

## Planning Board Minutes - April 12, 2004

Those present at the April 12, 2004 Planning Board meeting were:

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

Planner: Jeff Williams

Town Attorney: Bob Chauvin  
Deputy Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak  
Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the April 12, 2004 Planning Board meeting at 7:04 PM.

Mr. Watts asked the Board if they have reviewed the March 22, 2004 Planning Board minutes. Mr. Higgins made a motion to approve the March 22, 2004 Planning Board minutes. Mr. Roberts seconded. Motion carried.

Old Business:

02.218 Sheldon Hills PDD, Route 146, Major Subdivision – PDD-GEIS

Mr. Gordon Nicholson, Environmental Design Partnerships, presented the proposed subdivision layout to the Board. Mr. Nicholson explained that due to the wetland delineation performed, the layout of the project has changed. Mr. Nicholson stated the density would remain the same of 323 residential units consisting of single-family, twin homes and four-plex dwellings. Mr. Nicholson stated the four-plex units would be placed in the northeast corner of the site, which is primarily Mechanicsville School District. There is also an added clubhouse in the four-plex area. Mr. Nicholson added that the second access road off of Upper Newtown Road has been eliminated and replaced with an emergency access road through an existing farmstead on Upper Newtown Road. The access to the site will be a boulevard entrance off of Rt. 146 and that a traffic light and turning lane improvements will be warranted. The green space has increased from 30% to 50%. The site shows future road connections to vacant lands adjoining the site. Mr. Nicholson stated they have approached ACOE, County Sewer and the Town Water Department to discuss the proposed project. Mr. Nadeau asked what was the initial breakdown of housing for the project. Mr. Nicholson stated the last proposal consisted of 323 single-family and twin homes with the proposed condos being eliminated from the plan. Mr. Nadeau asked if the GEIS area of the project consisted of single-family homes. Mr. Nicholson stated that mostly single-family homes with some twin homes. Mr. Watts asked if the four-plex units are condominiums. Mr. Nicholson stated yes and that they would be owner occupied with no rentals per the language contained in the HOA. Mr. Berkowitz asked if the previous agreement of contributing mitigation fees for the entire project is still in affect. Mr. Nicholson stated yes and in fact all agreements will be in place and that the only thing that has changed is the project's layout. Mr. Nadeau asked how many vehicles trips will be generated from the site at full build out. Mr. Nicholson stated that there would be ~291 trips at AM peak and ~360 at PM peak and that this warrants a traffic light at the Rt 146 intersection. Mr. Nadeau stated that he does not remember a project of this size being approved with only one access to the site. Mr. Nicholson stated the plan shows future road connections to vacant lands and that there will be a secondary emergency access road to the site and that it would be maintained by the HOA. Mr. Berkowitz asked when the emergency access will be built. Mr. Nicholson stated it can be placed at anytime to the Board's discretion. Mr. Nicholson continued that the emergency access will utilize the existing driveway of the farmstead, it will be gated, and it will be maintained by the HOA. Mr. Nicholson stated the farmstead will remain and may be sold as an Estate lot. Mr. Watts stated that the traffic light at the prime entrance was felt by the Board to be very important and that the emergency access will give a secondary means to enter site if needed and personally feels that would answer any concerns over the matter. Mr. Watts stated the revised layout would be referred to CHA, asked the applicant to offer language from the HOA on owner only and no rental of the condos for the Town

Attorney to review. Mr. Nicholson asked if a Public Informational Meeting will need to take place. Mr. Watts stated that would be determined at a later date. This item has been tabled for engineer review.

#### 03.143 Halfmoon Sports Complex, 6 Corporate Drive, Commercial Site Plan – PDD

Emerick/Abele Subdivision, 1554 Rt 9, Minor Subdivision Mr. Tom Andress, ABD Engineering, presented the site plan to the Board. Mr. Andress stated they are before the Board for final review and that the amendment to the Abele PDD has taken place at the Town Board. Mr. Andress stated there are a number of modifications to the plan. Mr. Andress stated they have purchased 0.39-acres from the Emericks and incorporated the land in the site. The proposed building has been relocated which has allowed all required parking to be placed on site and eliminate the auxiliary parking across Corporate Drive from the site. They have improved the drop off area per CHA's comments and the entrance to the site has been re-located further away from the entrance to the neighboring business. Mr. Andress stated that the lands purchased from the Emericks is currently zoned Commercial and that although it is being incorporated in the Abele PDD site, the 0.39-acres will remain commercially zoned. Mr. Andress stated that the initial plan for the proposed site was to use the existing storm water management areas for the office park but now have designed a detention basin to manage the storm water collected at the proposed sports facility. Mr. Nadeau asked if an amendment to the PDD would need to happen for the additional land being added from the Emericks. Mr. Chauvin stated he is comfortable with the proposed addition of land and with the status of the present PDD legislation due to the added lands not affecting the use of the property. Mr. Chauvin stated the added lands will remain with its current zoning status, which is C-1. Mr. Berkowitz asked if the applicant was aware of a neighbors concern with potential flooding problems with the existing stream between the proposed site and the residential neighbor fronting Rt 9. Mr. Andress stated no but that the site is being developed to have its own storm water management area in the front of the site and that should have less of an effect on the stream than what was initially proposed. Mrs. Patenaude asked why they added an additional storm water area. Mr. Andress stated to answer CHA's concern that the existing basins are adequate to control the storm water and with the new state regulations. Mrs. Patenaude asked the height of the retention walls. Mr. Andress stated they vary from grade level to ~12 ft. Mrs. Patenaude asked if there would be any plantings around the retention walls. Mr. Andress stated not at this time because the area is wooded and they want to preserve as much of the existing woods as they can. Mr. Andress stated that he does not believe Rt 9 properties will be able to see the wall. Mr. Ruchlicki asked if the existing trees on the added Emerick property will remain. Mr. Andress stated some will need to be removed due to grading but would like to preserve them if possible. Mr. Berkowitz asked if the roof would pick up by the storm water management area. Mr. Andress stated yes. Mr. Watts stated, due to recent issues with other developments along Rt. 9 with regards to lighting, fencing, and other issues, he asked the engineers to pay particular attention to impacts to neighboring lands. Mr. Watts stated the revised site plans will be referred to CHA for review. Mr. Roberts made a motion to set a Public Hearing for the conveyance of the Lands of Emericks to 6 Corporate Drive. Mr. Nadeau seconded. Motion carried.

#### 03.227 Halfmoon Gas Plus, Rt 9/Sitterly Road, Commercial Site Plan

Mr. Steve Weekes, owner/applicant, presented the site plan for a proposed 3-bay carwash and a self-serve Laundromat. Mr. Weekes stated they received a 5ft side yard setback variance from the ZBA in March. Mr. Weekes stated they have added additional landscape plantings and internal traffic controls to alleviate a concern from NYSDOT. Mr. Bianchino stated that the internal traffic controls have addressed the DOT concerns and that he is also comfortable with the additional controls. Mr. Watts asked about the architecture of the proposed building. Mr. Weekes stated it will look identical in design to the existing Mobil convenient store adjacent to the site. Mr. Berkowitz made a motion to approve the carwash/Laundromat site plan contingent on CHA sign off. Mr. Nadeau seconded. Motion carried.

#### 04.107 Oakbrook Commons PDD, Route 9, Addition to Site Plan

Mr. John Gaye, Northeast Consultants, presented revised plans showing the location of two 4-unit apartment buildings, which has addressed CHA's last comment letter. Mr. Bianchino stated that the applicant has added addition sub-surface storm water management area and revised the parking spaces by removing the spaces located in front of the proposed garages. Mr. Roberts made a motion to approve the site plan as presented. Mr. Nadeau seconded. Motion carried.

#### 04.111 J&S Watkins Plaza, Route 9, Addition to Site Plan

Mr. Tom Andress, ABD Engineers, presented a site plan asking for a 1,600 SF addition to the existing plaza. Mr. Andress stated that they have moved the handicap parking to the front of the proposed addition. Mr. Andress also stated that the applicant has completed the improvements needed for the original site plan. The improvements were an extension of the retention wall; added riprap in some eroded areas, and added delineators along the pavement to keep people from driving on the lawn. Mr. Higgins asked if the addition was to be used for a new store. Mr. Andress stated yes. Mr. Berkowitz asked who would be utilizing the addition. Mr. Jack Watkins,

owner, stated that there has been an interest by a hair salon operation but no leases have been signed. Mrs. Patenaude stated she feels the area is very crowded already and asking for an addition may create a larger crowding problem. Mrs. Patenaude asked if all of the items from the original site plan been addressed. Mr. Bianchino stated that CHA performed a site inspection last summer where the area in front was graded to an extent that the retaining walls were not needed. The last inspection that occurred last month has been reviewed by the Code Enforcement Office and stated they were addressed. Mr. Watts asked what the Planning Board should do to the letters of concern from the neighboring business. Mr. Chauvin stated that the letters should be incorporated in the file and the Planning Board would need to weigh on the importance of the issues when making their decision. Mr. Nadeau stated that he agrees with Mrs. Patenaude that from the start of the plaza project the applicant needed variances in order to fit everything on the site and feels the addition is too much. Mr. Roberts stated he understands the concerns raised by Mrs. Patenaude and Mr. Nadeau. Mr. Higgins also agreed stating that the site was tight to fit everything in the beginning and that the site may be too congested without the addition. Mr. Andress suggested to have a committee to review the site and the current operations. Mr. Andress continued that the addition will define a better traffic pattern for people maneuvering around the site. Mr. Ruchlicki stated that common access drive between the Plaza/Accent on Health/ Lowes seems to work but if a new tenant in the addition created a lot of traffic that access drive could not work. Mr. Andress stated that could be discussed during a tenant change application. Mrs. Patenaude stated that if we allowed the addition and that when a tenant change came in that would cause too much traffic it would need to be denied. Mrs. Patenaude continued that the original site plan needed three variances, parking size, setbacks and a sign, and an addition to the site may be too much. Mr. Watkins stated that a traffic study done for Lowes stated that the volume in the access drive area would meet the requirements. Mr. Andress stated the parking demand for the plaza is very good and that there is a very low demand. Mrs. Patenaude stated her concern is with the internal traffic flow near the plaza and not with the common access drive area. Mr. Roberts made a motion to deny the addition to site plan application due to the congestion concerns with the site. Mr. Nadeau seconded. Motion carried unanimously.

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

Mr. Tom Andress presented a subdivision plan to separate two commercial buildings located at 1594 Rt 9 (Dr. Morrison's office) and 1 Halfmoon Executive Park. Mr. Andress stated that the proposal was tabled to have the Town Attorneys to review the easement language for utility and access. Mr. Chauvin stated that he has reviewed the language and finds it acceptable. Mr. Berkowitz made a motion to set a Public Hearing. Mr. Roberts seconded. Motion carried.

#### 04.121 Halfmoon Landscape, 3 Birchwood Drive, In-Home Occupation

Mr. Louis Therrien presented an application for an In-Home Occupation to set up an office for his landscaping business. Mr. Nadeau asked Mr. Chauvin if he has reviewed information on the basis of the proposed In-Home Occupation. Mr. Chauvin stated he has received and reviewed information from the residents and accessor and that there are covenant restrictions that would inhibit Mr. Therrien of operating a business from the proposed location. Specifically, the restrictions state the uses in the area will only be that of residential use. Mr. Nadeau stated he has reviewed the Town's zoning ordinance and that Article 9A3 states "exterior storage of materials and exterior indication that a home occupation exists or variation from the residential character of the principle structure shall be prohibited", Article 9A4 states that "objectionable circumstances, i.e. visual, noise, shall not be produces" and Article 16 Section 1601 states "special uses require special consideration so that they may be properly located with the respect to the objectives of the law and their effect on surrounding properties" and Section 1602 A1 states "the use shall be in such location and of such size and character that will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of the adjacent districts". Mr. Nadeau made a motion to deny the proposed In-Home Occupation due to the language described in the zoning ordinance and the restrictions described in the covenants. Mrs. Patenaude seconded. Motion carried unanimously.

Mr. Therrien asked if the denial restricted the storage of the equipment on his property. Mr. Watts stated that there are issues with that as well and asked the applicant to contact him to further discuss the issue.

#### New Business:

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

Mr. Tom Andress presented a PDD application to the Planning Board for recommendation to the Town Board. The area was before the Board two years ago with a proposal for a 3-lot subdivision for commercial uses. The Planning Board held a Public Informational Meeting and there was a strong concern amongst the residents over truck traffic. The concern caused the applicant to withdraw the application. Mr. Andress stated the applicant has revised the plan to allow the use for the applicant's masonry business only. The site has 16-acres and there is a proposal to build a 9,600 SF maintenance/garage and to renovate the existing building for the office. The

proposal will increase the green space in front of the site with a berm and added landscape. Mr. Address stated all of the masonry product will be delivered to the job site but the applicant will need to store some product after the work is completed to match the masonry work if repairs are needed. Mr. Roberts asked how much traffic will be generated. Mr. Address stated there would be 10 trips generated. Mr. Schocetti, owner/applicant, stated that there are two full time and two part time employees. All of the equipment is presently stored at Callahan's site at the end of Dunsbach Road. There would be no additional traffic generated that what is presently because the equipment travels up from Dunsbach Road now. Mr. Berkowitz asked if there would be a display room for the product. Mr. Schocetti stated no and that they are a specialty trade and that they do not advertise. Mr. Higgins asked why there was such an expanse of gravel area if the use does not call for it. Mr. Schocetti stated that they wanted to utilize the area that was used for the salvage yard. Mr. Berkowitz asked if the tires and car parts have been removed. Mr. Schocetti stated the tires are there and will be removed but the car parts have been removed and a shed has been taken down. Mr. Schocetti stated that when he bought the land and that it was once a junk yard, he did not think his proposal would cause that much of a concern with the area residents. Mr. Watts stated that Mr. Roberts and Mr. Berkowitz will be the committee review team. Mr. Nadeau asked if there are any issues from NYSDEC. Mr. Address stated a full environmental audit has been performed and that any contaminated soil will be removed prior to any building being constructed. Mr. Roberts made a motion to set a Public Information Meeting. Mr. Berkowitz seconded. Motion carried.

#### 04.136 T-Mobile, Solar Drive, Co-Location on Cell Tower

Mr. Tim Fitzpatrick presented a proposal to co-locate a cell antennae on an existing cell tower in the Parkford Industrial Park. Mr. Fitzpatrick stated there is a need for better coverage along the Northway, Rt 146 corridor and Rt 9. The addition of the antennae will improve the coverage. The frequency used is affected by line of sight dependent. The applicant has looked at other locations but the coverage area is best at the proposed site. Mr. Fitzpatrick stated that the antennae will be located at the 165 ft elevation with an addition of electrical equipment within the existing compound. The Deputy Town Attorney has reviewed the information submitted and

found it acceptable. Mr. Roberts made a motion to approve the co-location application. Mr. Berkowitz seconded. Motion carried.

#### 04.137 Sysco, 1 Liebich Lane, Addition to Site Plan

Mr. Jeff Mercle, Stahlmann Engineering, presented a plan showing a 27,000 SF addition to the existing freezer distribution center of the existing Sysco Foods. The initial project was proposed in two phases and that the first phase exists and are proposing a portion of phase II. Mr. Mercle stated the water, sewer, and storm water will remain the same as they were designed for the two phases. Mr. Mercle continued that there will be no additional employees or traffic generated from the proposed addition. Mr. Nadeau stated he has received concerns with area residents about noise being generated from the site. Mr. Nadeau stated the roof units make a continuous noise and the truck maintenance garage has loud noises from time to time. The applicant stated that they were unaware of any issues with noise and if they received specific information they would look into it. Mrs. Patenaude stated that she has concerns with the drainage in the area and wanted to have drainage issues revisited. Mr. Higgins stated that the front of the site has been recently re-graded and along the road and feels that the grading and erosion/sedimentation control should be looked into. Mr. Higgins questioned about the proposed customer pick up area and the original site plan discussions stated there would be no private pick up area from the site. Mr. Roberts would like to know what the remaining square footage, left over from Phase II, will be used for. Mr. Watts stated that a committee review team of Mr. Higgins and Mr. Nadeau is set and the item will be referred to CHA for review.

#### 04.138 Preville Subdivision, 23 Dunsbach Road, Minor Subdivision

Mr. Mike Preville presented a subdivision application to create a flag lot for the back lot, which currently has an access easement but is presently landlocked. Mr. Preville stated that he approached the ZBA and the ZBA stated they would like a conforming lot being created for the front lot, a flaglot for the back lot and some concerns about fire fighting equipment being able to enter the back lot. The back lot had a mobile home on it and the proposed subdivision is to allow the building of a duplex for the applicant and his brother. Mr. Berkowitz asked what is different from what was presented to the ZBA. Mr. Preville stated that the ZBA wanted a conforming front lot but due to the existing wetlands on the rear parcel the need of positioning of the duplex out of the wetlands has caused the need to create a smaller, non-conforming front lot. Mr. Berkowitz asked about the fire safety concerns raised by the ZBA. Mr. Preville stated the trees have been trimmed and the overhead wires have been re-located. Mr. Williams stated the ZBA resolution asked the applicant to create a conforming front lot and a flaglot for the rear. Due to the wetlands, the front lot is not able to meet the minimum lot size. The resolution from the ZBA and what is being presented to the Planning Board do not match. Mr. Williams continued that he had a discussion with Mr. Hansen, ZBA Chairman, and they both thought the ZBA should re-visit the proposed subdivision. Mrs.



Patenaude asked the applicant why a duplex rather than a single-family unit. Mr. Preville stated the family owns both parcels and that himself and his brother want to live there. Mr. Berkowitz made a motion to deny the proposed subdivision. Mr. Ruchlicki seconded. Motion carried.

#### 04.141 Betts Subdivision, Betts Lane, Minor Subdivision

Mr. Wesley Betts presented a minor subdivision application to the Planning Board showing the creation of two parcels from the Betts Farm Land with no road frontage but a shared access easement agreement. The two lots are to be used by family members of the Betts. Mr. Betts states the farm has been in the family for over 200 years and would like to live there in order to take care of some of the aging Betts family members. Mr. Nadeau stated there was a past subdivision application where there were concerns and would like to review the past minutes to clarify any issues of the past. Mr. Chauvin stated that there was a problem with the past subdivision and would like to review the past history of the Betts Land. Mr. Betts stated that the family has been approached about the possibility of developing the lands for a major residential development. Mr. Betts continued that if the lands were to be developed there would be written contract that would give frontage on future Town roads for the two proposed parcels before the Board. Mr. Chauvin stated the Town does not permit buildings to be placed on parcels without Town road frontage. Mr. Watts stated they would table the application in order to review the history of past subdivisions of the Betts Lands.

#### 04.142 Cardin Acres PDD, Plant Road, Major Subdivision – PDD

Mr. Gil VanGuilder, VanGuilder and Associates, presented a major subdivision plan to the Planning Board. Mr. VanGuilder stated the proposal is for ~50-acres of vacant land to the south of the existing Cardin Acres Subdivision. The application is in front of the Planning Board for recommendation to the Town Board. Mr. VanGuilder stated some of the advantages for the proposed PDD will be a second access point to the existing and proposed development and cross connection to existing dead end roads. Mr. VanGuilder stated there are some state and federal wetlands on the site. The reason for the PDD is to ask for lot sizes smaller than what is required to preserve the existing wetlands although most of the lots will be very large with Land Preservation Areas attached. The initial Cardin Acres was developed in the early 1960's. Mr. VanGuilder stated that a discussion with the County Sewer stated there will be adequate sewer capacity once the major trunk line is operating. The Town water department states there is adequate water supply but there is a concern with some dead-end lines on the proposed cul de sacs, which will be looked into. The separation of the wetlands will meet the ACOE setback of 45 ft. Mr. Roberts asked if they will be single-family homes and what the price range will be. Mr. VanGuilder stated yes they will be single-family homes and the price range will be determined although they discussed to have the homes range in the low \$100,000.00. Mr. Higgins asked why is the development under the PDD process. Mr. VanGuilder stated they are trying to preserve the wetlands and not have any wetlands on the residential lot except the larger lots that will incorporate the wetlands with a Land Preservation Area. Mr. Higgins asked what is the benefit to the Town. Mr.

VanGuilder stated the preservation of open space with the incorporation of the LPA. Mr. Higgins asked if there were any trails proposed. Mr. VanGuilder stated they are looking into some possible trails to allow an alternative route to some of the commercial areas. Mr. Polak stated they asked the applicant to look into some of the drainage patterns in the area. Mrs. Patenaude asked the length of the proposed cul de sacs. Mr. VanGuilder stated the longest of the three is ~850 ft. Mr. Watts stated this item will be referred to CHA.

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

Mr. Watts mentioned that he noticed in a recent publication that Snyder's was located in Clifton Park and asked the applicant to advertise as "Halfmoon". Mr. VanGuilder presented an addition to site plan application for an addition of 528 SF to increase the existing seating of 72 seats to 96 seats. Mr. VanGuilder stated the site currently meets the parking requirements for the proposed addition and seating. Mr. VanGuilder stated that he has discussed with the owner of possibly adding green space to the site by removing some of the unneeded and unused parking areas. Mr. Nadeau stated that it is a pre-existing, non-conforming building and wants to know how they can allow an expansion of the site. Mr. Chauvin stated he would need to research the issue but understands that it is not a non-conforming use but a non-conforming area due to possible set back issues. Mr. Higgins stated that the new ownership has improved the aesthetics of the site. This item has been referred to the Town Attorney for a review of the pre-existing, non-conforming area issues.

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

Mr. VanGuilder presented a minor subdivision application to the Board to convey 2.8-acres of Land of the Lepkowski to the Lands of Michaeals. There is a stream corridor that runs through the Lepkowski property. The applicant would like to convey the land on the other side of the stream, which is not easily accessible. The land of

Micheals will be ~4.8-acres after the land transfer and the lands of Lepkowski will be ~2acres. Mr. Nadeau will review the proposed subdivision. Mr. Roberts made a motion to set a Public Hearing. Mr. Ruchlicki seconded. Motion carried.

04.145 Law Office of Sharon Freyer, 1 Halfmoon Ex. Park, Change of Tenant & Sign

Mr. Address presented a change of tenant application for the use of a 2,000 SF office to be used for a lawyer's office. Mr. Roberts asked how many employees. Mr. Address stated three initially and up to seven in the future. Mr. Address stated the lot has 8 extra parking spaces as per the code requirements. Mr. Roberts asked how the sign is lit. Mr. Address stated he believes the sign is not lit. Mr. Roberts made a motion to approve the change of tenant and sign as presented. Mr. Nadeau seconded. Motion carried.

04.146 DeMaria Financial, 6 Halfmoon Ex. Park, Change of Tenant

Mr. Address presented a change of tenant for the utilization of a 2,200 SF office for a financial planners office. Mr. Address states with this tenant set up the building will be fully occupied and that there is less of a parking demand than what is required. Mr. Roberts asked how many employees. Mr. Address stated six. Mr. Roberts made a motion to approve the change of tenant application as presented. Mrs. Patenaude seconded. Motion carried.

Mrs. Patenaude made a motion to adjourn the Planning Board meeting at 8:56 PM. Mr. Berkowitz seconded. Motion carried.

Respectfully Submitted,

Jeffrey R. Williams  
Town Planner