

Town of Halfmoon Planning Board

August 8, 2011 Minutes

Those present at the August 8, 2011 Planning Board meeting were:

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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the August 8, 2011 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the July 25, 2011 Planning Board Minutes. Mr. Nadeau made a motion to approve the July 25, 2011 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Roberts abstained due to his absence from the July 25, 2011 Planning Board Meeting.

Public Hearings:

08.067 PH Arlington Heights PDD – Phase II, Farm to Market Road – Major Subdivision/PDD/GEIS

Mr. Watts opened the Public Hearing at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Mike McNamara, of the Environmental Design Partnership, stated the following: That he is here tonight with Peter Belmonte, the developer, to discuss the Phase Two of the Arlington Heights PDD. The Planning Board held a Public Informational Meeting in June 2010 and granted a positive recommendation to the Town Board. The Town Board, after Public Hearing in August 2010, granted a Neg. Dec. to SEQOR and approved the legislation creating the PDD. Since then detailed designs and engineered plans have been submitted, a stormwater pollution prevention plan has been reviewed, there is a map and water extension agreement has been submitted and we have gone through several reviews and revisions with the Town's engineers. The project consists of 25 new single-family homes on a proposed 1,900 LF loop road and also one additional lot in Phase I of the existing project. A 14-acre parcel or roughly 50% of land will be greenspace and controlled by the Home Owner's Association (HOA) and can be used for recreation. The road way will be the same as it is in Phase I which consists of

concrete curbs, then a 4 ft strip of grass and a 5ft concrete sidewalk along both sides of the road. There will be streetlights in the grass area and street trees on the other side of the sidewalk. The utilities for the project are already on-site to serve Phase I and will be extended into Phase II. There is an existing pump station for sanitary sewer that will be extended into Phase II and the same for public water that will be extended into Phase II from Phase I. The existing stormwater management area will also be utilized to serve Phase II of the project. Phase II will meet the new regulations for stormwater as we are implementing green infrastructure such as rain garden, dry swales and tree plantings to meet the new regs. There is an existing hedgerow that buffers the two phases. Mr. Belmonte has been in discussion with Mr. Heaton who lives in Phase I and they have an area in their rear yard where there is a gap in the hedgerow. In Phase I, there was a berm placed with plantings. What we propose to do further is supplement the gap with transplanting some area vegetation in that area to beef up the buffer. We also have agreed, as there is a note on the plan stating the existing vegetation is to remain along the hedgerow. Mr. Watts asked if anyone from the public wished to speak. Mr. Pat Donovan, 9 Saville Row asked if there is a secondary means of access for the new phase. Mr. McNamara stated that there is a future ROW to the adjoining parcel to the east known as the Lands of Tribley. When and if the Lands of Tribley is developed, then this project would be connected to the road network in the Lands of Tribley development. Mrs. Donovan stated that then there is no other road out to Farm to Market Road. Mr. McNamara stated not at this time and the only road being constructed is the loop road and the extension of Phase I roads into the new project. Mr. Joe Bianchine, ABD Engineering representing the Klersy Building Corporation, stated that the Klersy's has a project with the lands to the west of this project. The Klersy project has been before the Planning Board before and will be coming back in for review soon and that the Klersy project has shown a future ROW from their project to the Arlington Heights Phase II project. Due to wetlands the future ROW from the Arlington Heights project has been removed and that is OK as long as it does not have a detrimental effect on the Klersy project. Mr. Bianchine stated the Klersy's project has three future connections, which would be the one connecting to the Phase II of Arlington Heights, one that would connect to the Lands of Tribley and the other would connect to Angle Lane. Mr. Bianchine stated that he would like the Arlington Heights connection looked into and stated once again it is fine if it does not happen because of the need to cross wetlands but does not want the issue to jeopardize the Klersy project. Mr. Bianchine stated the second question is about the sewer service and how it relates to Saratoga County Sewer District (SCSD#1) and the Central Halfmoon Transportation Corporation. The sewer connection will be the same relationship for the Klersy project. Mr. McNamara stated that we would be happy to share any information on the utility connections with the consultant of the Klersy project. Mr. McNamara stated that the future connection that was once proposed to connect to the Klersy project was removed due to the concerns of the wetland crossing, crossing a stream corridor and steep slopes. The future connection was re-located to connect to the Lands of Tribley because it is the optimal point to place a future road. As for the sewer utility, the existing pump station is owned and operated by the SCSD#1 and the existing sewer lines are currently owned by the Central Halfmoon Transportation Corporation but are slated to be dedicated to SCSD#1 in the very near future. Mrs. Murphy stated that the County is readying itself to accept the existing infrastructure of the Central Halfmoon Transportation Corporation. Mr. Watts stated that once it is all accepted by SCSD#1 then the Central Halfmoon Transportation Corporation will be dissolved. Mrs. Murphy stated that is correct. Mrs. Murphy stated right now there are two easements that need to be filed to complete the transfer of ownership and the two landowners are refusing of granting the easements. Mr. Watts asked when will that happen. Mr. Belmonte stated that the County is starting a eminent domain proceeding to gain the two needed easements, once that is done the package will be complete to

transfer the ownership of the Transportation Corporation to the County and we are hoping that will be done before the end of the year. Connie Golden, Arlington Heights Phase I, asked what is the position of the Town on the secondary access to this phase. Mr. Bianchino stated in an effort to manage curb cuts on the County Route Farm to Market Road and using past sound planning practices of allowing future connections to large adjoining vacant lands, this project was allowed to utilize the existing boulevard access that serves Phase I of the project as its Phase II access. When the Lands of Tribley is developed the future connection would connect to that development as its secondary means of access. This is not an atypical situation with planning. Mrs. Murphy stated that the secondary means of access will be created when the other Tribley piece is developed. Mr. Bianchino stated that is correct. Mr. Nadeau asked if the Klersy future connection to Arlington Heights is important to the safety of the Klersy project. Mr. Bianchino stated that it was looked at when Klersy was in front of the Board three or four years ago. When this project came before us it made clear that the future connection between the two project was to impact environmental sensitive areas. Mr. Higgins stated he questioned the same thing at the last meeting two weeks ago and asked where are the wetlands. Mr. McNamara stated the wetlands are shown on the Arlington Heights but there is more wetlands not shown on the Klersy project as well as a stream crossing and steep slopes. Mr. Higgins stated it would be up to Klersy to get the wetland impact permits. Mr. McNamara stated that Army Corp would look at the cumulative impacts between the projects. Mr. Higgins asked how much wetland impact would be impacted. Mr. McNamara stated over one acre. Mr. Belmonte stated Phase I has a future connection with the lands of Ruchlicki and Phase II has one future connection so we have planned ahead. Mr. Belmonte stated these lands are almost land locked due to the extent of wetlands and steep slopes. Mrs. Pat Donovan stated she lives on Saville Row that connects the two projects and my concern is that Phase II will increase the traffic without a second access point. I asked Mrs. Tribley if they are developing this and she told me not in the near future. My concern is all the traffic along with fire and emergency response. Mr. Fred Heaton stated that he concurs with Mrs. Donovan and all the traffic that will pass by his house. Mr. Heaton stated that there should be a second means of access. Mr. Watts closed the Public Hearing at 7:23 pm. Mr. Watts asked the Board for comment. Mr. Higgins asked who is responsible for the land around the sewer pump station. Mr. McNamara stated the pump station lot has been dedicated to the County and the land around it will be under the HOA ownership. Mr. Higgins asked who would be responsible for the stormwater management area. Mrs. Murphy stated that the PDD legislation states that the HOA will own the land with a maintenance easement granted to the Town for urgent repair unless the Town feels it is more appropriate to own the stormwater management area then it would be asked to dedicate the facility to the Town. Mr. Higgins asked about the hedgerow between the two phases and asked if there is a description or a width to what is to remain intact. Mr. Higgins asked if there would be descriptions in the deeds of the need to maintain the hedgerow as a natural buffer between the two phases. Mr. Belmonte stated that he looked at the area today and stated it is wider than 25 feet. The HOA language will have a covenant restriction on identifying the area as a no cut buffer. It will also be included in the Phase two deeds as the majority of the buffer is on Phase II lands. Mr. Belmonte stated that the added buffer behind the Heaton property will be created to match the thickness of the buffer that exists. Mr. Nadeau asked if there were other lots that were looked at to create a future connection with Klersy. Mr. Belmonte stated the last time he talked with Klersy was about three years ago. Mr. Bianchino stated that when the preliminary plans came in it was understood that the connection to Klersy would create an impact to the wetlands and that differences in elevation between the two projects. Mr. McNamara stated that any area that borders the Klersy project from this project will have wetlands and steep slopes to contend with and is the reason why we represent the future ROW in the area shown to the Lands of Tribley. The area that

we show for the future ROW has no environmental issues. Mr. Belmonte stated the over the life of this project there was several locations shown as possible connections to other lands. As we looked at the different scenarios for possible area to create a future connections it became more evident that the connection to Tribleys was the best, most optimal point to connect because of the lack of environmental issues. Mr. Belmonte stated that he understands the concern from the residents of additional traffic but Phase II of Arlington Heights has less homes than what is now actually built in Phase I. The existing quantity of homes is comparable with what will be built in Phase II and I have not heard any residents from Phase I complaining about the current level of traffic. Not that this lessens the concerns of the residents but the amount of traffic from Phase II will be minimal. Mr. Watts stated that initially you asked to but up a large number of townhome units in Phase II and the Town felt that did not meet the character of the neighborhood. Mr. Belmonte stated that is correct. Mr. Ouimet stated that he has a concern that there is a lack of a connection with the Klersy project. The connection may not happen but the Klersy project will happen and we should be concerned with that. Mr. Higgins added that the proposed Klersy connection to Angle Lane will call for the need to upgrade Angle Lane as it is a substandard road and the Board was concerned with that. Mr. Higgins stated that he raised this concern two weeks ago and knows a lot of engineering went on without the Board knowing what the changes were and is concerned with the lack of connection with the Klersy project. Mr. Higgins suggests that Arlington Heights keep a lot open where Klersy could connect instead of locking it out with a lot in the way. Mr. Belmonte stated that we could certainly shuffle lots around to create an area where the connection to Klersy could happen but it is disappointing that we have gone through a number of public hearings and went through extensive engineering and then this comes up. This could be re-engineered to do so, we would not lose any number of lots but logistically to get an ACOE permit, to cross the stream and to work and re-grade the slopes is a sizeable feat in itself. Mr. Berkowitz asked what amount of traffic would pass through the Arlington Heights project if it connected to Klersy. Mr. Belmonte stated that is a good question and if the future connection to Ruchlicki were to happen off of Phase I, there would be a fair amount to make its way further to the west to Farm to Market Road. Mr. Watts stated that no one wants an additional car on their street and he does not see a 25-lot development creating a large amount of traffic. Mr. Watts stated that his own personal thought process is that we cannot hold up development because there will a few more cars traveling on the roads. Mr. Nadeau asked where is the Tribley property. Mr. Belmonte explained it is bordered by Phase I and Phase II of Arlington Heights, the Klersy lands and Farm to Market Road. Mr. Belmonte stated that there is no doubt the Tribley parcel will be developed but most likely not in the Tribley's lifetime. Mr. McNamara stated that depending on what direction you are traveling on Farm to Market Road will dictate what traffic will enter or leave the Arlington Heights development meaning the connection may create more traffic and not lessen traffic in Phase I. Also by moving the future ROW as it is presented and moving it to connect to Klersy, you are taking a future connection that will most likely happen to an area where it may never happen. Mr. McNamara stated that when you approach ACOE for a wetland permit is that the first question they ask is where else could this connection be placed. We are showing you that answer. Mr. Higgins stated that the Board has to plan ahead and we know the Klersy project is a viable project. Both projects are showing a single access out to Farm to Market. If there were ever an accident that blocked one of the entrances, either on the Arlington or Klersy sites, there is no other means to leave or get into those sites. That is why there should be connection. Mr. Watts stated he understands that concern but when has that ever happened. Mr. Higgins stated I do not know but we want to plan ahead. Mr. Watts stated that is a concern but how much of a concern. One way or the other emergency personnel would open up the access. Mr. Belmonte stated this development has a five foot sidewalk but if needed emergency personnel would use the sidewalk.

Mr. Belmonte stated that if by all means we could make the connection we would but when there is no technical solution that would make it happen then that is what it is. Mrs. Donovan stated that the concern is that other emergency responders cannot make into the development. Mr. Nadeau stated I feel that we look for the best solution but in this case it doesn't appear to be happening and the future connection that they are showing us is something we have to accept.

Mr. Nadeau made a motion to grant preliminary approval for the Arlington Heights PDD Phase II Major Subdivision/PDD/GEIS condition on a "No Cut Buffer" designated width will be incorporated in the plans regarding the existing hedgerow between the two phases, the "No Cut Buffer" will be included in the deeds of Phase II lots and the HOA language is reviewed and accepted by the Town Attorney. Mr. Berkowitz seconded. Motion carried.

11.084 PH McBride Subdivision, 199 Farm to Market Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:53 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Ms. Kathleen Geleta, the applicant, stated the following: I am proposing a minor subdivision of the lands of myself and my brother in trust for Mona McBride. We would like to create a 3.66-acre parcel from an existing 108.3-acre farm parcel for a 1-lot subdivision. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:54 pm.

Mr. Berkowitz made a motion to approve the minor subdivision application. Mr. Ruchlicki seconded. Motion carried.

11.088 PH Camber Court Subdivision, Lot #25 Camber Court – Minor Subdivision

Mr. Roberts recused himself from this item. Mr. Watts opened the Public Hearing at 7:55 pm. Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm here tonight representing the Fairways of Halfmoon, LLC. The proposal is for a 2-lot subdivision. We are proposing to subdivide Lot #25 Camber Court into 2 parcels. Currently, there is a house under construction at this time. What we would like to do is the portion of the lot that is encumbered by a NYSEG electrical easement and basically use that as the perimeter of the new lot. Lot #25 then would end up about 23,000 SF and Lot #23 would be a little over 30,000 SF. Both lots would meet Town requirements and both lots have public water and public sewer. This would have a caveat on it that could not get a building permit until all the physical electric structures are removed from the parcel and also that the actual easement to NYSEG has been extinguished. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:56 pm.

Mr. Ouimet made a motion to approved the minor subdivision application for Lot #25 Camber Court. Mr. Berkowitz seconded. Motion carried.

New Business:

11.070 NB Pizza Hut, 1689 Route 9 – Sign

Mr. Kirk Wright, of Sign & Lighting Services of Ontario, New York, stated the following: The applicants are doing a re-image on all the Pizza Hut's. We are proposing to remove the existing Pizza Hut sign and add a new Pizza Hut sign with the Pizza Hut logo in the same location and utilizing the existing electric. I have been working with Mr. Williams who has notified me that the square footage is correct and the sign would be in compliance. Mr. Roberts asked how bright

would the sign be and how would it be lit? Mr. Wright stated the sign would be lit by fluorescent tubes and it would be the same brightness as the existing sign.

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

Pizza Hut, Route 9, Sign

Wall Mounted-Pizza Hut

Sign Dimensions:

Sided: ☒ one-sided ☐ Two-sided

Total Area of Proposed sign: 69 SF

Lighted: ☒ Internal ☐ Flood

Mr. Roberts made a motion to approve the sign application for Pizza Hut. Mr. Nadeau seconded. Motion carried.

11.089 NB Dan Brazell Appraisal, 1471 Route 9 (Crescent Commons) – Change of Tenant

Mrs. Murphy recused herself from this item. Mr. Mike Klimkewicz, owner of Crescent Commons, stated the following: I'm here on behalf of Mr. Dan Brazell. Mr. Brazell will be operating a real estate appraisal company and he would be the sole employee. The business hours would be 9:00 am to 5:00 pm for typical business office use. No signage is required.

Mr. Berkowitz made a motion to approve the change of tenant application for Dan Brazell Appraisal. Mr. Nadeau seconded. Motion carried.

11.090 NB Pingelski Subdivision, 221 Upper Newtown Road – Minor Subdivision

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: I'm representing the Pingelski's in their request for a minor 4-lot subdivision. The parcel is located on the northerly and southerly sides of Upper Newtown Road about ½ mile in from Route 146. Lot #1 will be a 65.25-acre parcel, Lot #2 will be a 26.57-acre parcel, Lot #3 will be a 95.83-acre parcel and Lot #4 will be a 4-acre parcel. The intent of this is to subdivide the 192-acre parcel in half with an equal amount of road frontage and an equal amount of area between the family members.

Mr. Nadeau made a motion to set a public hearing for the August 22, 2011 Planning Board meeting. Mr. Higgins seconded. Motion carried.

11.091 NB Aquifer Drilling & Testing, Inc., 430 Hudson River Road – Change of Tenant

Mr. Mark Paquin, managing member of 430 Hudson River Road Realty, stated the following: We are applying for a change of tenant application for Aquifer Drilling & Testing to take approximately 12,000 SF in our facility. The space is currently vacant and it was last used as warehousing and storage for CHEP Manufacturing. The applicant will use the space for their administrative and storage for their operation, which is primarily warehousing. Mr. Watts asked what are their hours of operation? Mr. Paquin stated 6:30 am to 5:30 pm Monday through Friday. Mr. Watts asked is CHEP still located there? Mr. Paquin stated the following: Yes, they are still in the building but they previously occupied this space and they downsized about 4 years ago. Birch Bottle is also in the building. Mr. Higgins asked how much outside storage is there going to be of equipment. Mr. Paquin stated the following: Just 2 pipe racks where they would store their 20 FT long pipes on.

Other than that, it would be just their vehicles when they are not out at a site, which would be less noticeable than CHEP's trailers.

Mr. Berkowitz made a motion to approve the change of tenant application for Aquifer Drilling & Testing, Inc. Mr. Roberts seconded. Motion carried.

Old Business:

08.050 OB Duke's Grove (Neddo Property), 482 & 484 Hudson River Road – Addition to Site Plan

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyor, PLLC, stated the following: We are here tonight to seek approval for the proposed site plan for Duke's Grove located at 484 Hudson River Road. We have been through several stages of review and have received a comment letter from CHA stating that all previous comments have been addressed. Mr. Watts asked if Mr. Neddo's attorney was present for this meeting. Mr. Rabideau stated that Mr. LaMarsh was here but left. Mr. Higgins asked if the plan on the maps for the septic system was installed? Mr. Rabideau stated the following: Currently, there was a holding tank in the back for the bathrooms. The septic area to be installed is shown in the back for the bathrooms with a future expansion if need be. Mr. Higgins stated okay, so, you're going to have to pump it from there into the back? Mr. Rabideau stated yes, that is correct. Mr. Higgins asked what would they do if there is a power outage? Mr. Rabideau stated the following: I would assume there is a storage tank of some sort where there is a limited amount of storage in there. If that becomes a problem, then they are going to have to figure it out and maybe they will have to shut the thing down. Mr. Higgins stated that would be a health issue. Mr. Rabideau stated yes it is. Mr. Ruchlicki asked Mr. Bianchino if he looked at the area in the back field where the septic is located because that tends to be wet. Mr. Bianchino stated the following: Yes it does. They are proposing a raised system in that area in the back because it is wet. Mr. Ruchlicki stated okay because I just wanted to make sure that this was reviewed and looked into because when I was there for another review at an earlier date, there were sort of little swales that were created for the wet condition that existed there. I wanted to make sure we didn't have an issue with that. Mr. Higgins asked does it drain towards the back? Mr. Rabideau stated it drains towards the road and the river. Mr. Berkowitz asked are there a certain number of restrooms that are required by the New York State Department of Health (NYSDOH) depending on how many people this place would have? Mr. Rabideau stated I'm not absolutely sure of that. Mr. Bianchino stated that would be a question for the Building Department question as they are reviewing the plans for this proposal. Mr. Watts asked are the restroom facilities already built? Mr. Rabideau stated yes. Mr. Watts stated so these restrooms have already been constructed. Mr. Rabideau stated that is correct. Mr. Watts stated so you are saying that that was already done and asked isn't this something that some engineer is suppose to certify that the septic systems is in compliance and do you have that letter? Mr. Rabideau stated the system was designed for this and it was accepted. Mr. Watts asked accepted by whom? Mr. Rabideau stated by CHA. Mr. Watts asked do we have that letter from the engineer saying it was constructed? Mr. Williams stated the following: That usually comes before they issue a Certificate of Occupancy (C.O.) for the building with a septic systems and the Building Department would ask for that letter from that engineer. I don't know if it has even been installed at this point. Mr. Rabideau stated it has not been installed but it has been designed for this project. Mr. Watts stated at the picnic that they had there a couple of weeks ago, without our approval, what facilities did the people use? Mr. Rabideau stated the following: I don't know. I understand that this is very contentious, I was not aware of that and I understand everyone's frustration. Mr. Roberts stated the following: I feel this project should be tabled until the applicant's attorney is present.

In my opinion Mr. Neddo's attorney should have never left here tonight. Mr. Watts asked Mrs. Murphy if that was appropriate for the Board to do? Mrs. Murphy stated if that is what the Planning Board wants to do, the Planning Board has the discretion to do so. Mr. Rabideau stated Mr. LaMarsh and I discussed this and through our discussion, I felt that this was more of a site plan issue and then the legal issues were a second part of this. These issues are kind of connected but they are separate. I thought the Board was more or less reviewing the site plan and I said that it was more of a site plan issue and I told Mr. LaMarsh that I didn't think he really needed to stay. Mr. Watts stated the following: Mr. Matt Chauvin has worked on the court case and Mr. LaMarsh was there. I believe Mrs. Zepko was at the review today, correct? Mrs. Zepko stated yes I was. Mr. Watts asked Mrs. Zepko if Mr. LaMarsh was at the review? Mrs. Zepko stated yes. Mr. Watts asked if Mr. LaMarsh was an active participant in what went on? Mrs. Zepko stated the following: Our Code Enforcement Officers did inspections on each individual building and then they recapped their findings with Mr. LaMarsh afterwards. Mr. Watts asked Mrs. Zepko if it was her understanding that Mr. Neddo's attorney would be at tonight's meeting? Mrs. Zepko stated yes, I asked him if he was going to be at tonight's meeting and he stated that we would be. Mr. Nadeau stated not just to be here but to also participate? Mr. Watts stated for the records we were going to have at the end of this discussion a list of site plan issues, is that correct? Mrs. Zepko stated yes, there is a 2-page letter on notices of violations that currently are in the hands of Mr. LaMarsh. Mr. Watts stated so you had a meeting that was held at 1:30 pm today, you went back to the office and Mr. Buck prepared a 2-page letter, which you sent to the attorney so that he would have it for the meeting tonight. Mrs. Zepko stated correct. Mr. Watts stated like the concerns that we might have relative to a number of issues. Mrs. Zepko stated correct. Mr. Watts stated I want to get this place in compliance too, despite the lack of respect for this Board. Mrs. Zepko stated Mr. Neddo's attorney did also say that Mr. Neddo had been refraining from doing any further work until they met with our Board. Mr. Rabideau stated the following: I know that the Board is doing the site plan review and I know that they are interconnected; one doesn't happen with the other. But at tonight's meeting, is the Board just looking at this portion? Obviously there are violations and legal issues with this and does this directly affect what happens here tonight or are we just approving the new stuff as far as the site plan? Mrs. Zepko stated the problem is the buildings have code violations. Mrs. Murphy stated and the issue from your perspective is they can't fix those code violations unless and until this Planning Board approves a site plan? Mr. Rabideau stated the following: Right. Basically with the access, parking and things of that nature. That's kind of the "Catch 22" that we're in. Mr. Watts stated the following: I will make clear for the record that this Planning Board had no part in creating this problem. This was created solely by the applicant going forward and in fact that same applicant, according to the information that we have, is holding events at this site last year and this year. We received a letter from Mr. Bianchino saying as much as it can be with what has gone on at this particular location our engineering issues are done for a site plan. I didn't see the letter that Mr. Buck sent and asked Mrs. Murphy if she has seen the letter. Mrs. Murphy stated the following: I have not had an opportunity to review it but the bottom line is the attorney can't fix any of the site plan issues until he has a site plan to go by. So, there's nothing that they can do. They've been fined and they have pled guilty to violations. The next step is to get an approved site plan and comply with it and if you don't do that, then we are coming again. So, there is nothing the attorney could have done tonight frankly that would make the situation any different except acknowledge receipt of a letter that we sent to him. Mr. Watts stated or the attorney could have answered a few questions that we might have had as a representative of the applicant based upon the beliefs that we had that he was going to be here. Mrs. Murphy stated I think if he represented to this Board that he was going to be here, then he should be here. Mr. Rabideau stated he was here but I pretty much have to take full responsibility because I said this

was a site plan issue. Mr. Roberts stated the following: I take back what I said earlier because Mr. Bianchino said that everything has all been addressed. So, we need a site plan approval in order to cite the person.

Mr. Roberts made a motion to approve the addition to site plan application for Duke's Grove condition on all existing uses are compliant with NYS Building Code, the applicant gains all necessary building permits, including fees, for buildings already erected for the "Duke's Grove" use, the applicant submits certification from an engineer that the buildings and the septic system is placed per plan and NYS Building Code, all Town engineer escrow is paid, the applicant gains NYSDOH approval, the applicant gains a NYS liquor license (if needed), the parking spaces will have the dimensions of 10 FT x 20 FT, and no gatherings or events as part of "Duke's Grove" will occur prior to a Certificate of Occupancy for "Duke's Grove" is granted. Furthermore, any future construction of building(s) will gain a building permit and follow the required inspections as directed by the Town's Building Department before construction begins. Mr. Higgins seconded. Motion carried.

10.016 OB Inglewood Planned Development District, Cemetery Road – Major Subdivision/PDD

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I'm here tonight representing Mr. Paul Weber, who is the applicant for the Inglewood Planned Development District (PDD). The Inglewood PDD is a Planned Development District that was approved back in 2007 by the Town Board. Since that time, the project has taken somewhat of a hiatus due to the economy. Now that the economy is in such great shape, we are back to present the project. The applicant really wanted to find a developer for the project and we're in negotiations now to solidify an agreement with a local developer to build the project. We have detailed engineering drawings that were prepared about a year ago and they have gone through some extensive review with CHA and we have gone back and forth with several renditions of the project. The overall concept has not changed and it is still a 27-unit townhome project with a single access on Cemetery Road. We're looking at municipal sewer and water with on-site stormwater management. There is an emergency access towards the rear of the parcel and as a community benefit for the project we are constructing a sidewalk along Cemetery Road. We are here tonight to request a public hearing for the project. We are anxious to present the project to the public and to hopefully get preliminary approval.

Mr. Nadeau made a motion to set a public hearing for the August 22, 2011 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the August 8, 2011 Planning Board Meeting at 8:25 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary