

Planning Board Minutes - January 13, 2003

Those present at the January 13, 2003 Planning Board meeting were:

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

Secretary: Tara Anuszewski

Town Attorney: Bob Chauvin

Deputy Town Attorney: Lyn Murphy

CHA Representative: Michael Bianchino

Liaison: Walter Polak

Planner: Jeffrey Williams

Mr. Watts called the meeting to order at 7:06 pm

Mr. Roberts made a motion to approve the December 9, 2002 minutes with corrections. Mr. Higgins seconded. Motion carried.

Public Hearings:

02.241 Lucarelli Subdivision, 121 Vosburgh Road, Lot Line Adjustment. Mr. Chauvin recused himself. Mr. Watts opened the public hearing at 7:06 pm and asked if anyone wanted the notice read. No one responded. Mr. Brian Lucarelli was present and stated this lot line adjustment is for water rights for the sprinkler system. Mr. Watts asked if anyone wished to speak. No one responded. Mr. Watts asked if anyone from the Board had any comments. Mr. Nadeau stated he looked at the subdivision and has seen no problems with it. Mr. Watts closed the public hearing at 7:08 pm.

Mr. Nadeau made a motion to approve the subdivision as presented. Mr. Berkowitz seconded. Motion carried.

Old Business:

01.187 Atlantic British, 6 Enterprise Avenue, Addition to Site Plan. Mr. Tom Andress was present and stated they are proposing an addition to the existing Atlantic British building at 6 Enterprise Avenue. They are putting on a new line for catalog sales and proposing a 20,000 square foot addition for a warehouse and office area. The addition will be located at the rear of the building. The site was originally designed with the addition proposed. The only change that will result in this addition is they need to move the loading dock further to the south. They have a letter from CHA and they have made modifications to the plan from those comments. Mr. Watts asked Mr. Bianchino if he had any comments. Mr. Bianchino stated the comments were relatively minor and reading through Mr. Andress's comments they have been adequately addressed. Mr. Bianchino stated if the Board feels comfortable they could give approval contingent upon final signoff of CHA. Mr. Higgins stated his concerns with the storm water runoff and does not want to see the neighbor get inundated with runoff. Mr. Andress stated there was a comment in reference to some of the area not going into the catch basin area. Mr. Andress stated they have reduced the number of parking spaces to 10 and now there is a 10 x 100 area that falls off of the rear of the building. Mrs. Patenaude asked if the height of the retaining wall was changed. Mr. Andress responded yes they have increased it. Mr. Watts asked if anyone else had any comments. No one responded.

Mr. Nadeau made a motion to approve the addition contingent upon CHA sign off. Mr. Higgins seconded. Motion carried.

02.123 Bast Hatfield Industrial Park Phase III, Vischer Ferry Road, Major Commercial Subdivision. Mr. Frank Fazio was present and stated they were before the board in December and there was a question concerning the water district contract. They have received a letter from Mr. Chauvin stating they need to add a note to the plans, which they have agreed to do. Mr. Fazio stated all other outstanding items have been addressed. Mr. Watts asked if anyone from the Board had any comments. Mr. Roberts asked Mr. Bianchino if all of their comments have been addressed. Mr. Bianchino responded yes they have been addressed. Mr. Chauvin commented that he has received two comment letters from Attorney Richard Miller who is representing an adjoining neighbor and there is an indication that Bast Hatfield's Site Plan is out of compliance and they have encroached over the property line by 51.3 feet. There is also a letter from a surveyor who has been out to verify the encroachment and it further states the storm water is discharging onto the adjoining property. Mr. Chauvin stated the letter does not look like it was cc'd to Mr. Fazio. Mr. Fazio responded no it was not but they were made aware of it today (January 13, 2002). Mr. Fazio stated they would meet with the applicant to discuss this issue this week. Mr. Fazio stated they are now aware of the encroachment but as far as the storm water that was the plan approved by the Town. Mr. Higgins asked if the culvert was approved on the original plan off of their property. Mr. Fazio responded no, the out let pipe is on the applicant's property and is discharging at the same rate prior to development. Mr. Higgins asked where it is discharged. Mr. Fazio responded it discharges to a location in the back of United Rentals. Mr. Higgins asked if the applicant did anything off of their property as far as modifications to the existing plan. Mr. Fazio stated that is what the discussion is and they will meet to discuss it. Mr. Chauvin stated if the Board is moving forward with this project he asked making any approvals contingent upon a site visit by the Town Engineer and the Building Inspector for a review before any building permit or CO is issued. Mr. Fazio stated they have located the pipe and it is on the United Rental property. Mr. Chauvin stated there are several things noted but one comments is there is a substantial discharge on to their site. According to the adjoining landowner they are not maintaining the flows of the storm water. Mr. Chauvin stated if that is the case it needs to be corrected. Mr. Nadeau would like Mr. Bianchino to clarify the issue of the water agreement. Mr. Bianchino stated Mr. Tironi signed off on the subdivision with the contingency to make sure who the water user would be prior to site plan approval. Mr. Chauvin stated he suggested they enter into an outside district water user agreement to extend the water to the site. The project should be contingent upon a note being added to the plan, no building permits or CO's should be issued for any lot unless the agreement has been entered with a payment required under the Town's policy. The agreement must be agreed to and accepted for the lot in question with the out side district user charged per lot. The amount cannot be calculated until they know what is going on the lot. Mr. Chauvin asked Mr. Fazio if they agreed to that. Mr. Watts asked if anyone else had any questions. No one responded.

Mr. Berkowitz made a motion to approve the subdivision as presented contingent upon the water supply issues and also resolving the issue with the adjoining neighbor so the site is in compliance. Mr. Higgins seconded and added that the present site has to be in compliance with the current site plan in all aspects. Motion carried.

02.129 Fairway Meadows, Johnson Road, Major Subdivision – GEIS. Mr. Chauvin recused himself. Mr. Scott Lansing was present and stated since the last meeting nothing has really changed with the project. They have submitted the preliminary plans to CHA, along with the water, storm and sewer reports. They have received a comment letter from CHA and all of the comments will be addressed. Mr. Lansing also stated they have received the US Postal and Emergency 911 addresses from Mrs. Anuszewski and they will be added to the plans. Mr. Lansing stated they are looking for preliminary approval from the Board so they can send the plans to DEC and DOH. Mr. Lansing stated after he receives and addresses the comments from DEC and DOH they would come back for final approval. Mr. Watts asked Mr. Bianchino if he had any comments. Mr. Bianchino stated he submitted a comment letter dated January 9th and the first one relates to the GEIS. Mr. Bianchino stated in the letter they out line the mitigation fees that would be required for Phase I of the project. Based upon CHA's review of the overall concept, the last concept tat was presented did address the outstanding conceptual issues. Mr. Bianchino stated the project does appear to be consistent with the findings of the GEIS. They are recommending a Negative Declaration be issued and they have submitted a draft Neg Dec for the Boards consideration. Mr. Bianchino stated there are engineering issues to address and they have a follow up letter dated January 13, 2002 dealing with the storm water management. Mr. Bianchino stated the remaining comments could be worked out with Mr. Lansing. Mr. Watts asked if anyone had any comments. Mr. Higgins asked if the Neg Dec would be for Phase I only. Mr. Bianchino responded no it would be for the entire project but Mr. Lansing is looking for preliminary approval for phase I. Mrs. Patenaude stated she is not comfortable granting preliminary approval at this point she would like to see more information on the storm water. Mr. Watts asked Mr. Bianchino if they should just do the Neg Dec. Mr. Bianchino stated that would be his recommendation.

Mr. Roberts made a motion to grant a Neg Dec for the entire project. Mr. Berkowitz seconded. Motion carried.

02.156 Lowe's of Halfmoon, Route 146, Commercial Site Plan/Subdivision. Mr. Chauvin recused himself. Mr. Gordon Nicholson was present and stated they received preliminary approval and Neg Dec back in November and since then they have been finalizing the detailed site and subdivision plan. They received a comment letter from CHA and they are in agreement of that letter. They have also received a letter from DOT acknowledging they did not have a problem with the Board granting final site and subdivision approval for the application. The changes CHA has requested primarily relates to additional plant materials in the storm basins which they have agreed to and changes to the height of the light poles and wattages which they will also do. They are seeking subdivision approval and final detailed site plan. Mr. Watts asked Mr. Bianchino if he had any comments. Mr. Bianchino stated Mr. Nicholson summarized where they are. Mr. Bianchino stated the only thing he has not seen was the letter from DOT, otherwise all of the comments have been addressed. If the Board so chooses they can grant final approval contingent upon CHA's final sign off. Mrs. Patenaude would like the storm water reviewed. Mr. Nicholson stated they have eliminated a basin, increased a sub surface storage and they have raised the bottom of the basin approximately one foot. They have illustrated in the planting plan the landscaping along the basins, the edge of the project and the landscaping above the subsurface will be maintained as lawn area and they have increased the plant material along the perimeter of the basin. CHA suggested they illustrate more plant materials on the side, which they would do. Mr. Nicholson stated the only request they have is to work with CHA to determine the location of the plant materials so it is easy to maintain the basin and mow it so it looks like lawn. Mr. Watts asked if anyone else had any comments. Mr. Nicholson added they have submitted the entire sign package and are in full compliance with the sign law so they are also looking for sign approval. Mr. Roberts looked at the sign application and stated they are under the allotted amount and sees no problem with it.

Mr. Berkowitz made a motion to approve the subdivision as presented contingent upon CHA signoff. Mr. Roberts seconded. Motion carried.

Mr. Berkowitz made a motion for final approval for the site plan as presented. Mr. Roberts seconded. Motion carried.

Mr. Roberts made a motion to approve the sin application as presented. Mr. Berkowitz seconded. Motion carried.

02.182 Halfmoon Medical & Apartment PDD, Vosburgh Road, PDD – GEIS. Mr. Scott Lansing was present and stated since the last meeting the density of the project has been reduced from 464 units to 384 units. Mr. Lansing stated at the last meeting they had 424 units. Mr. Lansing stated it was brought to their attention that the GEIS has a maximum of 8 units per gross acre. For the 60-acre parcel there is roughly 12 acres for there open space with 384 units. They are before the board tonight for a referral to the Town's Engineer for review and to set up a committee. Mr. Watts asked if anyone from the Board had any comments. Mr. Roberts stated he still has some concerns about the apartments going in. Mr. Roberts asked if the County has re-reviewed this application. Mr. Lansing stated to his knowledge no they have not. Mr. Roberts stated he has some real concerns with the traffic. Mr. Lansing stated they are in the process of performing a traffic study. They are working with Creighton Manning. Mr. Roberts stated the County's letter stated there is already 36% apartments in Town now. Mr. Roberts asked how many do we really want in Town? Mr. Higgins stated the project does not follow the guidelines of the GEIS. The GEIS calls for single-family homes in this area with quality green space along the road frontage. Mr. Higgins stated there are several items and it does not follow the GEIS. Mr. Lansing stated they are applying for a PDD so it is a variance from the current zoning. As far as the quality open space they did look at that early on and it was determined the open space held by Vosburgh Road and Route 146 was not an appropriate location and it was identified to be annexed onto a Town Park. Mr. Higgins stated there is no reason why they cannot meet the green space requirements along the road frontage. Mr. Higgins stated as far as the PDD this is still an area, according to the GEIS, that is designated for single-family homes. Mr. Higgins realizes the PDD is a way to get around it. Mr. Higgins stated according to the GEIS this area is designated for single-family homes. Mrs. Patenaude asked if the computation of the density was based on the overall acreage of the entire parcel or was it just the portion of the project that is actually going to have the residences on it. Mrs. Patenaude asked if it included the Medical Office Building units. Mr. Lansing stated yes it does. They took the overall parcel and subtracted the open space and came up with a density number based off of that. Mrs. Patenaude asked if the computation also included the peaked areas and the 20% for the paved parking area when they came up with the 12 acres for the open space. Mr. Lansing stated the 12 acres was 20% of the entire parcel. Mr. Nadeau stated he has the same concern with the other board members. It seems the Town went through a couple years of researching the GEIS and to come up with this kind of project would be contradictory

of the report that was done. Mr. Nadeau also has great concern with the traffic. Mrs. Patenaude also has concerns about protecting the stream, they are showing pavement going diagonally over an existing stream. Mr. Watts asked if there were any other comments. No one responded. Mr. Watts stated they have the reading of the Planning Board. Mrs. Patenaude stated this could be referred to CHA if the applicant chooses and let them take another look at it. Mr. Nadeau stated it is up to the applicant to decide what he wants to do at this point. Mr. Bruce Tanski, the applicant, was present and stated basically what the Board is telling him is they can never have a PDD in the GEIS area. Mrs. Patenaude stated that is not what the Board is saying. Mr. Tanski stated in order to establish quality green space in a limited area up front, Mr. Tanski does not know how it could be done with this particular piece of property because of the layout of the property. Mr. Tanski asked how they could have quality green space along the road if they are trying to provide the community with a service it desperately needs. Mr. Nadeau asked what the service would be. Mr. Tanski responded the medical buildings and the hospital. Mr. Tanski stated he is in contact with Mr. Richard Cuella who is a doctor with the state of New York who is also Mr. Tanski's cousin. Mr. Tanski stated one of the comments he had was what is the housing and the future of the housing in this area. Mr. Tanski stated he is trying to give him a feel of what Mr. Chris Abele is trying to do across the street and also what he is doing with the apartments. Mr. Tanski still feels the Board is trying to say that you cannot have a PDD in the GEIS area. Mr. Patenaude stated she does not believe anyone said you cant have a PDD, she believes the issue is this particular PDD. Mrs. Patenaude stated the Board has voiced a number of concerns and a closer look can be taken. Mrs. Patenaude stated the density is a concern. Mrs. Patenaude stated she has talked about the stream not being protected as far as she can see and there are a number of issues not that the Board is against a PDD. Mrs. Patenaude stated this could be referred to CHA for a further review and take a second look at it. Mr. Tanski stated if it pleases the Board he would like to have it referred and have the opportunity to have a committee look at it. Mr. Tanski stated he believes the stream is non-classified and it dries up in the summer. Mrs. Patenaude stated it is the Mc. Donald stream, which is a tributary to the Hudson River. Mr. Tanski stated that is why he would like to have a committee. Mr. Higgins stated he was on the GEIS committee and the 20% is a minimum. Mr. Watts stated he would like to refer this to CHA and set up a committee.

02.200 Drake Subdivision, Cemetery Road, Lot Line Adjustment. Mr. Gil Van Guilder was present and stated he was before the Board in early October for a lot line adjustment for lands of Drake and was denied due to the width at the building line. They went to the ZBA and was granted a variance. Mr. VanGuilder stated they now need to schedule a Public Hearing. Mr. Watts asked if anyone had any questions or comments. No one responded.

Mr. Nadeau made a motion to schedule a public hearing at 7:00 pm on Monday January 27, 2003 or as soon there after. Mr. Higgins seconded. Motion carried.

02.213 Transport International Pool Inc. & GECMS, Route 9, Commercial PDD.

02.214 Boyajian Subdivision, Route 9, Minor Subdivision/PDD. Mr. Tom Address was present and stated this is a proposal that was before the Board for modifications to the PDD. Mr. Address stated the original proposal was for four lots now they are proposing three. They are proposing access from Sitterly Road and Route 9. They will be providing access to lot three through an easement. Lot two would have access to Route 9 and also Sitterly Road. Lot one is being proposed for GE Capital Modulares and will have access by Route 9. Mr. Address stated his partner at the last meeting represented the proposal. Mr. Address referred to the map and reviewed the buffering. Mr. Address stated they felt because they have the 50-foot buffer that is not going to be disturbed that they have met the requirements. Mr. Address stated they have added additional plantings in the form of a larger number of seedlings so over a period of time they would have a stronger buffer. Mr. Address stated if it is the will of the Board that they would rather have 6 – 8 feet staggered rows of trees they could do that. Mr. Address stated overall this would be denser for the long run. Mr. Nadeau asked what the time frame would be for the growth of the trees. Mr. Address responded at least 10 years. Mr. Higgins stated he is part of the committee and when they met out on site Mr. Bianchine was talking about doing some extensive grading on the west side of the site. Mr. Higgins stated now Mr. Address is stating it is a no cut no disturb buffer. Mr. Address stated that is correct. What they have done is the first 50 feet there is no grading, cutting or disturbance. From that point to the east is the grading and it does drop 10 – 20 feet down. Mr. Address stated they would plant the seedlings on the slope to help stabilize it. Mr. Nadeau is concerned with the buffering for the neighboring property and asked what has been done. Mr. Address stated at the last meeting it did not show a 50-foot buffer and there were some concerns by the neighbors. Mr. Address stated they have created the 50-foot buffer, fenced the area in, and increased it with pines. Mr. Watts asked if the trees were there now or are they proposing them. Mr. Address responded they are proposed. Mr. Address stated they would not put seedlings in they would plant regular height trees. Mr. Berkowitz asked if there would be an access to the site from Oak Hill Drive. Mr. Address responded no. Mr. Berkowitz stated there is access and a tractor goes through there and cuts the land. Mr. Paul Malinowski of Oak Hill Drive was present and stated there is a backhoe that goes in there and clears the area next to his home. Mr.

Nadeau asked Mr. Address if with the new buffering that would not happen. Mr. Address stated that would not be occurring because also on top of that it is being sold to a different entity and it will not be maintained. Mr. Watts asked if the entire area would be fenced. Mr. Address responded yes. Mr. Berkowitz asked how wet the area is. Mr. Address stated there is wet area but it is not "wetlands". Mr. Higgins asked if there was any possibility of not using the back area because they would be crossing the wetlands and fencing in the back area. Is there any possibility to leave the area green and extend over to parcel two. Mr. Higgins stated CHA expressed concerns about the runoff on the main area and may need the back area for storm water retention. Mr. Address responded the entire site is pitching the other way. Mr. Address stated his understanding is they were very insistent on keeping this parcel. Mr. Address stated they have tried to buffer it as well as possible. Mr. Watts asked so at this point is nothing going there? Mr. Address responded at this point the parcel would be used for trailer storage as well as access aisles. Mr. Berkowitz asked if all of the drainage would be on site. Mr. Address responded it is going to a detention basin along the bottom area. Mr. Malinowski stated his back yard floods when it rains hard. Mr. Boyajian stated is also floods when the septic system overflows. Mr. Watts stated to Mr. Malinowski that the Board is addressing the issues and has spent a lot of time on his issues and has also sent a committee out and listened to his concerns. Mr. Watts asked Mr. Bianchino if he had any comments at this time. Mr. Bianchino asked Mr. Address to point out the 50-foot buffer on the east side of the property. Mr. Bianchino stated the original PDD that was approved by the Town Board had a line that extended south to the wetlands and then goes west. Mr. Address stated he is not aware of this issue. Mr. Bianchino stated that it should be consistent with the original approval. Mr. Bianchino stated that would address the issue of not crossing the wetlands. Another issue is with the trees, Mr. Address has one approach and another approach would be to put fewer evergreens but put them at the end of the slope. The only other question that was raised was about the issues about the storm water management. It appears on the South side that part of the storm water management area goes into what would be the buffer area. Mr. Bianchino would like to look at that closer. Mr. Address stated they could move it outside of the buffer area. Mr. Bianchino stated it could be looked at in the field. Mr. Watts asked Mr. Chauvin about the PDD issue of the buffer. Mr. Chauvin asked Mr. Bianchino if it is a 100-foot buffer not a 50-foot buffer. Mr. Bianchino showed the board the original approved map. Mr. Chauvin stated the question would be weather they wanted to go back to the Town Board for an amendment to the PDD. Mr. Boyajian was present and stated if he has to go to the Town Board for a change then they would. Mr. Nadeau commented to the members who were not on the board for the original approval that the object of the buffer was to protect the neighbors. Mr. Nadeau stated it shows it has already been cut down and now they are going to change line for their benefit. Mr. Nadeau stated that was not the original set up they agreed upon when they created the PDD. Mr. Nadeau stated he would have a problem changing it away from the first PDD. Mr. Boyajian stated he understands Mr. Nadeau's concern but is not interpreting the same thing as Mr. Bianchino with the map. Mr. Boyajian stated there was a long process with the original PDD and one of the things that was significant was Oak Hill Drive became a Town Road. They asked for the PDD because it is an odd shape configured lot. Mr. Boyajian stated from his standpoint an extremely significant issue was they stipulated that there would be no additional access off of Oak Hill Drive. Mr. Boyajian stated they have still accomplished that. Mr. Nadeau stated for the record it was not a suggestion of Mr. Boyajian to do that the Planning Board suggested it. Mr. Nadeau stated he is still opposed to changing the lines because they are looking out for the neighbors and also the applicant. Mr. Roberts also feels the same way. Mr. Watts stated there are issues that need to be revisited. Mr. Watts asked if anyone else from the Board wished to speak. Mr. Chauvin clarified if Mr. Boyajian wanted to make an amendment to the PDD he would have to make an application with the Town Board to get a recommendation back to the Planning Board for review. Mr. Boyajian asked if besides the buffer line issue was there anything else outstanding. Mr. Bianchino stated there are other technical issues that was submitted in a letter and Mr. Address has addresses most of those. Mr. Bianchino stated there was another letter finalized today on storm water and they will be addressed. Mr. Higgins stated out at the site they discussed the entranceway off of Route 9 being looked at by CHA for safety reasons. Mr. Higgins also stated they discussed the buffering for the west side of the site but CHA could also work with them on that. Mr. Watts stated other then that the things could be worked out. Mr. Nadeau stated he feels this is a good use for this site. Mr. Boyajian stated he would speak to the proposed tenant about these issues with the buffer and report at the next meeting. Mr. Watts stated this item would be tabled.

02.234 Borecki Subdivision, Ushers Road, Minor Subdivision. Mr. Rick Borecki was present and stated he was before the Planning Board previously and would like to utilize the land to build a single family home. Mr. Borecki stated they have gone to the ZBA and was granted an approval to build a residence in an industrial area. Mr. Watts asked Mr. Nadeau to review this and they need to schedule a public hearing.

Mr. Roberts made a motion to schedule a public hearing at 7:00 pm on Monday January 27, 2003 or as soon there after. Mr. Berkowitz seconded. Motion carried.

02.237 New Country Chrysler Jeep, 202 Route 146, Sign. Mr. Peter May of Hanley sign was present and stated they were previously before the board for a change of sign approval. There were some concerns with the site not being in compliance and a letter was submitted to the Board with the applicant's responses. Mr. Higgins stated they had a meeting and stated one of the principals would be at tonight's meeting to represent the applicant. Mr. Nadeau stated it was a direction he had asked for at the last meeting. Mr. Watts would like this tabled until a representative can be present at the meeting.

02.238 Halfmoon Self Storage, 862 Hudson River Road, Addition to Site Plan. Mr. Dave Flanders was present representing Mr. Al Batchelder. Mr. Flanders stated they have received a copy of the comment letter from CHA and would like to review those issues with the Board. Mr. Flanders stated one item was regarding the Environmental Assessment Form. Mr. Flanders stated the form was submitted with the original application. Mr. Flanders stated another issue was the septic was not shown on the current plan but has now been added. There was a comment about the location of the well and there isn't one because it is serviced by Town Water. As far as the storm water management plan is concerned, that is something that will be submitted providing they get a favorable o ahead with the project. The last item was with the ingress/egress with BWD Steel. Mr. Flanders stated they do have an easement form BWD Steel allowing them access, which is contained in the deed. In addition to that, the original approval for Best Auto Body gives an easement portion for future access for the construction of a Town Road. Also on that plan was a 40-foot wide ingress/egress easement to access the Best Auto Body Shop parcel and the reason for that was the existing drive way was on a different strip of land. Mr. Flanders stated the final issue the Board has is with the Town Road. Mr. Flanders stated the only thing he can add about that is last fall the driveway portion was regraded and it had been shown on the map. There was drainage put in and the intent was to pave it for access. Mr. Flanders stated that sums up the comments. Mr. Watts asked if anyone had any additional comments. Mr. Higgins stated he and Mrs. Patenaude were the committee and he has spoken to the applicant on the phone. Mr. Higgins stated his question was the entranceway in because obviously the proposed business would be more intense as far as traffic then the present use. Mr. Higgins stated he asked the applicant the present status of the road and he said he would talk to the other gentleman about what the plans were. Mr. Higgins stated they talked about the 40-foot access out to Route 4 & 32 and Mr. Higgins told the applicant he wasn't sure how the County would feel about another curb cut. Mr. Higgins stated the applicant mentioned if this use is not acceptable if he would be able to increase the size of his auto body shop. Mr. Higgins told him that would have to be another application. Mr. Higgins stated the committee has not been out to the site. Mr. Dave Flanders stated the driveway that is there now is the one they will use and it will be paved in the spring. Mr. Flanders stated the traffic for a storage unit like this would be minimal. Mr. Watts would like the committee to meet with the applicant on site. Mr. Watts asked Mr. Bianchino if he was all set at this time. Mr. Bianchino stated yes and the only thing they need to get together on is the storm water issue. Mr. Nadeau stated Mr. Niles was present and he would like to update the members on the issues with the road. Mr. Niles stated he owns about 30 acres with two other partners. The building adjacent to Mr. Batchelder is where he started his business about 20 years ago. Mr. Niles stated when he purchased the property they had every intention to build a loop road out to Route 4 & 32 about 1,500 feet. Mr. Niles commented that it is a State Road not a County Road. Mr. Niles stated since then many things have changed. Three times ENCON has questioned if it is wetlands. When they purchased the property they received a letter stating it was not, in 1998 they were told it was and in 200 they told them it wasn't. They started to do some work and they told them it was again. Mr. Niles stated he will not guess if it is or isn't. Mr. Niles stated he would not deny to the Board that he implied the road was going to go all the way through. They still intend to do it but when he cannot say. Mr. Niles stated they do have the money in escrow for the blacktop. They have hired Town Paving to do the job in the spring. Mr. Niles stated if anyone from the Board would like to talk to him personally they could call him. Mr. Niles would also like the Board not to hold Mr. Batchelder responsible for something he has not done. Mr. Niles wanted to let the Board know they are asking Mr. Batchelder to black top his land. Mr. Higgins stated he never told Mr. Batchelder he had to black top the road he was just asking what the status of the road was. Mr. Watts stated the issue of the road has been settled and would like the committee to work with the applicant. Mr. Flanders stated they would like to know if the project is going to move forward before the engineer does the actual design work for the storm water. Mr. Watts asked Mr. Bianchino if that was acceptable. Mrs. Patenaude stated she does not have a problem saying the concept looks favorable but for the final approval she would like a final storm water plan. Mr. Flanders stated if there are going to be any road issues or other problems with the site they would wait to do the storm water management report. Mr. Watts stated the road issues have been adequately described and commented that the committee will meet with the applicant.

New Business:

02.218 Sheldon Hills PDD, Route 146, Residential PDD – GEIS. Mr. Gordon Nicholson was present representing A&M Holdings which is a joint venture between Mr. Chris Abele of Abele Builders and Mr. David Michaels of the

Michaels Group. Mr. Nicholson stated he wanted to give the Board a brief overview of what the site conditions are, what the site development plan is, touch on the GEIS, and then ask to set up a committee and refer this to CHA. Mr. Nicholson stated the general site location is Route 146 and Lower Newtown Road. Mr. Nicholson showed maps of the topography and vegetation patterns and noted there are two natural ponds on site. The site is approximately 215 acres, which they are proposing 438 units, which would consist of single-family homes, twin homes and condominiums. Mr. Nicholson stated the main entrance would be a boulevard entrance opposite Vosburgh Road with collector streets throughout the project. There are no single-family lots or driveways that exit onto the collector road. They are trying to preserve a landscaped edge along the collector road. There are no units proposed along Route 146. They are proposing 33% of the site as open space. There is a 10-acre farmstead along Upper Newtown Road and open space adjacent to existing single-family homes. The rest of the open space is behind all of the units. There is a trail system tied into the community recreation center. All of the backs of the lots have access to the trail system. They are looking at opening the collector road up with boulevards with landscaping in the center. There will be a landscaping and maintenance program for all of the units. They will all be connected to the Saratoga County Sewer that is scheduled for construction on Route 146. They are asking the Town to extend the water district to the property. The project is split between the Shenendehowa and Mechanicville School Districts. They have hired Creighton Manning to prepare a traffic study, which include the Tanski project on Vosburgh Road. They have all of the base information for the traffic study and they have been working with CHA and have been in contact with NYSDOT. They have reviewed the finding for the GEIS and they will continue to finalize the traffic study. Mr. Nicholson stated a portion of the project is in the GEIS and they have asked the Town Board to extend the GEIS to encompass the entire project. Mr. Nicholson stated there are three different single-family lot sizes and range from 10,000 – 12,000, 10,000 – 15,000 and 18,000 – 20,000 square feet. Mr. Nicholson stated both entrances would have a highly detailed landscaped plan. Mr. Nicholson introduced Mr. Chris Abele. Mr. Chris Abele briefed the Board about the two companies and how they are working together. Mr. Abele stated he and Mr. Michaels are well known in the Town and have both done several successful projects and they both look forward to working together on this project. Mr. Abele introduced Mr. Michaels. Mr. Michaels stated they are looking forward to presenting and doing this extensive project with the Town. Mr. Michaels stated this is a cluster type community and has 30% open space, which is significant. They wanted to create a project that was not visible from the main thoroughfares or have driveways going out to the main boulevard. It is creating sub neighborhoods within the community. The way the land is laid out is it is high to the north and slopes to the south. The idea is to create an entrance that makes a statement and sets the stage for the character of the community. Mr. Michaels stated they are gearing this toward “empty nesters” that feels their existing homes do not meet their current needs. All homes are geared with first floor master suites, 2 car garages and basements. Mr. Michaels stated the entrance of this project is very important to Route 146. Mr. Michaels stated you would not see the houses from Route 146. Mr. Michaels showed the Board an architectural rendering of the boulevard entrances. There will also be an amenity package that will possibly consist of a clubhouse building, an indoor and outdoor pool, putting greens, tennis court and a meeting room facility for everyone in the neighborhood. Mr. Michaels stated the trail system would be paved. They will be marketing this development to empty nesters and professionals. They are proposing 64 larger lot single-family homes; the condominiums would be 8 plex buildings with garages. There would also be a homeowners association. Mr. Michaels stated there would be a common fee assessed for every person in the community and it will cover the maintenance of all of the common areas. Mr. Michaels stated the fee should be \$20 – 35.00 per month. The additional fee will be for the full maintenance, which will include all of the landscaping and snow removal. Those fees will range between \$120 – 140.00 per month. They will also have a website set up for Sheldon Hills residents. The price ranges would consist of the lower \$100,000 for the condo's, conventional single family would be low \$200,000 – 300,000 and the empty nester homes and twin homes would be high \$100,000 – 200,000 range. Mr. Nicholson stated they are working with national architects to provide the Town with character sketches of what the individual houses will look like. The storm water management system will be based on the new guidelines that will be adopted in March. Mr. Nicholson stated that concludes their presentation and is hoping to refer this to CHA and set up a committee. Mr. Abele commented they intend to invest a lot of money in landscaping. They have hired a landscape architect to lay out the entire project. Mr. Abele stated they are prepared to spend a lot of money to do it right. Mr. Watts asked if anyone from the Board had any questions. Mr. Nadeau stated he has a problem with the condos in the GEIS. Mr. Nadeau asked if this was based all in the Shenendehowa School District. Mr. Nicholson showed on the map where the District boundary lines were. Mr. Nadeau stated the GEIS is looking for 20,000 square foot lots and they are proposing as low as 10,000 square feet. Mr. Nadeau asked what the adjacent lands were. Mr. Nicholson responded open land. Mr. Nadeau stated whenever they have done developments they look for future access to the adjacent properties. Mr. Nicholson stated they are providing an access to the adjacent lands. Mr. Roberts asked if the County has seen this project yet. Mr. Williams responded Mrs. Pearson, the Town Clerk, has to send it for the PDD application. Mr. Roberts stated it seems to be a very nice project but he shares Mr. Nadeau's concerns and also has his own concerns with traffic and density. Mr. Nicholson stated that is why they have hired Creighton Manning so early on. Mr. Nicholson stated they already know of recommendations made for improvement to Prunyn Hill Road and also

Route 146. Mr. Nicholson stated all of those issues would be in the traffic study. Mr. Abele stated he is aware density is an issue but if they don't get the proper density they cannot do the project they are visualizing. Mr. Abele stated this is a very important issue. Mr. Roberts stated density means traffic. Mr. Abele stated they are paying 2 million dollars to the GEIS. Mr. Roberts is very concerned with the traffic. Mrs. Patenaude stated at this time it would be best to refer this to CHA and set up a committee. Mr. Nadeau also would like to see the County's comments. Mr. Watts stated they would establish a committee but in the meantime refer it to CHA.

02.235 Flooring Warehouse, 215/217 Guideboard Road, Change of Use & Tenant. Mr. Russ Reeves was present representing the applicant and stated they are proposing a change of tenant and use. Mr. Reeves stated this site was formerly a liquor store and they are proposing to operate a carpet and flooring outlet. The existing building is 9,974 square feet. They will have three full time employees. The hours of operation are Monday thru Friday 10 am until 8 pm, Saturday 10 am until 6 pm and Sunday noon until 6 pm. The building is serviced by municipal water and County sewer.

No other changes are being proposed to the site. Mr. Reeves noted that on the site plan there is a 10 foot wide portion of land along Guideboard Road and NYS Route 236 that the owner will be transferring ownership to the Town of Halfmoon for the purpose of road and drainage improvements. In conclusion they are changing a former liquor store to a flooring outlet. Mr. Watts asked if anyone from the Board wished to speak.

Mr. Roberts made a motion to approve the change of use and tenant contingent upon the signed agreement of land. Mr. Nadeau seconded. Motion carried.

03.100 Target, Corner of Route 9 & Crossing Blvd., Sign. The applicant was not present.

03.101 Old Dublin Inn, 130 Meyer Road, Change of Tenant & Sign. Bill & Angie Byrne were present and stated they are proposing a change of tenant and sign at the Old Dater Tavern. Mr. Byrne stated the sign would not be changed only the letters will. Mr. Byrne is hoping to take occupancy March 1st. Mr. Byrne stated they are changing from an Italian venue to an Irish American. Mr. Berkowitz asked if there would be any bands. Mr. Byrne stated there would only be solo artists. Mr. Watts stated the hours of operation are Monday thru Sunday 11:30 am until 1 am. Mr. Nadeau asked if anything on site would be changed. Mr. Byrne stated they are expanding the bar inside and he is approaching Mr. Hoffman for a possibility of more parking but that will be at a later date. Mr. Roberts discussed the changing of the signs. The freestanding sign by Route 9 is the one that is changing. There are signs on the buildings that are falling off but will come back to change them also. Mr. Higgins asked if he would be keeping the orange neon across the top of the building. Mr. Byrne responded no. Mr. Higgins is concerned with cars parking on Meyer Road. Mr. Higgins noted it is a very dangerous situation. Mr. Higgins feels it would be a good idea to talk to Mr. Hoffman on the increasing of the parking. Mr. Byrne stated the land has not been surveyed since 1979 and they need to go through that process first. Mr. Watts asked if anyone from the Board had any comments. No one responded.

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

03.102 Pennoch, Breedlove & Noll, 1407 Route 9 – Nine North, Change of Use & Tenant. Mr. Bruce Logan was present and stated they are currently in Halfmoon Executive Park and is proposing to relocate to Nine North. They are moving into a new building that has had no prior tenants. Mr. Berkowitz asked if there was a sign. Mr. Logan responded there is no sign. Mr. Watts asked if anyone from the Board had any questions. Mr. Polak asked if they have completed the drainage corridor. Mr. Logan responded yes they have. Mr. Polak would like someone to check that out. Mr. Watts asked Mr. Williams to send a memo to have Mr. Murphy visit this site.

Mr. Roberts made a motion to approve the new use and tenant. Mr. Nadeau seconded. Motion carried.

03.103 Office Building – Abele, 7 Corporate Drive, Commercial Site Plan.

03.104 Abele Subdivision, 7 Corporate Drive, Minor Subdivision. Mr. Tom Andress was present and stated he would like to bring the Board up to speed on the Abele Office Park. There are two proposals before the Board tonight. One is for an office building at lot 7 and an office warehouse at lot 16. A couple months ago the Board approved the Freihofer warehouse. Everything at that end is built out. After creating lot 7 they will have lot 5, lot 3 and one other lot that could be subdivided. Mr. Berkowitz asked if the drainage issues with the Emerick's was resolved. Mr. Andress responded there is no issue that he knows of. Mr. Higgins stated if it is with the retention

pond that has been taken care. Mr. Berkowitz asked where the storm water management area was. Mr. Address stated it is between lot 3 and lot 5. Mr. Address stated the lots were not originally subdivided they were subdivided as they were built on. Mr. Address stated they are subdividing lot 5 and creating lot 7. Mr. Address stated the building is a 12,000 square foot building with parking and landscaping. Mr. Berkowitz asked if they would have any trouble getting fire trucks in to the site. Mr. Address responded no. Mr. Watts asked if anyone had any comments. No one responded. Mr. Watts stated a public hearing needs to be set for the subdivision and it will be referred to CHA for their review.

Mr. Roberts made a motion to schedule a public hearing at 7:00 pm on Monday January 27, 2003 or as soon there after. Mr. Berkowitz seconded. Motion carried.

03.105 Office Warehouse – Abele, 16 Corporate Drive, Commercial Site Plan. Mr. Address was present and stated this proposal is on about 9 acres and has a lot of buffering. This piece is adjoining to the Freihofer site. Mr. Address stated they are proposing an office warehouse for this site. Mr. Watts would like to refer this to CHA for their review.

03.106 Info Label, 12 Enterprise Avenue, New Tenant. Mr. Ruchlicki recused himself and Ms. Jordan sat in. Mr. Bob Marini Jr. Was present and stated this is for a tenant change at 12 Enterprise Ave. When they originally filed for a building permit it was for use of the Shenendehowa School only and they utilized about 4,000 square feet of the building. Since that time Info Label is leasing the balance of the building, which is about 22,000 square feet of warehouse. The site as originally proposed was for 3,000 square feet of office and now has been increased to 4,300 square feet. 43 ½ parking spaces is required and they are proposing 47. Mr. Watts stated the application states they will have 45 – 50 employees and asked how many were there at a given time. Mr. Mark Dufort of Info Label responded roughly 15 – 18 full time employees. Mr. Watts asked if anyone had any questions. Mr. Roberts asked if there would be a sign. Mr. Marini stated there is a sign on site. Mr. Roberts stated they would need to come back for the sign for the monument.

Mr. Watts asked if anyone had anything else for the Board. Mr. Roberts made a motion to adjourn at 9:35 pm. Mrs. Patenaude seconded. Motion carried.

The next Planning Board meeting will be January 27, 2003.

Respectfully Submitted

Tara Anuszewski, Secretary
Town of Halfmoon Planning Board