's Way. Sanitary sewer and water will tie-in from Timothy's Way for this project. The minimum lot sizes would be 15,000 SF. The total parcel area is 16-acres. There would be 33% of open space. The proposed project would be targeted toward empty nesters home purchasers. There would be a Homeowner Association, which would include lawn service and snow removal. They are currently in the process of obtaining an out-of-district water service extension that would tie-in to Timothy's Way. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:03 pm. Mr. Higgins asked if the applicant has submitted the Homeowner's

Association Legislation for review by the Town Attorney. Mrs. Murphy stated that she had reviewed the HOA's legislation prior to the Town Board passing the PDD Legislation. Mr. Watts asked if the Town Board was comfortable with the projects public benefit. Mrs. Wormuth stated the Town Board did pass the PDD Legislation as they were comfortable with the proposed public benefit, which included a donation by way of unrestricted gifts of funds in the amount of \$8,000 as well as the construction of a trail on-site or a donation of \$20,000 for the construction of a trail in a different location as the Town desires. Mr. Higgins asked if the HOA would retain ownership of parcel A and the HOA would be responsible for the maintenance of parcel A. Mr. Brobston stated that was correct. Mr. Higgins stated that he and Mr. Ruchlicki were with committee for this project and they worked diligently with the developer and engineer and they believe the present design is a lot better than what it started out as and he would make a recommendation to grant a preliminary approval.

Mr. Higgins made a motion to grant preliminary approval for Adam's Pointe PDD/Major Subdivision/GEIS contingent upon the Out-of-Water District Agreement is obtained and CHA's sign-off on previous comments. Mr. Nadeau seconded. Motion carried.

Old Business:

02.118 OB Rolling Hills PDD Phase II & III, Cary Road – Major Subdivision/GEIS

Mr. Percy Cotton, of Percy Cotton Engineering, presented the Rolling Hills PDD Phase II & III Major Subdivision/GEIS. *Mr. Cotton stated the following:* On January 9, 2006 the Planning Board held a Public Hearing for this project. The concerns raised by the public were the increased traffic on Tabor Road and the proposed Liebich Lane extension. *Mr. Bianchino stated the following:* As he mentioned during the Public Hearing, many of the comments that we heard regarding traffic basically were the same comments we heard during the Town Board PDD Public Hearing and the Planning Board Public Information Meeting. The design that is shown on the Phase II & III drawings reflects the PDD drawings that we have agreed to during our PDD and SEQR review of the application. At the time we did agree with the curb cut on Tabor Road with added provisions given by the applicant for right-of-ways that would allow us in the future when additional right-of-way or other lands become available for the Town to do a realignment of Tabor Road to go down Liebich Lane. The way it stands now is the only way we are able to get out to Tabor Road based on the existing property that the applicant owns. Many of the comments heard at the Public Hearing address the issue of traffic on Tabor Road and Mr. Cotton has responded to those comments with some other suggestions that he thinks are good suggestions and they will look at these suggestions between preliminary and final approval in terms of possible speed limit changes on Tabor Road and stop signs at the new intersection location. The traffic that will come off of Tabor Road and go down Liebich Lane as a result of this curb cut will be more than the amount of traffic that would go from this subdivision west on Tabor Road. Overall, the curb cut itself will not have a negative impact on Tabor Road and it would provide an alternative that they have talked about in the GEIS to get Johnson Road traffic out to Route 9 by a method other than Tabor Road. Mr. Higgins stated the following: He was on the committee for this project and as he mentioned in the Public Hearing, he feels the committee, the applicant and the Town Engineer all did their best to try and find the optimal way to get Liebich Lane down to Route 9 to try and help with some of the traffic. Originally this was all part of the GEIS to find the best solution available regarding the traffic. *Mr. Bianchino stated the following:* Another issued mention at the Public Hearing was regarding drainage and Mr. Cotton has addressed the drainage issues in two CHA comment letters and this has been reflected on the preliminary plan. Mr. Nadeau asked if the drainage problem has been addressed on the Stiles property as part of Phase II of this project. Mr.

Bianchino stated the drainage issue with regards to the Stiles parcel was part of a mining operation that was causing the problem. *Mr. Cotton stated the following:* With what they are doing it would not make the problem any worse and could make it somewhat better. The storm water management crew will eliminate any additional run-off and it would not be greater than the drainage problem at this time and probably would become somewhat less. Mr. Higgins stated he would like to reiterate for the record that the water extension along Cary Road for Phase I of this project needs to be done before there is any major work done on this site because there are people who would be greatly affected if the water line is not in before major site work starts. Mr. Cotton stated that this has already been agreed to.

Mr. Higgins made a motion to grant preliminary approval for Rolling Hills PDD Phase II & III – Major Subdivision/GEIS contingent upon the Out-of-Water District Agreement is obtained and CHA's sign-off on previous comments. Mr. Berkowitz seconded. Motion carried.

05.115 OB Ayva Acres, Vosburgh Road – Major Subdivision/GEIS

Mr. Scott Lansing, of Lansing Engineering, stated the following: We are before the Board this evening primarily for an update on the Ayva Acres Subdivision. This project was originally submitted to the Board approximately one year ago. Since the initial submission, we have performed boundary survey, topographic survey, delineations of both the DEC and Federals wetlands and they have worked with CHA on the layout and refinements to the layout and we have also addressed the conceptual comments. The overall parcel is approximately 134.6-acres in size and is located north of Vosburgh Road and to the west of Route 146. This parcel is currently zoned Agricultural/Residential with a minimum lot size of 20,000 SF. A minimum front yard setback of 50 FT, rear yard setback of 30 FT and side yard setback of 10 FT. The project was originally proposed as 54-lot project and through obtaining boundary, topo, wetlands and working with CHA, the project has reduced down to 36-lots. The lots are proposed to be in accordance with A/R zoning requirements. At this time they are proposing 26 single-family residences and 5 two-family residences. They are proposing a curb cut for a primary roadway off of Vosburgh Road. This roadway would follow the higher most consistent grades. We are also proposing 2 private shared driveways off of Vosburgh Road. There would be public water served from Vosburgh Road. Storm water would be managed on site through storm water management areas and sanitary sewer would be extended from the project out to the Route 146 corridor where there is main sewer trunk line. The applicants are proposing 91.53-acres of open space located on the northern and northeastern portions of the parcel. This would annex other open space areas namely; Smith Road Phase Phase V which recently has a dedication of 43.56-acres of open space to the west of the parcel and to the northwest of the parcel and also the Vosburgh Road PDD has another 58-acres that are being dedicated to the Town of Halfmoon. This project's open space in combination with the other projects' open space would equal approximately 193.09 total contiguous acres of open space for the Town. Over the course of the past year CHA has requested mapping updates including the boundaries, topography, and wetland delineations. There were comments relative to lots close to some of the lots along Vosburgh Road. Prior to this mapping they did propose more lots closer to those lots. Also there are several lots where there are existing homes very close to the existing rear property lines. As a part of this project the applicants are intending to dedicate portion of land to those homeowners so that they would have rear yard setbacks that would be in conformance with the A/R zoning. Another comment from CHA was relative to flag lots as the initial concept had several flag lots and they have limited this down to one flag lot. CHA had a comment relative to a water agreement and a district extension and we are aware that would be required for the project. Sanitary sewer capacity was mentioned in a comment letter and there is a main

trunk line located on Route 146 where we do plan to tie-in and there should be adequate capacity in that area. There was a question on two proposed common drives and they would need to be built to Town standards which would require a 20 FT wide driveway able to support a 50,000 lb. vehicle with turnarounds within 100 FT of the residences. CHA had reference to the Vosburgh Road realignment as there is a sharp bend in Vosburgh Road and there was a comment by CHA for possible mitigation measures for this realignment. What we are proposing is a "T" type intersection in this area to eliminate the sharp bend. There was a recent meeting regarding this realignment with applicants from a neighboring project, the Crescent Hill project, and it was determined that the Crescent Hill project would construct this "T" intersection in accordance with CHA's review. We are before the Board for a status update and we are hoping to move on to preliminary design for the project and would continue to work with the Town and CHA and we are here for any questions or comments that the Board might have. Mr. Nadeau questioned the closeness of the house to the proposed "T" intersection. Mr. Bianchino stated that this was part of the other project, which the house would be removed or already has been removed. Mr. Higgins stated that he did not see a turnaround indicated on the lower common driveway as they have shown on the other common driveway. Mr. Lansing stated they are showing turnarounds incorporated in with the driveways and they could show that more clearly on the preliminary drawings as they advance to that stage. Mr. Polak asked if this would be a private drive. Mr. Lansing stated yes. Mr. Polak stated that the plan shows proposed lot line adjustments and asked if this property would be turned over to the residents. Mr. Lansing stated yes. Mr. Ouimet asked Mr. Lansing to explain further how the private driveway would be constructed and where would the turnaround be located. *Mr. Lansing stated the following:* This driveway would be constructed as a 20 FT wide private driveway and would be able to support a 50,000 lb. vehicle. It is his understanding that Town code requires a turnaround within 100 FT of a residence, which is hard to see on the map, and at the end there would be another turnaround so there would be 2 spots where an emergency vehicle could turnaround on that driveway. Again, this would be better detailed as we advance toward preliminary engineering. Mr. Ouimet asked if one turnaround would be half way up on the left hand side and the other turnaround would be at the end. Mr. Lansing stated correct and this would be adjusted and have this incorporated in the driveway similar to what we have on the lower private driveway. Mr. Berkowitz asked if the paths shown already exist or if they planned paths. Mr. Lansing stated these were existing paths and we feel the Town could hinge upon and create a very nice trail system through those existing lands. Mr. Berkowitz asked if they are already part of the proposed trail system. Mr. Lansing stated he believes this area has been identified as a passive recreation park and he knows as part of the Smith Road PDD there is a trail system spur going toward this area so he believes these trails can be connected. Mrs. Wormuth stated that the Town has not adopted a trails master plan to a definitive, however, the Town Board has schedule a Public Hearing at the next Town Board meeting, but it is suggested to find movement from the north near Smith Road down through the proposed Ayva Acre property and also across through the Vosburgh Road PDD. Mr. Magoolaghan, of Belmonte Builders, stated the paths that Mr. Berkowitz is referring to are existing old farm roads. Mr. Lansing stated that in the area of the storm water management area, an existing road coincides with an existing road so we have somewhat of a neighborhood linkage in that area where we could tie-in from the end of the cul-de-sac. Mr. Berkowitz asked how many duplexes are proposed. Mr. Lansing stated there are 5 duplexes. Mr. Berkowitz asked what the total number of units would be. Mr. Lansing stated there would be 36-units. Mr. Ruchlicki asked Mr. Lansing what the dark area on the map depicted and what he meant by the lot line adjustment. *Mr. Lansing stated the following:* There are 2 lots in particular on Vosburgh Road where for

whatever reason the homes were built very very close to their rear property line. One of CHA's comments was relative to our lots and to make sure we had good distance from those 2 lots. We did a combination of things: (1) we moved our lots away and applied a rear yard setback to our lots but the applicants have also taken a area of land and they are going to dedicated it to those residences so they will have rear yard setback lines that would meet the A/R zoning. Mr. Ruchlicki asked if the foliage in the area of the lot line adjustment that is depicted was a full-grown forest and if this area would go undisturbed. Mr. Lansing stated this was correct, as there is no reason to disturb this area. Mr. Polak asked if the residents were aware that this lot line adjustment would be taking place. *Mr. Magoolaghan stated the following:* They have spoken to some of the residents. The residents have cut into this buffer themselves. Many of the residents have gardens and sheds on that property. So what they did is recognize this and they decided to take the jog out of the property line and this will re-establish the set backs of those houses and allow the residents to keep the gardens they have established. They have not touched base fully with all the residents yet but we have spoken to some of the residents. Mr. Lansing stated if these residents do not want this property, we could always restrict it in some way that the Board would find acceptable. Mr. Magoolaghan stated the residents that they have spoken to were ecstatic over the land dedication. Mr. Nadeau asked Mr. Lansing if there were any wetland restrictions. Mr. Lansing stated there are some upland areas and when the Smith Road PDD was put together the limits of the wetland mapping were restricted and he does not recall if anything was done in the other area and he knows the area is a combination of wetlands and quality land. Mr. Higgins asked if the trail would go through the back yards of the houses shown on the lower portion of the plans. Mr. Lansing stated these are existing farm roads and these roads could be enhanced to be more of a defined trail system if the Town so desired. Mr. Higgins asked if there would be deed restrictions on the wetlands around the property on the existing houses. Mr. Lansing stated all the wetlands have been formerly delineated and surveyed in and they will be on all subdivision plans and mapping that will be provided to all the homeowners. Mr. Watts asked if the houses would be bordering the Army Corp of Engineer wetlands. Mr. Lansing stated yes. Mr. Watts asked if there would be any issues with the people who purchase the homes in these wetland areas with basement problems. Mr. Lansing stated that the area where the roadways are proposed is much higher than the wetland areas so he does not anticipate any water problems or basement problems. Mr. Berkowitz asked if the back yards would have a steep slope. Mr. Lansing stated some of the homes would have back yards with steep slopes. Mr. Ruchlicki asked if the land slopes off through the ridge of trees into the wetland area. Mr. Lansing stated yes, it is uniform from the residences down towards the lowest point where the stream and the DEC wetland are located. Mr. Ouimet asked if this same discussion pertains to the proposed 3 duplexes on the shared roadway. Mr. Lansing stated yes. Mr. Bianchino stated that a comment was raised concerning the soils. When the Board is comfortable with the concept and when Lansing Engineering starts to get into the preliminary engineering, CHA would want to see soil bore test information especially in the areas of the roads and storm water management areas to make sure that they are not at elevations that are below the water table which could cause problems. Mr. Nadeau asked if Ayva Acres PDD would be a phased project. Mr. Lansing stated this would be a single phased project. Mr. Nadeau asked when the road improvements would occur. *Mr. Magoolaghan stated the following:* In regards to the "T" intersection, Rich Rosetti and Rosewood Builders will take the lead. Belmonte Builders has come to an agreement with the Town where Belmonte would participate in the cost of the road improvements but Belmonte is not the lead on the road construction and realignment. However, Rosewood is probably ahead of us in the planning stage and therefore the road realignment would come before Ayva Acres.

Mr. Bianchino stated that both Crescent Hill and Ayva Acres are outside of the water district so it could be mid-2007 before they would receive a water permit. Mr. Berkowitz asked what the approximate size of the homes would be. Mr. Magoolaghan stated the single-family homes would be 2,800 to 3,500 SF depending on the lot sizes. Mr. Ruchlicki asked what the dotted line depicted in the area of the cul-de-sac. Mr. Lansing stated the dotted line is the 100 FT buffer from the DEC wetlands and the line near the houses along the main road denotes the Federal wetlands, which does not require a 100 buffer so this would be the actual wetland in that area. Mr. Higgins asked if there was sufficient area to allow for digging and leveling. Mr. Lansing stated when they get into the preliminary design they would provide a grading plan for the Board and CHA to review. *Mr. Bianchino stated the following:* There would be a need to get an interpretation from the Building Department on how a couple of lots have the front building setback line further back. He assumes this was done because the lot was not wide enough at the original 50 FT setback. Some Town's interpret the setback and zoning this way but this was just clarified in the last round of zoning revisions that were done. The requirement is the minimum width has to be met at the required building line. Mrs. Wormuth stated this comment came from a concern regarding the proposed houses not having back yards and asked Mr. Bianchino why the homes could not be moved forward. Mr. Polak asked if there could be any disturbance to the 100 FT set back line. *Mr. Lansing stated the following:* Only if they obtained a permit but typically there is to be no disturbance within the 100 FT set back. The position of the houses shown could be shifted and the conceptual plan shows roughly where the units could go on those lots.

This item was tabled and referred to CHA.

05.208 OB New York Long Term Care Brokers, 11 Executive Park Drive – Addition to Site Plan

Mr. Tom Andress, of ABD Engineering, is representing New York Long Term Care Brokers located at 11 Halfmoon Executive Park for an addition to site plan. *Mr. Andress stated the following:* This building was constructed about 10 years ago and at the time there was an indication on the plans for a future addition in the rear. They are back before the Board now for approval of this addition. Lot #11 is in the transition zone for parking in the rear of the site. The plan showed a wood fence along the property line and one of CHA comments was to change this fence to a white vinyl fence and we have no objection to this request. Everything else had been setup when the original design was submitted so that the storm water will flow into a system designed for the entire office park. There will not be any additional water and sewer connections, as they will be connecting internally. Mr. Higgins asked what size the parking spaces would be. Mr. Andress stated that all of the existing parking is 10 x 20 FT in front of the building and the employee parking in the rear of the building would be 9 x 20 FT. Mr. Higgins asked if they would have 24 employees. Mr. Andress stated there are more than 24 employees but they did not plan to change the parking spaces in the front of the building.

Mr. Nadeau made a motion to approve New York Long Term Care Brokers addition to site plan contingent upon a 6 FT vinyl stockade fence is to be added to the rear boundary line. Mr. Berkowitz seconded. Motion carried.

05.211 OB Dalston Subdivision, 116A Route 236 – Minor Subdivision

Mr. Ouimet recused himself from this item. *Mr. Gil VanGuilder of Gilbert VanGuilder and Associates, stated the following:* This application was before the Board several months ago and the application was denied so we could go to the Zoning Board of Appeals as the subdivision needed area variances. These variances were granted by the ZBA at the February 5, 2006 ZBA

meeting with the condition that if the two lots were ever to be proposed for commercial use in the future, the two lots must be combined back to one lot. The reason for this was the ZBA envisioned that in the future this could become a commercial corridor and a substandard lot would not be a good situation for a commercial use. This condition was agreed upon and there is a deed restriction on both lots. The lots would be served by public water. As per a recommendation from the Town's water department, a curb box would be used and an easement has been provided across the front yard to service this home. They are before the Board to request a Public Hearing for the subdivision of this property. Mr. Higgins asked where the sewer that would be coming available. *Mr. VanGuilder stated the following:* Currently there is a high-pressure sewer line on Route 236, which is not available to this property. The sewer that may become available in the future would be either a gravity system or a low-pressure sewer line running to a pump station to the high-pressure sewer line. There are two existing septic systems on the property that are currently working. Mr. Ruchlicki asked if any documents were required for the water line easement. Mr. VanGuilder stated the documents were provided to council when it was approved.

Mr. Nadeau made a motion to set a Public Hearing for the March 13, 2006 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

New Business:

06.117 NB Proctor Subdivision, 28 Firehouse Road – Minor Subdivision

Mr. Gil VanGuilder of Gilbert VanGuilder and Associates, proposed a minor subdivision for the Proctor parcel located at 28 Firehouse Road. Mr. VanGuilder stated the following: The Proctor property consists of approximately 5.2-acres on the southerly side of Firehouse directly behind the Crescent Vischer Ferry fire station. There is an existing single-family residence with an apartment over the garage. The assessment for the property is for a multi-family use. The applicant wishes to create a flag lot with 21.65 FT of frontage on Firehouse Road. The remaining lot will have an area of 2.84-acres. Public water is available and the lots will have private septic systems, which would be placed a minimum of 100 FT to the property line to provide adequate separation to any well. Mr. Nadeau asked if a wood shed would be removed for a future driveway. Mr. VanGuilder stated yes. Mr. Higgins asked if council was comfortable with the existing non-conforming use. Mrs. Murphy stated that Mr. VanGuilder has described on the map that the applicant would not be expanding nor modifying a pre-existing non-conforming use so she does not have any concerns with regards to its continuation.

Mr. Nadeau made a motion to set a Public Hearing for the March 13, 2006 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

06.118 NB Dudick Chiropractic, 377 Route 146 – Addition to Site Plan & Sign

Mr. Ouimet recused himself from this item. *Mr. Mike Dudick, the applicant, stated the following:* He previously has been before the Board asking for a site plan that has been approved for a use variance. The approved site plan shows 9 parking spaces including one handicapped parking space. He is asking for a change in the parking to move the handicap parking space and wishes to add a few additional parking spaces. Because of the slope of the property, he wishes to place the handicap parking space near the front of the existing building near the entrance. Mr. Nadeau asked what the distance was from the handicap parking space to Route 146. Mr. Dudick believes it is approximately 20 to 25 FT. The way they have planned the handicap parking space there would be enough room for the vehicle ramp to fit between the house and Route 146. He has received a verbal approval from a neighbor for an easement as the new plan shows where the parking space would extend off onto the neighbor's property.

Mr. Berkowitz asked if there was enough room in the parking area for a senior citizens van to turn around. Mr. Dudick stated this is the reason why they would need the easement so there would be enough room for the turn around. Mr. Higgins stated the Mr. Dudick's original proposal there were some concerns regarding traffic exiting onto Old Werner Road and at that time the applicant stated that 9 parking spaces would be more than enough parking. *Mr. Dudick stated the following:* He is now re-addressing the parking for his office as most of the time 9 parking spaces should be adequate but he wants to allow for the worse case scenario. He foresees that there could be a potential problem with some of the therapist leaving late and other therapist arriving early, which would create inadequate parking. He does not expect this to be a regular problem but he is trying to accommodate so this wouldn't happen. Mrs. Wormuth asked if the number of employees has changed since his first presentation to the Board. Mr. Dudick stated no, but sometimes he has double coverage for 1 or 2 hours due to back-to-back appointments. Mr. Higgins stated that in the original application the Board had concerns regarding the traffic and site distance between Route 146 and your driveway and this is why the Board requested that the entrance be moved further back. Mr. Watts asked when Mr. Dudick would be moving to the new location. Mr. Dudick stated hopefully in the spring but it could be between April 1 and June 1. Mr. Watts asked Mr. Williams regarding the proposed sign application for the chiropractic office. Mr. Williams stated the applicant is proposing a 10 x 8 FT double-sided sign with a total area of 160 SF and the Town's sign ordinance states in a residential zoned area a business sign pertaining to a legal non-conforming Professional Office shall not exceed 10 SF. Mr. Dudick stated that he looked at other signs in the Town and he is trying to find the correct size sign. Mr. Berkowitz stated the signs Mr. Dudick looked at could have been located in a commercial zone where the sign ordinance differs in a residential zoned area. Mrs. Murphy stated the Board is legally prohibited from permitting Mr. Dudick to have a sign that is not authorized in a R-1 zone. Mr. Dudick stated he would hope to request a variance so he could get the approved sign and it was explained to him that in order to request a sign variance for size issues, he must present first go to the Planning Board to be denied. Mr. Nadeau asked where the sign would be located. Mr. Dudick stated the sign would be located in the front of the building on a freestanding sign along the Route 146. Mr. Watts asked what the zoning would be on this piece of property with the proposed rezoning of Route 146. *Mr. Bianchino stated the following:* The proposed rezoning is an overlay district related to performance standards. It is not a proposal to rezone the uses as it stands right now. The underlying zone still applies with the way it was originally laid out. Mr. Nadeau stated the overlay zoning seems to be counter-productive to not allow a commercial sign in a district intended for a future zoning change to a commercial zone. Mr. Higgins stated for the record that the parking spaces would be 10 x 20 FT and should be noted on the plans. Mr. Bianchino stated that before the easement documents are drawn up, the applicant should make the easement larger to allow adequate back-up space for the handicap parking space.

Mr. Berkowitz made a motion to approve Dudick Chiropractic addition to site plan for added parking contingent upon the easement description is accepted by the Town Attorney. Mr. Leonard seconded. Motion carried.

Mr. Berkowitz made a motion to deny Dudick Chiropractic sign application due to the proposed signage area exceeds the total area of signage allowed in a R-1 Residential zoned parcel. Mr. Higgins seconded. Motion carried.

06.119 NB Quiznos Subs, 1512 Route 9 (Savemore Beverage) – Addition to Site Plan

Mr. Joe Bianchine, of ABD Engineering, is representing Mr. Bob Popp who owns Savemore Beverage which is located on the west side of Route 9. *Mr. Bianchine stated the following:* The proposed Quiznos Subs is to be added to the existing Savemore Beverage site. Savemore Beverage currently has a 10,000 SF building with parking in the front of the 3.6-acre site located in the C-1 Commercial Zone. The applicant is proposing to construct a 1,600 SF addition on to the Savemore Beverage building in order to operate a Quiznos Sub shop. The addition would be located on the north side of the building. They are proposing 7 additional parking spaces. There has never been any parking problem at this site based on their usage, so the addition of Quiznos Sub shop should not present any problems with parking. Town water and sewer service the site. Quiznos Subs is a sandwich shop with mostly take-out orders. There would be a few tables inside for people to dine-in. Mr. Higgins asked what the grinder pump was for that was shown on the plans. Mr. Bianchine stated it was the sewer for the existing building and this pump would have the capacity to service the additional use. Mr. Ouimet asked why the handicap parking spaces would be taken out that is located on the side of the building. Mr. Bianchine stated these handicap spaces would be moved to the other side of the building. Mr. Ouimet inquired on the topography of the land at this site. Mr. Bianchine stated the land slopes back but it is a very flat grade and is intended to remain flat. Mr. Ouimet asked if any thought was given to moving the handicap parking spaces closer to the building. Mr. Bianchine stated there are existing handicap parking spaces in the front of the building and then there will be more on the side of the building. Mr. Berkowitz asked if the front handicap parking spaces were marked. Mr. Binachine stated that he does not believe the existing handicap spaces are marked. Mr. Watts asked if there were signs indicating the handicap parking spaces. The applicant stated that these areas are striped with the handicap wheelchair painted in blue but they do not have a stake in the ground. Mr. Ruchlicki inquired about the 5 FT wide ditch near the parking spaces in the rear of the building. Mr. Bianchine stated that they would have to relocate this ditch around the edge of the parking lot. Mr. Higgins asked where the dumpster would be located. Mr. Bianchine stated the dumpster would be located near the shed area in the rear.

This item was tabled and referred to CHA.

06.120 NB Empire Signs & Graphics, 1512 Route 9 – Sign

Mr. Dave Ashley, the applicant, proposed a 3.7 FT stand with a logo, address and phone number and a 3 x 8 FT sign for Empire Signs & Graphics located at 1512 Route 9. Mr. Ashley stated the sign would not exceed 7 FT in total height. Mr. Watts asked what the height of the existing sign was. *Mr. Ashley stated the following:* The existing sign is approximately 70 inches, just less than 6 FT. The reason he is proposing to increase the sign height is to increase the overall sign face surface to make it more visible.

Mr. Nadeau made a motion to approve Empire Signs & Graphics sign application. Mr. Ruchlicki seconded. Motion carried.

06.121 NB Parkford Square, 449 Route 146 – Sign

Mr. Jim Liselle is representing Parkford Square located at 449 Route 146 for a sign application. *Mr. Liselle stated the following:* We are proposing a one-sided sign with dimensions of 4 x 8 FT. There would be a stone enclosure that will go around the proposed sign. The total height of the sign will be 5.5 FT tall and will be floodlight lit.

Mr. Berkowitz made a motion to approve Parkford Square sign application contingent upon C.O. is obtained including Crew Road/Route 146 intersection improvement, sign will not be in State right-of-way and lights will not shine in road. Mr. Ouimet seconded. Motion carried.

06.122 NB U.S. Oncology, 449 Route 146 (Parkford Square) – Change of Tenant

Mr. Jim Liselle is representing U.S. Oncology Square located at 449 Route 146 for a change of tenant application. *Mr. Liselle stated the following:* U.S. Oncology would be the first tenant located in this building. U.S. Oncology is a medical billing company that is currently located in the Town of Halfmoon. The tenant wishes to utilize 9,200 SF of our 15,000 SF building. Mr. Watts asked if the parking area would be used for employees only. Mr. Liselle stated yes and there would be no customers coming to this site. Mr. Watts asked the size of the proposed parking spaces. Mr. Liselle stated 10 x 20 FT at this time. Mr. Watts stated that they are allowed to have 9 x 18 FT spaces for employee parking. *Mr. Liselle stated the following:* They may use the 9 x 18 FT spaces on a few of the parking spaces for this tenant to gain more parking spaces for a future tenant. He understands the parking discrepancy issue for the future tenant and he will need to address this issue when a prospective tenant arises.

Mr. Higgins made a motion to approve the change of tenant application for U.S. Oncology contingent upon C.O. is obtained including Crew Road/Route 146 intersection improvement. Mr. Berkowitz seconded. Motion carried.

06.123 NB Hudson Ridge PDD, Stone Quarry Road/Rt 9 – Multi-Family/PDD

Mr. Bill Hoblock, of Capital District Properties, LLC, is representing the Hudson Ridge PDD multi-family PDD to be located at Stone Quarry Road and Route 9. *Mr. Hoblock stated the following:* The proposed PDD would be a luxury multi-family community. On February 7, 2006 the Town Board passed this application to the Planning Board for recommendation for this PDD application. This application was originally submitted last spring and they worked with the Town for about 6 or 7 months to tweak the application. They have since reduced the density; a full traffic impact study was done in connection with the Town as well as the State DOT and they have come up with a public benefit. The site is a 32-acre parcel, which is located in the northwest corner of Stone Quarry Road and Route 9. The parcel is zoned C-1 Commercial except for a small parcel which is included in the PDD. There is also an existing commercial garage located on the proposed site. There is a mobile home park located to the north of the site, to the west the adjacent lands is vacant and in the rear of the site is a single-family home community. Across Stone Quarry Road there is vacant land and a few single-family homes. The site plan shows a total of 21 buildings. There would be 2 types of buildings; one type has 12 residences in each and the other building would have 6 residences for a total of 228 residences. The allowable density by the Town code is a maximum of 10 per acre, which would be a maximum of 320. They are proposing 6 to 7 per acre. The site plan consists of two curb cuts on Stone Quarry Road. There would be boulevard entranceways, old English cast lamps and courtyards throughout the site. 70% of the site will remain untouched or reclaimed as green space. The buildings will cover 14% of the site and the roads and infrastructure will be 15%. All of the wetlands, rock outcroppings and forested areas will remain untouched on the site. Storm water would be managed on site through storm water basins. Water is located just outside the existing districts where a water line from Route 9 will come down Stone Quarry Road at the site through Stone Quarry Estates. There is an existing sewer pump station located northwest of the site. 80% of the apartments would have attached garages. Every building would have a mix of townhouse units up and down as well flats. The exterior would all be top quality materials; vinyl siding, premium windows with no exposed wood in the fascia, and 30-

year architectural shingles. The interior of the residences would have wood flooring, cathedral ceilings, walk-in closets, double sinks and ceramic tiles in the bathrooms, washer/dryer hook-up, and oak cabinets. The units would be 1 or 2 bedroom. On the east side of the site there would be clubhouse, pool and fitness center. They are proposing 3 specific public benefits. Two of the public benefits are traffic related: (1) A complete reconstruction of the Stone Quarry Road and Woodin Road intersection and (2) A vertical realignment where there is significant downgrade of about 9% on Stone Quarry Road just before the intersection of Stone Quarry Road and Route 9. These 2 benefits are considered public benefits and not a consequence of our proposal because both of these conditions have existed for years and the development is not creating the condition. The traffic impact study gets into detail about how with the proposal and without the improvements the intersections would still operate acceptably. Not only would the residents of Stone Quarry Road benefit from these, so would the entire Town. These are significant public safety concerns that have existed for years. The 3rd public benefit that is being worked on relates to the sewer where there is an existing issue on the Grooms Road/Guideboard Road gravity line. There are 4 good reasons this parcel is good for a quality multi-family community: 1) The Hudson Ridge PDD site is located in the core area as is discussed in the Town's Master Plan. 2) There is less than 100 FT of frontage on Route 9 where it is completely wet and unusable and not right for commercial development. 3) The parcel sits vacant because it is an awkward piece of property and the sites proximity to Route 9 and it is not an ideal site for single-family residences and the Hudson Ridge PDD would have less of an impact on traffic. 4) The proposed project would have many luxurious amenities. Mr. Nadeau stated that each unit could contain 2 people per unit for a possible 446 cars and he does not feel this would improve the situation on Stone Quarry Road and how it would be a Town benefit to increase traffic on Stone Quarry Road. Mr. Hoblock stated he was referring to the two specific road improvements to would be a public benefit to the Town. Mr. Higgins stated he feels the improvement to the access would be more for the applicants benefit so they would be able to rent these apartments. Mr. Hoblock stated it would be a benefit for both the residents and the Town. Mr. Higgins stated the sewer pump station could not handle 200+ homes so the improvement would have to be made before the construction of this project. Mr. Hoblock stated the proposed sewer improvement would not be to the pump station itself, it would be to the Guideboard Road/Grooms Road gravity sewer line and they are willing to look at other public benefits. Mr. Higgins asked if Mr. Hoblock's company owned the property at the intersection of Stone Quarry Road and Woodin Road where the improvements are proposed to be made. Mr. Hoblock stated no. Mr. Higgins asked how these improvements could be part of this project if they may or may not have access to this property. Mr. Hoblock stated they were currently working on this through the existing landowners and also there is some issues on how wide the road is and how wide the right-of-way would be. Mr. Nadeau asked who would be installing the traffic signal on Stone Quarry Road and Route 9. Mr. Hoblock stated that was a decision of the DOT. Mr. Nadeau stated the traffic signal has been an issue with other projects on Stone Quarry Road and possibly the DOT may not allow a traffic signal at that intersection and he cannot see an additional 400 vehicles at this intersection with a traffic signal. Mr. Hoblock stated this is why they have brought the DOT into the process early because they want to make sure that they receive DOT's input. Mr. Ouimet asked if the Hudson Preserve project was targeted toward empty nesters. Mr. Hoblock stated the Hudson Preserve project was built for the same demographic that Hudson Ridge PDD is being built for which is empty nesters as well as young professionals. Mr. Ouimet asked how successful have they been in getting empty nesters in the Hudson Preserve project in Latham. Mr. Hoblock stated they are seeing more empty nesters than they thought they would, a good amount of

young professionals, and less school age children. Mr. Ouimet asked if this project would create a larger public safety concern with the additional traffic. *Mr. Hoblock stated the following:* This development would obviously increase traffic and the significant improvements that we are proposing would be major improvement to the existing road system, which would help this road system, handle the increase in traffic. Another thing to take into consideration is this site is well situated where traffic can exit on to Woodin Road or Route 9 from Stone Quarry Road. This is why we are proposing upgrading both ends of Stone Quarry Road. Mr. Ouimet stated he does not feel that the road improvements would be a public benefit. Mr. Nadeau stated there could be a stacking issue at Route 9 and also at Woodin and Crescent Road. Mr. Hoblock stated he is before the Board tonight to introduce the proposed project and he would like to set up a meeting with their traffic engineers so they would be able to answer the Board's questions. Mr. Berkowitz stated the following: He feels the numbers will be more overwhelming than Mr. Hoblock thinks because by straightening out the Stone Quarry Road and Woodin Road intersection they would now be creating a cross thoroughfare between Route 9 and Crescent. He does feel the improvements to intersection would be public benefit and Mr. Hoblock should speak to the other developers in that area with projects currently on the table about sharing some of the costs of the road improvements. Mr. Nadeau stated the Board has more control over the amount of traffic at a commercial site than the Board could control with this type of PDD project. Mr. Hoblock stated that a multi-family community would create the least amount of traffic in comparison to other types of development such as residential and commercial. *Mr. Watts stated the following:* There were many issues that were raised at the Town Board meeting relative to the site and traffic and there have not been any Public Informational Meetings or Public Hearings to date on this project. The next step to this project could be a referral to CHA, a meeting with the traffic engineers to talk to the Planning Board, or it could be a Public Informational Meeting and he is trying to be the most efficient with the use of our time.

There was much discussion amongst the Board members regarding the next step for this project. Mr. Watts stated this proposed application would be referred to CHA, then we will see what the status is in 2 weeks and if the Board is comfortable, the Board may schedule a Public Informational Meeting.

This item was tabled and referred to CHA.

06.124 NB Grosky Route 146 Office Building, 436 Route 146 – Concept- Commercial Site Plan

Mr. Frank Fazio, of C.T. Male Associates, proposed the Grosky site plan. Mr. Fazio stated the following: They were previously before this Board to introduce a concept plan for a 5,850 SF commercial office building and since that time Mr. Grosky has purchased the neighboring property. The frontage of the property has increased from 100 FT to 137 FT. The applicant is proposing a one-story building just under 5,000 SF. The proposed building would require 25 parking spaces and they have incorporated 25 parking spaces with 7 parking spaces in the front of the building and 18 parking spaces in the rear of the building. There is existing water and sewer available on Route 146. Water would connect on Route 146 and the sewer would connect to a grind pump. Storm water would be managed on site. Run-off would be put into dry wells. Test pits will be performed shortly. The site grades off of Route 146 towards the rear. This parcel will adjoin a residential district that would require a 100 FT buffer. They have 71 FT for the parking lot and are proposing to take provision of a 50 FT buffer by installing trees along the back lot lines. The building would be over 130 FT away from the adjoining lands. There would be customer parking and landscaping in the front of the proposed building

with most of the parking in the rear of the site. An existing trailer has been removed from the site and a foundation remains from an existing shed. Mr. Watts asked if this would be a commercial office building. *Mr. Fazio stated the following:* It is a commercial office building for a law office and for one or two other tenants. They are expecting approximately 12 to 16 employees for the site. Mr. Watts asked how far the building would sit back from the road. Mr. Fazio stated 81 FT from the property line and Route 146 is probably another 30 to 40 FT. Mr. Watts asked if it was possible to move all the parking to the rear of the building. Mr. Fazio stated the general feeling was to have some parking up front for clients. Mr. Watts asked what the architecture of the building would look like. Mr. Fazio stated they previously submitted what the architecture of the building would look like in the original submission. Mr. Ouimet asked if this property was zoned C-1 Commercial. Mr. Fazio stated yes. This item was tabled and referred to CHA.

06.125 NB Advisor Mortgage, 1532 Route 9 – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: This change of tenant application for Advisor Mortgage would be located in the Abele Bank/Office Building at 1532 Route 9 which is located next to the Dunkin' Donuts. Advisor Mortgage is a mortgage lender and would occupy 2,400 SF of this building. Mr. Watts asked who was located at this site at the present time. Mr. Andress stated it was the First Niagara Bank Building with offices in the rear of the building. Mr. Watts asked how was the sewage operation at this site. Mr. Andress stated it was designed with a holding tank and they did design a pump station to be able to put the line out to Route 9. Mr. Watts stated he recalls that it was proposed to be hooked up to the County Sewer District as soon as sewer became available and he believes the sewer is now available. Mr. Watts asked Mr. Bianchino if he was aware of any activity relative to the Abele Building and Dunkin' Donuts getting hooked up to the County Sewer. *Mr. Bianchino stated the following:* He does recall the reason why the Bank was not required to hook-up to the County Sewer was because of the moratorium but there was a contingency to hook-up to the County Sewer when it became available and the moratorium was lifted.

This item was tabled for applicant to research status of sewer hook-ups for the site.

06.126 NB Snap On Tools, 1532 Route 9 – Change of Tenant

Per the action taken by the Planning Board for the change of tenant application for the above project – #06.125 – **Advisor Mortgage**, this item was tabled for applicant to research status of sewer hook-ups for the site.

06.129 NB DeMaria Financial LLC , 3 Halfmoon Executive Park Drive – Change of Tenant & Sign

Mr. Steve McNutt, of DeMaria Financial LLC, stated the following: DeMaria Financial wishes to relocate from 2A Halfmoon Executive Park to 3 Halfmoon Executive Park by utilizing the vacant 3,900 SF office space. There would be 8 employees at this site. Mr. Watts asked Mr. Williams if there was adequate parking available and if the sign application was all okay. Mr. Williams stated yes.

Mr. Nadeau made a motion to approve the change of tenant and sign applicants for DeMaria Financial LLC. Mr. Ouimet seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the February 27, 2006 Planning Board Meeting at 9:11 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary

