

## Planning Board Minutes - September 27, 2004

Those present at the September 27, 2004 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman  
Don Roberts – Vice Chairman  
Cindy Patenaude  
Rich Berkowitz  
Tom Ruchlicki  
John Higgins  
Daphne Jordan – Planning Board Alternate Member

Planner: Jeff Williams

Town Attorney: Bob Chauvin

Town Board Liaisons: Mindy Wormuth

CHA Representative: Mike Bianchino

Mr. Watts opened the September 27, 2004 Planning Board meeting at 7:01 PM. Mr. Watts asked the Board if they have reviewed the September 13, 2004 Planning Board minutes. Mr. Roberts made a motion to approve the September 13, 2004 Planning Board minutes. Mr. Higgins seconded. Mr. Berkowitz and Mrs. Patenaude abstained. Motion Carried.

### Old Business:

02.233 OB Farmview Subdivision, Harris Road – Major Subdivision

Mr. Jeff McCarthy, Ivan Zdrahal Associates, presented preliminary/final subdivision plans for a major subdivision proposal off of Harris Road. Mr. McCarthy stated the proposal consists of a 69 lot, single-family residential development including one lot for the existing Solowski Farmstead. Mr. McCarthy stated the proposed development would have a single-access off of Harris Road with an emergency access drive through the existing farmstead. Mr. McCarthy stated there is a Home Owner's Association (HOA) proposed to maintain the common open space, sidewalks and streetlights. Mr. McCarthy stated the development would have two stormwater detention basins. Mr. Watts asked Mr. McCarthy to explain what the HOA will have responsibility over. Mr. McCarthy stated the HOA would own and maintain the Common Open Space, sidewalks, streetlights and maintain all above ground area of the stormwater management areas but the stormwater management areas would be dedicated to the Town and the Town would maintain the infrastructure. Mr. Bianchino stated that the Town should own and maintain the stormwater management area to assure the stormwater basins operate correctly and the roads drain properly. Mr. Watts asked if the individual lots would be maintained by the HOA such as snow removal. Mr. McCarthy stated the individual property owner would maintain their lots. Mr. Chauvin questioned the idea behind the HOA up keeping the "above ground" stormwater management areas when the Town will own the land and stated he would further research the issue. Mrs. Patenaude asked if the HOA would maintain the drainage corridors to assure there would be no problems with erosion or sedimentation. Mr. McCarthy stated the drainage corridors would be kept natural and are incorporated with in the Common Open Spaces associated with the development. Mr. Berkowitz asked where the detentions basins are located. Mr. McCarthy showed the Board that one detention basin is near the entrance to the development and one is located within the interior of the development. Mr. Higgins stated he would like to have the one detention basin near the entrance buffered with landscape because it is within eyesight off of Harris Road. Mr. Zdrahal stated the detention basin could be landscaped and is willing to do so. Mr. Ruchlicki asked if the interior road loop could be placed further away from one of the detention basins. Mr. Zdrahal stated that the area has drastic elevation changes and the road has been placed in the best location due to the elevations. Mr. Berkowitz stated that lots 5-15 appear to have drastic elevations and asked if the lots will support houses. Mr. Zdrahal stated that the homes can be built on the lots and may incorporate the slopes by placing walk out basements. Mr. Berkowitz asked if the applicant if he is comfortable with the proposed lot layouts and that he would not have to come before the Board in the future for lot line changes. Mr. Zdrahal stated he is comfortable with the lot layouts as presented. Mr. Higgins asked if the emergency access road will be paved or gravel base. Mr. McCarthy stated it would be gravel base and the HOA will maintain the emergency road. Mrs. Patenaude asked Mr. Bianchino if he is comfortable

with the stormwater management areas. Mr. Bianchino stated there are a few minor issues that can be resolved before final approval of the development. Mr. Bianchino stated that the applicant is showing "over containment" with the detention basins which will actually control more stormwater than what is currently happening with the natural, undeveloped land. Mrs. Patenaude asked about the water agreement with the Town and the curb cut approval from the County. Mr. Chauvin stated the Town's water committee has accepted the preliminary plans for water and that the agreement will need to be in place in order for the applicant to gain review and approval from NYSDOH. Mr. Bianchino stated the County would review the curb cut issue.

Mr. Roberts made a motion to declare a Negative Declaration to the SEQR requirements. Mrs. Patenaude seconded. Motion Carried.

Mr. Roberts made a motion to grant Preliminary Approval for the proposed subdivision contingent on the HOA language is reviewed and accepted by the Town's Attorney and CHA comments are addressed. Mrs. Patenaude seconded. Motion Carried.

#### 04.128 OB Tire Warehouse, 1430 Route 9 – Addition to Site Plan

Mr. Al Mugrace, architect, stated he is present with John McCall, Brian McCall, Tire Warehouse and Bob McCarthy, attorney, to seek approval for a proposed 9,000 SF storage building for the existing Tire Warehouse located on Route 9. Mr. Mugrace stated that this application has been before the Board several times and that they have addressed CHA's review letter. Mr. Mugrace stated that some changes to the last revision are that the parking has been rearranged to keep clear from the slope, the landscape arrangement has been changed near the existing entrance to the site to accommodate addition parking, the site will have a total of 30 parking spaces, the proposed building is 60 ft away from the slope and a stormwater detention basin has been placed and they feel it will be adequate to handle any additional stormwater associated with the proposed project. Mr. Watts asked the applicant if they are aware that the proposed building will be used for storage only, no sales will be conducted from the building and they are aware of the fire suppression system that is required by the Town's Building Department. Mr. Mugrace stated yes. Mr. Berkowitz asked if the proposed building would be constructed under the recommendations from the geotechnical report submitted as part of the application. Mr. Mugrace stated they would follow the guidelines by removing 5.5 ft of fill and replace it with 3 ft of gravel and 2.5 ft of footings. Mr. Bob McCarthy stated the building would be constructed according to the guidelines of the geotechnical report prepared by Dente Engineering. Mr. Berkowitz asked if the proposed building will be used for storage of new and used tires to only service the Tire Warehouse store located in Halfmoon and no others in the area. Mr. McCarthy stated yes, the proposed building will only be used for the Halfmoon Tire Warehouse and that the store is their largest store in the area. Mr. Berkowitz asked if any hazardous materials would be stored in the proposed building. Mr. McCarthy stated maybe oil but nothing unusual from what occurs from this type of business. Mr. Higgins wanted to be reassured that the building would only be used for storage and no additional operations such as used car sales. Mr. McCarthy stated yes and that they are aware of the Town's stance on "no used car sales" from the site and will comply. Mr. McCarthy stated that the proposed addition will create a need for possible two additional employees and that the use does not actually create a need for additional parking. Mr. McCarthy stated they would be willing to show a "future parking if needed" area on the site plan rather than actually placing required parking. Mr. Watts stated that he thinks the land bank parking idea would be a good thing due to not creating additional impervious area with regards to stormwater and not having an area for the applicant to place additional cars, which has been a historical issue with the site such as the sale of used cars. The Board agreed. Mr. Roberts asked if the Town would have a liability issue with the construction of the proposed building with the fill that has been brought on the site over the years. Mr. McCarthy stated that the applicant is aware of the recommendations from the geotechnical report. Mr. McCarthy stated the applicant is willing to sign a statement of such.

Mr. Berkowitz made a motion to approve the site plan contingent on the applicant constructing the building in accordance to the Dente Engineering geotechnical report, CHA sign off on the site plan and that the building will only be used for storage for the Halfmoon facility. Mr. Higgins seconded. Motion Carried.

#### 04.153 OB Realty USA, 1547 Route 9 – Commercial Site Plan

Mr. Brett Steenberg, engineer, presented a site plan application to the Board to construct a 20,000 SF regional headquarters office for Realty USA off of Rt 9. Mr. Steenberg stated they have submitted a stormwater management plan, wetland information and revised plans to CHA for review. Mr. Steenberg stated they have responded to CHA's comments. Mr. Steenberg stated the stormwater management area has been relocated and that the detention basin will release its water to the State ROW drainage corridor on Rt. 9. The emergency spillway will also be conveyed to the State drainage corridor by creating a swale to divert the stormwater. Mr. Steenberg stated there will be minimal disturbance to the existing wetland and will be covered under a Nation wide permit. Mr. Steenberg stated they are proposing a right in/right out access to the site from Rt 9 and there will be a cross connector road to the Walmart site in order to utilize the traffic light associated with the Walmart's entrance on Rt 9. Public water will be brought in from the existing water main on Rt 9 and there is a sewer

agreement with Walmart to tie to the existing gravity line located behind the store. Mr. Berkowitz stated that he site plan is showing 100 parking spaces and asked how many spaces are actually needed. Mr. Steenberg stated that he feels 80 spaces would be adequate for the proposed office building. Mr. Watts stated the Planning Board encourages landbanking parking to allow less of an impervious area and more green area. Mr. Watts asked about the parking spaces shown to be placed in the front of the proposed building. Mr. Steenberg stated that Realty USA does have some clients visiting their office and that there is a front entrance to the building for the general public and a side entrance for the employees. Mr. Watts asked about the architecture of the building. Mr. Steenberg stated that there is an architect in the audience. The architect stated they have discussed concept plans with Realty USA and that the structure would have a residential appearance. The building would have a cape cod type look with pitched roofs with slat siding and some stone or brickwork. Mr. Watts stated the Board works diligently on having nice, neat buildings and asked to have a rendering submitted to the Planning Office. Mr. Higgins asked about snow storage. Mr. Steenberg there is a large area in the rear of the site and also along the stormwater management area. Mr. Berkowitz asked about a trash receptacle. Mr. Steenberg stated there would be dumpster in the rear of the parking area. Mr. Berkowitz asked about the operation of the stormwater management area. Mr. Steenberg stated it will collect stormwater from the parking area through a closed pipe system and convey the water to the detention basin and finally time release the water to the State drainage corridor on Rt 9. Mr. Berkowitz asked if any of the adjoining property owners will be affected by the stormwater. Mr. Steenberg stated no. Mr. Roberts stated he likes the idea of landbanking 20 parking spaces for future needs if they arise. Mrs. Patenaude asked if there would be any landscaping to the front of the building along Rt 9. Mr. Steenberg stated there will be some deciduous trees placed up front. Mr. Berkowitz asked about any signage. Mr. Steenberg stated not at this time but the applicant will bring in a sign application to present to the Board. Mr. Roberts made a motion to approve the site plan application contingent on CHA sign off and a NYSDOT curb cut approval. Mrs. Patenaude seconded. Motion carried.

#### 04.176 OB Ianniello Subdivision, 25 Pruyn Hill Road – Minor Subdivision

Mr. Dan Tompkins, EDP, representing the Ianiello's presented a subdivision plan to create one lot in the Pruyn Hill development. Mr. Tompkins stated the Ianiellos currently own an approximate 18,000 SF lot and wish to subdivide to create one building lot. Mr. Tompkins stated the proposed subdivision would create a 9,974 SF lot with an existing residential unit and a 8,603 SF proposed vacant lot. Mr. Tompkins stated this proposal was referred to the ZBA earlier and the ZBA has granted an area variance due to the proposed lots do not conform to the Town's current minimum lot requirements. Mr. Tompkins stated the ZBA granted the variance acknowledging that the proposed subdivision will not alter the character of the surrounding neighborhood. Mr. Tompkins further explained that the Pruyn Hill development was created in the earlier 1900's, before zoning, and the lots were mostly 5,000 SF in area with 50 ft widths. Mr. Tompkins stated the ZBA placed a condition on their approval that the vacant lot would have the greater length of the required setback (15 ft) toward the neighboring property and that the use will be for a single-family residents only. Mr. Higgins made a motion to set a Public Hearing for the October 13, 2004 Planning Board meeting. Mr. Berkowitz seconded. Motion Carried.

#### 04.190 OB Belkevich Subdivision, 130 Canal Road (rear) – Minor Subdivision

Mr. Louis Chicatelli, attorney representing the Estate of Belkavich, presented a subdivision plan to the Board to create two lots in order to separate two existing residential dwellings located on one parcel. Mr. Chicatelli stated the Board denied the application in July in order for the proposed subdivision to seek relief from the ZBA. Mr. Chicatelli stated the ZBA granted the area variance at their September monthly meeting. Mr. Chicatelli stated the proposed subdivision would create one lot with an area of 18,657 SF and the second lot with an area of 18,777 SF. Mr. Chicatelli stated the reasoning for the subdivision is to create two separate deeds for each of the existing dwellings. Mr. Chicatelli informed the Board that the area is served by Public water and private septic. Mr. Higgins made a motion to set a Public Hearing for the October 13, 2004 Planning Board meeting. Mr. Berkowitz seconded. Motion Carried.

#### New Business:

#### 04.210 NB Help-U-Sell Option One Realty, 1603 Route 9 – Change of Tenant & Sign

Mr. Keith Woodard, owner, presented a change of tenant and sign application to the Board to operate his real estate business from an existing 900 SF storefront in the Town Center Plaza. Mr. Woodward stated that his business offers his clients a one time flat fee, which differs than most real estate businesses. Mr. Watts asked what the working hours were to be. Mr. Woodward stated M-F 9 am to 5 pm and Saturdays would be by appointment. Mr. Roberts asked about the sign. Mr. Woodward stated they are asking for a 2ft x 4ft sign, which resembles the rest of the plaza signs. Mr. Roberts asked if there would be neon on the sign. Mr. Woodward stated

the sign will not have exposed neon and will be lit internally.

Mr. Roberts made a motion to approve the change of tenant and sign application as presented. Mrs. Patenaude seconded. Motion carried.

#### 04.211 NB Dr. Sumithra DDS, 21 Executive Park Dr. – Change of Tenant

No one was in attendance to present the application request to the Board. No action was taken.

#### 04.212 NB Fit for Life Wellness Center, 23 Executive Park Dr. – Change of Tenant & Sign

Mr. Angelo Pastizzo, husband of the applicant, stated that his wife wishes to operate her obesity and eating disorder educational program from the existing office building on lot 23 of the Halfmoon Executive Park. Mr. Pastizzo stated the program consists of helping their clients by motivation, education and support with their weight issues. Mr. Pastizzo stated his wife has several degrees and has worked in the health, fitness and wellness field for 30 years. Mr. Watts asked what is the greatest number of clients utilizing the service at any one time. Mr. Pastizzo stated about 25 people. Mr. Pastizzo stated they looked at the parking situation on the site and that there are 30 parking spaces provided. Mr. Pastizzo stated if parking became a problem they were thinking of asking adjoining sites if they could utilize some of their parking spaces. Mrs. Patenaude stated the Board does not allow shared parking with other sites but stated that the applicant should be aware of the parking situation and to schedule people accordingly so overflow parking does not become a problem. Mr. Roberts stated that there cannot be any parking on the main road for the business park. Mr. Pastizzo stated that he understands and they are aware of the parking and does not see a problem with managing the issue. Mr. Berkowitz stated he is familiar with Mrs. Pastizzo's operation and that her former place of business did not cause any parking problems. Mr. Watts asked Mr. Roberts if he reviewed the sign application. Mr. Roberts stated he does not see a problem with the applicant's sign request due to it being placed on an existing sign. Mr. Pastizzo stated the sign will be 15" X 30" with a total area of 6.25 SF.

Mr. Roberts made a motion to approve the change of tenant and sign application. Mr. Higgins seconded. Motion Carried.

#### 04.213 NB Fairway Meadows Phase II, Johnson Road – Major Subdivision – GEIS

Mr. Roberts reclused himself and Mrs. Jordan replaced him. Mr. Scott Lansing, Lansing Engineers, presented a plan for the development of Phase II of the Fairway Meadows residential development to the Board. Mr. Lansing stated that the project was initially approved in 2003. Mr. Lansing stated that the project is being developed on 260-acres of land. Mr. Lansing stated that the project, as a whole, gained a Negative Declaration to SEQR and was determined to conform the Northern Halfmoon Generic Environmental Impact Statement study. Mr. Lansing stated Phase I of the project consists of 74 lots and is near full build out. Mr. Lansing stated Phase II consists of 85 lots, which will hinge off the existing roads for Phase I. Mr. Lansing stated the extension of the roads from Phase I for Phase II was looked at in order to place turnarounds for maintenance trucks and that there may be a slight increase to the lots for Phase II depending on the actual length of the extensions. Mr. Berkowitz asked about the road dedication procedure for Phase I. Mr. Tanski stated that CHA has looked at the descriptions and that the attorneys are reviewing the legal documentations. Mr. Tanski stated there are some minor issues with the binder that will be finished soon. Mr. Chauvin stated that the title insurance needs to be done this year in order to proceed. Mr. Bianchino asked Mr. Lansing if the extension of the 12" water main, as identified in the NHGEIS, will be placed during Phase II. Mr. Lansing stated yes. Mr. Lansing stated that he wanted to bring in the Phase II of the project in order to update the Board on the progress of the development. Mr. Watts stated that Phase II will be referred to CHA for review.

#### 04.214 NB Fellows PDD, Fellows Road – Major Subdivision – PDD

Mr. Roberts reclused himself and Mrs. Jordan replaced him. Mr. Lansing brought in a townhouse/apartment PDD application proposed to be located on an 84.2-acre parcel located off of Fellows Road. Mr. Lansing stated the area is currently zoned residential. Mr. Lansing stated the PDD proposal consists of 153 townhouse units and 176 apartment units. Mr. Lansing stated the townhouses will resemble the townhouses in Fairway Estates and the apartments will be the same as the Wilton Heritage Apartments located off of Rt 9 in the Town of Wilton. Mr. Lansing stated that there is a duplex lot mentioned in the narrative and that the duplex lot has been eliminated from the plan. Mr. Lansing stated the project will have a total of 329 units, which calculates to 3.91 units per acre. Mr. Lansing stated that there are some State and Federal wetlands on the property and when the wetland area is subtracted from the parcel the density calculation works out to be 5.4 units per acre. Mr. Lansing stated

public water will be provided by extending the existing water line on Fellows Road. Mr. Lansing stated that public sewer will be provided by placing a pump station on the Town owned lands to the east of the project on Rt 236 in order to hook up to the newly installed force main on Rt 236. The pump station will allow the Town to utilize the sewer for their planned recreational area on the Town land. Mr. Lansing stated that the townhouses would be served by placing roads to be dedicated to the Town and the apartment buildings will have private maintained roads. Mr. Lansing stated that the Fellows Road/Rt 146 intersection currently "Y's" to two very acute and dangerous intersections. The Fellows PDD is proposing of dead-ending the existing intersections and to direct Fellows road to the west to line up with the Werner Road intersection. Mr. Bianchino stated that CHA has recommended this re-configuration of Fellows Road and concurs with the plan. Mr. Lansing stated the public benefits from this PDD proposal would be placing a sanitary sewer pump station will allow the Town and other lands to the west of the project to hook up to the force main on Rt 236, the elimination of the two dangerous Fellows Road/Rt 146 intersection and the applicants dedication of lands to the Town associated with the Vosburgh PDD. Mrs. Wormuth stated that she wants to make clear that the Vosburgh PDD dedication of lands is not construed to Transfer of Development Rights because the Fellows Road PDD is under the allowed density for this type of project. Mrs. Wormuth stated the donation of land to the Town is important with its open space initiatives and would be looked at as a lessening factor to traffic due to the lands not being developed. Mr. Berkowitz stated he would like to see a traffic study performed for the proposed new intersection of Rt 146. Mr. Higgins asked about the future townhouses represented on the plan. Mr. Lansing stated they are showing a second means of access to Rt 146 east of the project in case the proposed western access does not work out. If the second access point is utilized then the future townhouses would be proposed. Mr. Higgins asked if the residents living near the existing Fellows/Rt 146 intersection have accepted the new proposed intersection on Rt. 146. Mr. Tanski stated that he has discussed it with them and they seem OK with it. Mr. Watts mentioned that there will also be a Public Hearing scheduled sometime during the planning process. Mr. Watts stated this item will be referred to CHA for comment.

#### 04.215 NB Paquin Mulch, 23 Route 146 – Change of Use

Mr. Sam Paquin, owner, appeared before the Board to seek approval to store his processed mulch on the Commercial portion of lands of the former Halfmoon Flea Market PDD off of Rt 146. Mr. Paquin stated the mulch is currently on the lands of D'Alberto and that he has been asked to remove the mulch. Mr. Paquin stated he is asking to store the mulch at this time and would bring in a site plan during the winter months to operate a retail mulch business. Mr. Higgins asked if he is purchasing the land. Mr. Paquin stated that he is leasing the land with an option to buy. Mr. Higgins asked if he was tending to process he mulch. Mr. Higgins stated he noticed a grinder at his current site. Mr. Paquin stated the mulching season is over and that he is requesting to place about 2,500 yards of processed mulch just to store on the site. Mr. Paquin stated he will not be operating any machinery or delivering mulch until he gains site plan approval from the Board. Mr. Chauvin cautioned the applicant that if he gains approval from the Board to store mulch only that does not guarantee an approval to operate a mulch business in the future. Mr. Watts asked if there would be truck traffic generated. Mr. Paquin stated that he plans on trucking the existing mulch pile from the current site to the new site. Mr. Paquin stated the mulching season is over and that he does not want to have personal pick-ups for mulch but prefers to deliver the mulch himself. Mr. Higgins stated he is concerned that the mulch may have offensive odors for area residents. Mr. Paquin stated the processed mulch does not smell and that mature trees buffer the site. Mr. Roberts made a motion to approve the change of use application contingent on the approval is for the storage of mulch only and that no other related business operations will occur on the site. Mrs. Patenaude seconded. Motion Carried.

Mrs. Patenaude made a motion to adjourn the September 27, 2004 Planning Board meeting at 8:21 PM. Mr. Berkowitz seconded. Motion Carried.

Respectfully Submitted,

Jeffrey R. Williams  
Town Planner