

**Town of Halfmoon Planning Board****Meeting Minutes – December 8, 2014**

Those present at the December 8, 2014 Planning Board meeting were:

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

**Planning Board Alternates:** Margaret Sautter

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

**Town Attorney:** Lyn Murphy  
**Deputy Town Attorney:** Cathy Drobny

**Town Board Liaison:** John Wasielewski

**CHA Representative:** Mike Bianchino

---

Mr. Ouimet opened the December 8, 2014 Planning Board Meeting at 7:04pm.

Mr. Ouimet stated the following: Before we get started with tonight's agenda I have a Resolution that I would like to offer to the Planning Board. The Resolution is dated December 8, 2014. Whereas, Milly Pascuzzi has demonstrated her dedication to the Town of Halfmoon by honorably serving residents of the Town as the Planning Department Secretary for over 10 years from April 2004 to December 2014 and

Whereas, Milly has dutifully served the Planning Board enduring our Agenda Meetings, Meeting Minutes, Public Hearings Notices and other legal documentation that was prepared, issued and filed pursuant to all laws, rules and regulations of the Town of Halfmoon in the State of New York and Whereas, Milly and her role in helping the Town administer the laws, rules and regulations relating to Planning, Zoning and Development has helped shape the Town of Halfmoon and to the wonderful place to live and work, which it has become and

Whereas, Milly has always made herself available to the public, processing Board applications and assisting our citizens spending countless hours addressing their concerns and

Whereas, Milly and her husband, Cosmo, plan to enjoy retirement and will join their son, Michael, in the sunny land out west in Phoenix, Arizona.

Now, therefore, be it resolved as follows:

That the Planning Board of the Town of Halfmoon recognize and commend Milly Pascuzzi for her years of service to the Town of Halfmoon and the Community and it is further that it is resolved to be presented to Milly Pascuzzi in honor and recognition of her dedicated service to the Town.

Could I have a motion from the Board?

Mr. Roberts made a motion to approve this Resolution as it is well deserved for Milly. Mr. Nadeau seconded. All-Aye. Resolution is approved. Motion carried.

**Public Hearings:**

**Continuation of Public Hearing Adjourned at the November 24,  
2014 Planning Board meeting:**

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

Mr. Ouimet reopened the Rafferty Subdivision Public Hearing at 7:06pm. Mr. Jamie Easton from M J Engineering stated the following: I'm here tonight to talk about the two applications that are currently in front of you. You should have a plan set dated October 20<sup>th</sup> and there is a last comment letter from CHA dated November 7<sup>th</sup> in regards to those plans. Mr. Ouimet asked is this what we had at the last meeting? Mr. Easton stated that is correct. Mr. Ouimet stated and there have been no changes to that plan as presented by you folks the last time? Mr. Easton stated that is correct and there have not been any updates since the last submission dated October 20<sup>th</sup>. Mr. Ouimet stated the following: Okay, fine. Since this proposal was tabled at our last meeting, can I have a motion to take this off the table?

Mr. Berkowitz made a motion to take the motion of adjournment off the table. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Mr. Ouimet stated the following: Where we left off at the last time is that we tabled both of your applications so that it would give you the opportunity to go back to the client. Would you like to report back as the results of your conversation with your client? Mr. Easton stated the following: Yes, I would. That's where I was going and thank you for bringing the subject back up. The 2-lot Minor Subdivision application will be going through, but the Special Use Permit we'll be withdrawing that application. Mr. Ouimet stated so; you will be withdrawing your request for a Special Use Permit to build two duplexes, correct? Mr. Easton stated that is correct. Mr. Ouimet stated the following: Okay. Are there any questions from the Board regarding the Minor Subdivision? Mr. Higgins stated regarding the subdivision; is everything going to stay the same as far as the property lines on the subdivision? Mr. Easton stated the following: That is correct. The plan that is before you; the only difference now is instead of duplex will be a single-family home. The driveways will still be entering out the same exact locations that are shown. The septic systems that are in your plan sets will be reduced down in size as obviously we had six bedrooms before and now we're going down to a four bedroom house. The septic fields that are depicted within your plan set will be reduced by approximately a third and the house footprint would be reduced by about half. In regards to some of the questions that some of the general public brought up last time; I would just like to hit some of the notes that they had so that the Board can at least hear my responses back to some of them. In regards to wetlands; there was some indication about the wetlands on the site and when was it done and things like that. As you can see from the plans, there is a general wetland that we talked about before that is done in the corner and one over on the other side of the property. The one near the intersection of Brookwood Road and Middletown Road and if we actually were to obtain a Jurisdictional Determination (JD) letter from the Army Corp of Engineers (ACOE), they would deem that isolated because it's not hydraulically connected to anything else. Currently stormwater from the surrounding areas goes to this location and infiltrates the ground. That's pretty much why you've heard some people say that there are some wet areas over in here and there's flooding in here and basically over the last 200 years, while

these roads have been in place, basically stormwater has gone there, silt and things like have accumulated in there and basically made a wetland. The reason why stormwater doesn't overtop the road and go all over the place from surrounding areas is because it's allowed to infiltrate into the ground and absorb in naturally. So, that's currently what is happening right now. There is a stormwater report that's about yeah thick that was submitted based upon the design of the duplex homes to CHA and based upon CHA's review in there November 7, 2014 letter they only had two outstanding items in that letter and one was regarding a Notice of Intent (NOI) comment and one was that one of our figures was incorrectly labeled. So, the conclusions written in that report demonstrating that stormwater is going to neighboring properties or things like that that people are all concerned about and the report clearly demonstrates that none of that is occurring and that all the water is going to where it wants to go right now at the intersection of Middletown Road and Brookwood Road. Mr. Ouimet asked so; are you saying that all the water drains to the natural drainage corridors, correct? Mr. Easton stated the following: That's correct. That drainage course is that intersection and because it's deep actually stormwater from far north and down the road it infiltrates here actually from this side of the intersection, which would be the north side, actually drains across into our property and actually on the east side of the intersection and it comes across and drains onto this property. For the road being there for 200 years, people kind of just made things go along and let the water go where it was going and it basically gone at this point as it infiltrated the ground over time and that's what is occurring right now. So, when the public said before that there is water ponding there that I see at times and things like that; that's a factual statement and that is true and that is what was written in the stormwater report in of that nature. Mr. Ouimet stated and I assume those are all natural conditions that you take into consideration when you design whatever you design for that piece of property, correct? Mr. Easton stated the following: That is correct. Also, in regards to the septic designs; originally the concepts of the septic designs were just to show that we could fit a septic so a subdivision could be done. Obviously we had a very standard leach field and there are different types of septic designs that you could use to make something fit. Some people have heard that you use Elgin systems and things like that, which have a smaller footprint, but what we use the most is the largest standard construction technique. So, there are other things that can be done, but actually with the soil test pits that were performed by myself and on the plan sets; a standard conventional septic system whether that is a raised bed system, shallow bed system or a standard conventional system that is below ground can be utilized on this site. So, I just wanted to hit those high points that some of the people mentioned the last time and I just wanted to go over that with the Board. At this point I guess we're going to open up the Public Hearing unless the Board has any additional questions for me. Mr. Ouimet stated it is up to the Board at this point in time. Mr. Roberts stated now that you're re-configuring things, is the driveway going to be located further from that curve or what? Mr. Easton stated in regards to the driveway location; it will probably stay in both of the same locations due to the sight line distance report issued. Mr. Ouimet stated well, now you have said two things; the first time you said the driveways are going to stay as designed. Mr. Easton stated as designed; yes. Mr. Ouimet stated and just now you said that they probably will stay and I don't understand. Mr. Easton stated the following: They will stay as designed. Sorry and thank you for clarifying that for me and again, they will stay as designed. Mr. Ouimet stated okay so, the driveways aren't moving Mr. Roberts.

Mr. Roberts made a motion to declare a Negative Declaration pursuant to SEQRA. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Nadeau made a motion to approve the Minor Subdivision application for the Rafferty Subdivision. Mr. Berkowitz seconded. All-Aye. Motion carried.

Mr. Ouimet stated with respect to the Special Use Permit; I know you withdrew your request for the Special Use Permit, but I think for the clarity of the record, can I have a motion to deny the request for the Special Use Permit.

Mr. Roberts made a motion to deny the Special Use Permit application for the Rafferty Subdivision for the construction of two duplex structures, stating that it did not fit the character of the neighborhood. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Ouimet stated before I call the next Public Hearing, has the members of the Board had an opportunity to review the minutes from our November 24, 2014 meeting? Mr. Roberts made a motion to approve the November 24, 2014 Planning Board Minutes. Mr. Ruchlicki seconded. Vote: 7-Aye, 0-Nay. Motion carried.

**14.147 PH      Town of Halfmoon Subdivision of Lands to be Annexed to Rexford & Fellows, Fellows Road – Minor Subdivision**

Mr. Ouimet opened the Public Hearing at 7:11pm. Mr. Ouimet asked if anyone would like to have the notice read. No one responded. Mr. Bruce Tanski from Bruce Tanski Construction & Development stated the following: Mr. Jeff Williams was unable to make tonight's meeting due to an unexpected death in his family. So, I'm trying to take care of this and hopefully I can answer any questions. Tonight's Public Hearing is a housekeeping item related to the Fellows Road realignment. The realignment removed the "Y" of the eastbound and westbound intersection with Route 146. In doing so a .56-acre parcel that is a Town right-of-way was left over. The right-of-way has no importance to the Town after the realignment so; it has been decided to split the right-of-way parcel and convey portions of the right-of-way to the adjoining landowners. So, the .56-acre Town right-of-way is to be subdivided into two parcels. One parcel being a 0.21-acre and the other being a 0.35-acre parcel. The 0.21-acre parcel will be conveyed to the 2.74-acres of Lands of Rexford at 84 Fellows Road and this will ultimately create a 2.95-acre parcel for the Lands of Rexford. The 0.35-acre Town parcel will then be conveyed to the 2.57-acre Lands of Fellows located at 82 Fellows Road and this will ultimately create a 2.92-acre parcel for the Lands of Fellows. That is tonight's proposal and I can take any questions if I can answer them and on a related note; I have agreed to provide a gravel driveway from the Rexford's driveway to Fellows Road and I have agreed to connect the Fellows' two driveways to create a circular driveway by either utilizing the existing pavement or repaving. The Fellows' land is zoned R-1 Residential and the Rexford's land is zoned A-R Agricultural-Residential. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the Public Hearing at 7:13pm. Mr. Ouimet stated regarding the issue of that gravel driveway; that's not part of this subdivision is it? Mr. Tanski stated no, but I've agreed to it with the homeowners and with Mr. Williams so; we'll do that in the springtime. Mr. Berkowitz asked is the area that is connected to Route 146, is that going to be sealed off or is that just going to be part of the driveway? Mr. Tanski stated it is already sealed off. Mr. Berkowitz stated okay.

Mr. Roberts made a motion to declare a Negative Declaration pursuant to SEQRA. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Minor Subdivision application for the Town of Halfmoon Subdivision of Lands to be Annexed to Rexford & Fellows. Mr. Nadeau seconded. All-Aye. Motion carried.

**New Business:**

**14.144 NB**

**Ballard Subdivision, Lot 15 Smith Road – Minor Subdivision/Lot Line Adjustment**

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here representing Mr. Tom Ballard in his request before the Board for a Lot Line Adjustment between Lot #15 Smith Road and Lands of Thomas and Robert Ballard, which is the larger piece here. The parcel is located approximately 1,000 FT north of Vosburgh Road on the eastside and this parcel is just south of where the new duplex is. Basically we want the Lot Line Adjustment to adjust the property line so that the northerly triangle piece initially of Lot #15 is annexed to the 10-acre parcel. So, basically we have situation where the existing Lot #15 is approximately 29,480 SF and with taking the triangle out, we end up with a new Lot #15 of a little bit over 20,000 SF and it meets the R-1 Residential zoning. Then the existing larger piece is 10.5-acres and adding that triangular piece would make it approximately 10.7-acres of land. Mr. Higgins states so; between 13 and 15 the utility easement stays exactly the same, is that correct? Mr. Rabideau stated that is correct. Mr. Berkowitz asked can he get to the bottom portion of it and can he cross that wetland to get to that back area? Mr. Rabideau stated I'm not sure if he has an existing drive through that now and if not, at this point in time, technically he can't, but I'm not sure what he has back there.

Mr. Nadeau made a motion to set a Public Hearing for the January 12, 2015 Planning Board meeting. Mr. Berkowitz seconded. All-Aye. Motion carried.

**14.148 NB**

**MMMH Enterprise LLC, Firehouse Road – Minor Subdivision & Special Use Permit**

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I have a copies of the zoning map that is colored that I think would help clarify some of the things as I'm going through this. I'm here representing MMMH Enterprise LLC for a request for a proposed 3-lot subdivision and also, a request for a Special Use Permit to build duplexes on these lots. The parcel is located on Firehouse Road behind the Country Drive-In. The zoning for this parcel that is about 5.5-acres and is (PO-R) Professional Office/Residential. The proposed 3-lots are in a flaglot configuration; Lot #1 being this parcel here, Lot #2 would be the second flag in and Lot #3 is this flag up to the larger portion in the back. The 3-lots will have a common ingress/egress easement and basically this strip right here is 60 FT wide so, it will be common ingress/egress easement through this 60 FT strip all the way back to Lot #3. So, you have an ingress/egress and any of the utilities would follow through this corridor through here. The 3-lots would be serviced by public water as there is a water main along Firehouse Road and I believe there is a fire hydrant in this area right here. So, it would get tapped right into that main. Also, there would be on-site septic. Mr. Rabideau showed the Board where each of the septic areas would be located and stated they have been all qualified by a professional engineer as far as whether they will work. Lots #1 and #2 would have a standard system and Lot #3 would also be a standard system, but it will be built up by about 1 FT. The wetlands on the site have been identified. There is a corridor right here and various wetland fingers back here. So, the only potential disturbance is that there is a road through here now and maybe a little bit right here and that is about as much disturbance that we would have. The Special Use Permit component of the request is for duplexes to be built on these lots and we feel that the duplexes are appropriate for this parcel due to the existing zoning that is in

the area, which most of these lots are PO-R and the immediate buildout in the area. The Country Drive-In is located in this location, this is PO-R and this is actually a 3-family residence right here and this is PO-R and I believe that is a single-family that is zoned (R-1) Residential. Two lots that come off Vandenburg Lane are also R-1 and this is a subdivision with a street coming out. This portion is Town lands and I believe it is part of the ball fields on Woodin Road. In the back parcel, this is the National Grid power line that runs up across the Northway. This parcel here is a rather large National Grid substation. This piece is part of the LaValley (PDD) Planned Development District, which I believe is a multi-unit apartment complex. This piece right here is PO-R and I believe that is a single-family residence. On this site we have set this up so that the proposed development of this parcel is the farthest away from these three single-family residences right, the road is up here, we have all of the utilities up here, we have kept the proposed duplexes up here and basically condensed it as much as we can in the smallest footprints as possible. We kept the septic up so, basically we set it up so that we have a undisturbed vegetated buffer between the single-family homes and the duplexes. As I said before, the septic systems are standard so, that is a relatively small area that has to be cut out for the septic and it's not like we have to build large mounted systems. So, with this configuration, we've kept it all here maintaining this as a buffer and this also. Mr. Ouimet asked how long is shared driveway? Mr. Rabideau stated from here to about here is about 500 FT scale wise and to here is about 600 FT. Mr. Ouimet stated and you're maintaining that everything with exception of the one residence that's closer to the Drive-In and everything else to the west of that driveway is already developed as multi-family? Mr. Rabideau stated right here and you can see it on the zoning map where the LaValley PDD wraps around and as far as these buildings here, I'm not really sure about these right here. Mr. Ouimet stated I'm not talking about those, I'm talking about west of the road that you propose to service this. Mr. Rabideau stated yes, up through here I believe is multi-unit apartments. Mr. Ouimet stated and then there is a substantial vegetated buffer between the proposed duplexes and the existing single-family as you move east? Mr. Rabideau stated the following: That is correct. This scale is 150 and right now we have the closest is 50 FT from here to here and that's to the septic area, which would probably be lawn area by the time that it is done, but that doesn't mean that this would be all cleared through here as we want to minimize the clearing and there is no need for large lawns for duplexes and we know that it's important aspect to keep the buffering between the uses. Mr. Nadeau asked what is that buffering; is it just brush or the trees there? Mr. Rabideau stated it is mature second growth hardwood with an understory. Mr. Nadeau stated so, the duplexes would be visible. Mr. Rabideau stated the following: That would be correct, yes. During the summer it is rather thick, but now you can see it. Mr. Higgins stated as far as the driveway; do plan on building that to the standards that the fire department is going to want for an 80,000 pound truck? Mr. Rabideau stated that is correct, yes. Mr. Higgins stated and typically they want some kind of turnaround or an area where the trucks can turn around and go back out. Mr. Rabideau stated right, we would set up either a turnaround back here or some kind of configuration where they can actually turn around. Mr. Ouimet asked have you met with the fire district yet or have you had any preliminary conversations with them. Mr. Rabideau stated no, not at this point in time because we basically wanted as a concept to see if the Board would go with our request for duplexes on these lots. Mrs. Sautter stated the following: I would like to thank Mr. Rabideau for the map as I really liked the fact that you put the wetlands in and you identified the home around it because that is very important to try and figure out what is where. Again, thank you and I appreciate it as it makes it a lot easier for us rather than the black and white where nothing is identified and even the neighbors don't know where their own houses are if they were up here. Mr. Rabideau stated that is true. Mrs. Sautter stated I know that this is going to go forward, but I know that there are going to be some concerns about where you are coming out because that is a really tough tough spot right

onto Firehouse Road, which is a very narrow road and the parking lot that you are going right out into as everybody goes by there and we all know that it's packed. Is there any other area to go out because I have looked at the land? Mr. Rabideau stated no, this is the only access to the road and that's another reason why I think it's lends itself to the duplex because a single-family coming out onto this; it is very intense. Mrs. Sautter stated yes, it is. Mr. Ouimet stated the following: At this point in time Mr. Rabideau, we have to make referrals to the County for review, we're going to refer this to CHA for review and to the Emergency Services including the West Crescent Fire District. We need to talk about the road and the access because you're talking about putting six families in there, right? Mr. Rabideau stated that is correct. Mr. Ouimet asked how many cars do you think six families are going to generate because I think it would probably be more than individual single-family homes would generate, right? Mr. Rabideau stated I'm not sure. Mr. Ouimet stated it can't be less. Mr. Rabideau stated it's my understanding that it's the same and that I'm not absolutely sure of. Mr. Ouimet stated based on traffic study manuals will it tell you that it's the same? Mr. Rabideau stated just from hearing things in the office type deal. Mr. Ouimet stated the following: I think Mrs. Sautter's comments about the discharge of traffic onto that small road are valid whether it's duplexes or single-families. So, we will have CHA take a look at that. Mr. Nadeau stated I think that road, as we all know, with the Country Drive-In there, people do tend to park on that road, which we know that they're not supposed to. Mr. Ouimet stated the only problem Mr. Nadeau is you're not going to get anything from a traffic study as the traffic study would be so convoluted you wouldn't get anything out of it because of the configuration of that horseshoe. Mr. Rabideau stated exactly. Mr. Ouimet stated and that's controlled by two stop signs, isn't it? Mr. Rabideau stated yes, that is correct. Mr. Ouimet stated and one you can see and one you can't because one is blocked by that one triple-family home on that one side for sight distances. Mr. Rabideau stated the following: The sight distances you can see both ways actually fairly well. On the left if you were looking towards the Mohawk River, you can see right down Crescent Road. Mr. Ouimet asked Mr. Bianchino if he could look at the sight distance also from those two exit points or entry points or however you want to look at it. Mr. Roberts asked are these duplexes going to be owner occupied or rented? Mr. Rabideau stated they're going to be rented and it's rented by the same people as the ones on Vosburgh Road by Pipino.

Mr. Roberts made a motion to set a Public Hearing for the January 26, 2015 Planning Board meeting. Mr. Ruchlicki seconded. All-Aye. Motion carried.

#### **14.149 NB      Salon Seven, 15 Route 236 – Change of Tenant/Use & Sign**

Ms. Michelle McCabe, the applicant, stated the following: I am the owner and I was previously at this location about five years ago. I'm just looking to take the tenant space back in Suite 2 at 15 Route 236. I have about two to three part-time employees and I would be full-time. My hours of operation are Tuesday through Saturday. I feel as though I would generate some business to the area and I actually looking forward to getting back there and having some business. I also am looking to have a sign. Mr. Ouimet stated so, your sign is to replace what is existing there now and you would just be swapping the signs out? Ms. McCabe stated the following: Yes and I actually have my sign from when I was previously located there and everything would still be the same. So, this is a good place for me, it's already fitted for me and ready to go. Mr. Ouimet asked Mr. Marlow if he had an opportunity to look at the parking situation at this site? Mr. Marlow stated I did and this particular use requires nine spots and I did not find anything in the file from her previously approval as far as issues with that, but as it sits right now there is adequate parking on the site.

Mr. Ouimet asked Mr. Roberts if he had an opportunity to look at the Sign application? Mr. Roberts stated yes, I did look at the sign and it does meet the Town code.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**

Number of Signs: 1

- Sign 1  
18" x 97" = 1,746 SF  
Wall-mounted  
Internally Lit

Mr. Roberts made a motion to approve the Change of Tenant/Use application for Salon Seven. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign application for Salon Seven. Mr. Higgins seconded. All-Aye. Motion carried.

**14.150 NB      Glen Meadows Planned Development District Phase 3 & 4, Upper Newtown Road – Amendment to Site Plan**

Mr. Higgins recused himself from this item. Mr. Gavin Vuillaume from the Environmental Design Partnership stated the following: I'm here tonight representing Abele Builders. Mr. Chris Abele was unable to make the meeting as he is skiing out west. We're here just to get some consensus from the Board as we're not really looking for an approval at this point for this Phase 3 of Glen Meadows. As you know, the original Planned Development District (PDD) was approved for four phases. Phase 1 is under construction and Phase 2 you recently approved and we're in the process of filing that map so; he'll begin selling the homes in Phase 2 very shortly. Mostly throughout all four phases it was a makeup of single-family units, twin homes and townhomes. The first two phases were just strictly single-family and twin homes and now in Phase 3 the original approval was to make a mixture of single-family, twin homes and townhomes in 3-unit groupings. He really feels that that is going to be a difficult sell and we went through the same thing with Sheldon Hills. When we developed Sheldon Hills, we had to modify the back phase of that project to include these patio homes, which really are the big seller at the moment. So, Mr. Abele is really leaning more towards the patio homes on Phase 3. As a matter of fact, where Phase 3 was; we'd like to break it into two different phases as Phase 3 and 4 and then the old Phase 4 will then become Phase 5. Phase 5 is a long ways away and we don't anticipate any changes with that and I believe a majority of Phase 5 is single-family homes and we're really just looking for some kind of direction from the Board if some type of change in the phasing like this would be appropriate. Mr. Ouimet stated looking at the proposal; you are reducing the number of units in Phase 3 and 4, correct? Mr. Vuillaume stated the following: Yes. I think originally Phase 3 altogether was 45-units. So, now for the whole Phase 3 area that I have highlighted up here; that was 45-units. Phase 3 and 4 is going to equal 44-units total so; we are basically losing one unit. Mr. Ouimet stated so; it would be one unit less and then would you ultimately pick that up in Phase 5? Mr. Vuillaume stated probably not as I don't see that. Mr. Ouimet stated but what you're also doing is you're reducing the size of the front yards and side yards, correct? Mr. Vuillaume stated the following: Yes. Obviously in order to accommodate the housing here; I think the original PDD for a single-family home was 75 FT width so; these would be 60 to 65 FT in lot width. So, it would be a narrower lot. Also, just to give ourselves a little more room we would possibly look to maybe decrease the side yard to maybe 8 FT instead of 10 FT. Again, that would be in order to spread out the homes appropriately. Mr. Ouimet asked so; you are doing that? Mr. Vuillaume stated we would propose that, yes. Mr.

Ouimet stated so; you're proposing one less unit and you're proposing to reduce the size of the lot, correct? Mr. Vuillaume stated the width of the lot, yes. Mr. Ouimet stated so; you're reducing the front yard from 30 FT to 25 FT and the side yard lots from 10 FT to 8 FT. Mr. Vuillaume stated yes and the lot width would be the most important one as the lot widths originally were 75 FT for the homes like in Phase 1 and these would be 60 to 65 FT or somewhere in there. Mr. Roberts stated I'm confused because if you're taking one unit out, why is it necessary to make the remaining lots smaller? Mr. Vuillaume stated well, we would ultimately be taking a lot more out if we weren't making the lots smaller as you would be losing quite a few lots, I would imagine. Mrs. Sautter stated I'm not sure if this is the original one. Mr. Vuillaume stated I think I gave you some 11 x 17's and yes, that should be the original one. Mrs. Sautter stated because some of the homes are not lining up and I know that the numbers probably won't line up but, under Phase 3 it looks like you've taken a break on the original one numbered 103 and is that now 122? Mr. Vuillaume stated the following: As far as the lot numbers, those lot numbers will definitely change and it's really the overall lot count that you'll want to kind of pay attention to. Phase 3 originally had 24 twin homes and 21 townhome lots so; those 21 townhome lots are really the ones that we think are going to be a very difficult sell and those are the ones that we're trying to turn into patio homes. Mrs. Sautter stated okay, but my question is; here on 122 your new map to 121 and you're leaving one space where apparently on 103 to home 102 it looks about 3 home spaces. One of which is covering now an archeological zone. Mr. Vuillaume stated the following: Yes, that was a question that Mr. Harris had had on the archeological zone and Mr. Abele has recovered the artifacts in that area and has that portion of the subdivision cleared for development now. So, I guess if we need to get a letter from the archeological person, we can do that. Mrs. Sautter stated but was there anything else going through where there were three and now you have it down to one. Mr. Vuillaume asked are you referring to in this upper area here? Mrs. Sautter stated yes. Mr. Vuillaume stated the following: The only other thing that we had in there was a bike trail and we can relocate the bike trail. I guess we can slide that bike trail to the east into the common area where the Homeowner's Association (HOA) property is so, it would be a narrower HOA section through there. Mrs. Sautter asked would the stormwater management area be affected at all? Mr. Vuillaume stated no, none of the utilities really do get affected and again, the whole purpose for this request at this time is that he would like to start the construction for Phase 3 and really he wants to know how to set up the services for the new lots and whether they should be set up for twin homes, townhomes or single-family. Again, he would prefer to have the services be ready for single-family homes. Mrs. Sautter stated the following: Okay because it's hard because this map is so small and for Phase 3 there are no other changes because to me it's a pretty big change taking out three lots and adding two homes and I'm not familiar as I probably should have been. I was just under the assumption, like we all were, that you're just taking one and moving it around, but Mr. Harris has seen this and everyone else has seen it. Mr. Ouimet asked Mr. Bianchino if there was any reason that we should refer this to you at this point? Mr. Bianchino stated no.

Mr. Berkowitz made a motion to approve the Amendment to Site Plan for Glen Meadows Planned Development District Phase 3 & 4. Mr. Ruchlicki seconded. All-Aye. Motion carried.

### **Old Business:**

#### **14.083 OB**

#### **Miranda Real Estate, 1482 Route 9 – Addition to Site Plan**

Mr. Brian Cooper from M J Engineering stated the following: I'm here representing Miranda Real Estate. Since the last Planning Board meeting on November 10, 2014, we were asked to submit a grading drainage plan, which we did on November 26, 2014. We received in response to some comments from CHA, which was referred to at the last meeting, and we did submit the revised

plans to CHA. Since then we did receive the County referral letter for the project and today we also received the acknowledgment from CHA that we have responded to their comments appropriately. Mr. Ouimet asked Mr. Marlow if all of CHA's comments were addressed by the applicant? Mr. Marlow stated yes, I did talk to Mr. Bianchino at the pre-meeting and the letter we received from him and he seems to have looked at all the problems and they have addressed them adequately for him. Mr. Ouimet stated and the County referral resulted in a "No Significant Countywide Impact" with no comments, correct? Mr. Marlow stated correct; the County response stated that there was "No Significant Countywide Impact".

Mr. Berkowitz made a motion to declare a Negative Declaration pursuant to SEQRA. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Mr. Berkowitz made a motion to approve the Addition to Site Plan for Miranda Real Estate with the following condition(s): 1) the applicant provides easements to allow shared parking between 1482 & 1480 Route 9. Mr. Nadeau seconded. All-Aye. Motion carried.

**14.120 OB      Lands of Sabourin, 29 & 33 Church Hill Road – Minor Subdivision/Lot Line Adjustment**

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here representing Mr. Paul Sabourin for a proposed Lot Line Adjustment of Lot #29 and Lot #33 Church Hill Road. At the last meeting the Board was not able to move forward because of two side yard encroachment issues that violated the side yards with two garages. So, we went to the Zoning Board of Appeals (ZBA) and they did grant the variances at the meeting and I think that was the only thing holding this up. So, we're here tonight asking the Planning Board to set a Public Hearing. Mr. Ouimet stated to Mr. Rabideau to make sure that he talks about the variances at the Public Hearing, okay? Mr. Rabideau stated okay.

Mr. Nadeau made a motion to set a Public Hearing for the January 12, 2015 Planning Board meeting. Mr. Higgins seconded. All-Aye. Motion carried.

**14.145 OB      SDB Inc., 425 Route 146 – Change of Tenant & Sign**

Mr. Matt Petersen, the applicant, stated the following: I here tonight on behalf of SDB. At the last Planning Board meeting we we're asked to submit a revised site plan laying out the fence location to enclose the outdoor storage as well as to locate where we would like to propose our sign to be installed. I also have a letter from our neighbor to the east, Mr. Mike Deets and his wife if the Board needs that. Mr. Ouimet asked can you hand that letter to me please? Mr. Higgins asked were you able to get a letter from the Krupsky's? Mr. Petersen stated no, I don't think we went that route. Mr. Ouimet asked are these the people to the east? Mr. Petersen stated correct. Mr. Ouimet stated and this is where you're going to install that fence, correct? Mr. Petersen stated the property is going to be fenced in whole and from the rear corners of the property it's going to go to the east and west property line. Mr. Ouimet asked is it going to be completely fenced in? Mr. Petersen stated correct; from the back of the house and the fence will be chain link with slats for privacy. Mr. Ouimet asked all the way? Mr. Petersen stated except the very back of the property. Mr. Ouimet asked which is behind the pole barn that is already there? Mr. Petersen stated correct. Mr. Higgins asked is the outdoor storage area going to be fenced? Mr. Petersen stated well, the property is going to be fenced before that outdoor storage area. Mr. Higgins stated so; you'll still be able to see the outdoor storage area from the road, correct? Mr. Petersen asked how so? Mr. Ouimet stated I think it's only if you can see through the fence. Mr. Petersen stated the fence

would go from the rear corners of the property to the east and west property line all the way to the back and this outdoor storage area would be within that fenced in space. Mr. Higgins asked how tall is the fence? Mr. Petersen stated eight feet. Mr. Higgins stated so; you're telling me that driving by the road with an eight foot fence there that I won't be able to see this because this is higher than the road. Mr. Petersen stated the following: Can you see a four foot pallet over an eight foot fence from the road? The material is not going to be high is what I'm trying to say. Mr. Higgins stated well, I know when I drove by there last week that you had storage equipment off the trailer up against the building and I had no problem seeing that. Mr. Petersen stated there is no fence there either. Mr. Higgins stated I understand that, but I don't believe that an eight foot fence here would screen the material storage area. Mr. Petersen stated well, we will insure that the material is kept to one rack high and not exceeding four foot off the ground. Mr. Higgins stated you're still going to see it from the road driving by even with an eight foot fence. Mr. Robert Murray, owner of the property at 425 Route 146, stated coming off the corner of the house is the higher part and the front of the yard tapers down at that one point. Mr. Higgins stated the following: Exactly, that's what I'm saying. I don't care and all I'm saying is if you're putting a fence there; outdoor storage is not supposed to be seen and that's why you want a fence. So; you're going to fence the whole thing and all I saying is that if you're going to fence the whole thing and it's going to have privacy type fencing all the way around and that as long as you cannot see that; then I'm fine with it, but I believe with an eight eight foot fence here you're still going to be able to see it from the road looking up there because this is higher than the road and you're going to be able to look right at the top of it. Mr. Petersen stated but so is this as this is higher than the road as well, but the eight foot fence will be there. Mr. Murray stated we're going up above on the side of the house, which probably drops off, I'll say seven to eight feet and it tapers off and we're not putting the fence down there as we're staying up above and then coming down to grab Joe's fence and Joe's fence is six foot. Mr. Higgins stated so; the fence is going to be at the back of the house and you said it would be approximately about six feet higher than the front. Mr. Murray stated it is seven to eight feet higher than the front. Mr. Higgins stated the following: Okay. So, it's going to be a privacy type fence all the way around. Mr. Murray stated it's going to be a chain link fence with the slats slid into it with the exception of the back where the woods are. Mr. Higgins stated yes, but the three sides would be privacy fencing. Mr. Murray and Mr. Petersen both stated correct. Mr. Higgins stated yes and as I said; as long as it has privacy fencing and you can't see the storage area because obviously we don't want it to look like it's a storage area. Mr. Murray stated I know what you're saying and that is correct. Mr. Ouimet stated regarding the issue of parking; I think we went over this the last time you were here and I think I asked the questions as to whether or not your business is going to be open to the public and you said that it was not, correct? Mr. Murray stated right and occasionally we might have a client come in or something for a meeting there, but we don't sell anything there. Mr. Ouimet stated right and generally it will not be open to the public to come in. Mr. Murray stated correct. Mr. Ouimet stated the following: If it were open to the public, then you would need to have a handicapped parking spot. Also, you do understand that what you're proposing here is to make this property conform to zoning because it is a commercially zoned parcel and currently you're using it as a residence as you purchased it. Mr. Murray stated as I bought it, yes. Mr. Ouimet stated once it comes back to commercial, it cannot go back to residential unless you get a change of use permit from the Zoning Board of Appeals (ZBA). Mr. Murray stated right. Mr. Ouimet stated it is my understanding that this commercial arrangement is a lease arrangement between the two of you, correct? Mr. Murray stated correct, it is a lease with the option to buy. Mr. Ouimet stated okay and just so you understand; if this Board were to approve the Change of Use to a commercial use, you would not be able to go back to a residential use without going to the ZBA. Mr. Murray stated correct and when I purchased it, that

was my intentions for my daughter, but she then changed her profession. Mr. Ouimet stated okay. Mr. Higgins stated so; it's going to be an eight foot fence with privacy slats all the way around the three sides. Mr. Petersen stated correct and we're going to put the slats in because there is an existing stockade fence there. Mr. Higgins stated but your fence is going to be higher than the stockade fence so, you're going to be the slats in over the stockade fence. Mr. Petersen stated yes, we are going to put the slats in for privacy. Mr. Higgins stated okay, thank you as I just wanted to clarify that for the minutes. Mr. Ouimet asked are you going to have a sign? Mr. Roberts stated yes they did submit a Sign application and I have looked at the sign and it meets the code contingent upon the sign is not be placed in the State right-of-way.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**

Number of Signs: 1

- Sign 1
  - 4' x 8' = 32 SF (Total = 64 SF)
  - Two-sided
  - Free-standing/monument (8' in height)

Mr. Roberts made a motion to approve the Change of Use/Tenant application for SDB Inc. Mr. Berkowitz seconded. All-Aye. Motion carried.

Mr. Roberts made a motion to approve the Sign Application for SDB Inc. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the December 8, 2014 Planning Board Meeting at 7:58pm. Mr. Roberts seconded. All-Aye. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary