

Town of Halfmoon Planning Board

June 14, 2010

Those present at the June 14, 2010 Planning Board meeting were:

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

Senior Planner: Jeff Williams

Deputy Town Attorneys: Bob Chauvin
Matt Chauvin

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the June 14, 2010 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the May 24, 2010 Planning Board Minutes. Mr. Roberts made a motion to approve the May 24, 2010 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

Public Informational Meeting:

10.037 PIM Youth for Christ Recreation Center, 1544 Route 9 – Commercial Site Plan

Mr. Watts opened the Public Informational Meeting at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Ronald Bova, of Bova Engineering, stated the following: I'm the engineer of record for the Youth for Christ project. Before I review the technical aspects for the project, I would like to introduce Mr. John Richmond, who is the executive director of the Capital District Youth for Christ. Mr. Richmond will give you a little more background as far as the mission and the focus of Youth for Christ and more specifically their goals for this proposed project. Mr. John Richmond stated the following: Has anybody gone through our ropes course yet? If not, remember we have that standing invitation for you. Youth for Christ began in the mid 40's. Mr. Billy Graham was the first staff worker for Youth for Christ. Locally, Youth for Christ started in Schenectady also in the mid to late 40's and incorporated in 1958. So we have been around for a long time and it was incorporated as Schenectady Youth for Christ and in 1973 we changed our name to Capital District Youth for Christ as our programs began to grow throughout the Capital Region. As a Christian organization, our goal is to bring a real important message of hope to young people throughout the Capital Region. Our programs go to our rural communities where we do clubs targeting high school and middle school teenagers. We also have specialized programs with teen parents, juvenile justice ministries that are in our juvenile justice centers as well. Also we have an outdoors wilderness program called Shiloh's Edge. I haven't been able to go on one of these trips yet but we do incredible trips. We used to take kids sea kayaking off the coast of Alaska. Our programs have amazing experiences for the kids. We also have specialized programs where we

provide scholarships to bring kids from military families on these kinds of trips. Our proposed project is a recreation center. We're looking at having an indoor climbing facility, an indoor multi-use space where we can do everything from basketball and volleyball to an indoor skateboard park. We're also having another section of the building where it would be sort of like a coffee house kind of experience where kids can hangout and there are wireless flat screen TV's where they would all be able to meet together as we do our different types of programs. One of the other programs that we plan on using is a program called "point break", which is an anti-bullying program. In the last year, we have had about 1,200 high school students go through this program in public schools where it is an all-day 6-hour program made up of large group activities and small group interaction. We put kids through exercises where they actually come out with experiences of having hope for life. It is an amazing program and that is going to be one of the programs that we are going to be doing for area schools. The kids would come off of their school campus to a gym like facility in order to facilitate those programs. That would be another key part of this vision as we do this. As you know, we currently have the challenge ropes course there for a year and a half. This course is 43 FT high, 190 FT long and we have had over 1,000 people go through the ropes course in a year and a half with just incredible experiences for the people. This ropes course not only helps build trust in community but also helps with values like reaching out for others to help, teamwork and hope. That course has been a great tool for us and that is starting to expand into public schools. That was a quick overview of who we are, what we have been doing up to now and where we've come from. Mr. Bova stated the following: I have highlighted some areas on the print that each member of the Board should have. The site is off of Route 9 and it is across from the Realty USA building. Currently the front parcel has a single ranch style building on it and there is a gravel driveway that goes into the property. Beyond that is a second parcel, which is the parcel that Youth for Christ owns, this parcel cannot be seen from Route 9 because there is large pine trees approaching 80 FT tall. The gravel drive comes through and then we have a match line that continues and then there is the rear parcel. A substantial part of the parcel is a New York State Department of Environmental Conservation (NYSDEC) wetland and a designated buffer area. In addition to that, I have highlighted the fingers that are Army Corp. of Engineer (ACOE) designated wetlands. With the ACOE wetlands there is no buffer and with the NYSDEC wetland there is a buffer. The buffer that I have identified is the heavy blue area, which is the 100 FT buffer and then behind it there's meandering stream and then within that is the designated wetland area. I have highlighted the proposed building in yellow and the parking lot that are clearly outside of the designated buffer area and there is a sand knoll on the property and that is where the proposed building and parking is shown on the print. The proposed project on the sandy knoll is ideal for stormwater recharge and what that means is that we are proposing to take advantage of that stormwater recharge and the ability to recharge stormwater and not have any storm flows that exceed the existing flows. In addition to that we are able store the 100-year storm event below the parking lot area. That is over and above what typically is designed and that is capable of being designed for your run of the mill project. But because of the site location, we're able to do that and we're going to take advantage to do that. It is an advantage in a positive way so that we are not impacting beyond the limits of this building and we are not impact the environment in any way. So we are recharging that. In order to recharge that stormwater we are proposing to utilize what is called a porous pavement. I have proposed either a porous concrete or porous asphalt. It is not like the asphalt that is out in the parking lot as you came into the Town Hall. It is an approved porous pavement that will allow that water to filter down through and into the ground. I will call it a "belt and suspenders concept" and should any of that fail for some reason; we also have a grass strip around the perimeter of the parking lot and also down the center of the parking lot with drywells. So for any reason or if there is a storm event that may exceed the 100-year event, we have designed to accommodate that because we were able to do that because of the site where we are. We have water service to this building that would come in from Route 9 and this has been reviewed by all of the departments and the fire department had requested that a hydrant be installed approximate to the

building near the paved area so we have provided that. Also, there is a proposed sanitary sewer line coming out the southwest corner of the building down to the existing Saratoga County Sewer, the easement and the proposed connection to that would be done by directional boring. What I mean by that is that there won't be any open cut going through the buffer or the wetland. It would be a directional bore underneath that wetland so it would not disturb it in any way in order to make the connection to the existing sanitary sewer, which has an easement from the Saratoga County Sewer District (SCSD). That is existing and we are going to be connecting to the existing 'T' that was installed when the sewer line was originally installed. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Informational Meeting at 7:14 pm. Mr. Watts asked are we still working with the possibility of connecting that sewer for the Dunkin Donuts and the bank building. Mr. Bova stated the following: The short answer is that is being accommodated. As far as discussions with that that is with DCG Development who owns the front parcel and we've provided for that within this easement for that future connection. Mr. Watts stated the following: I just want to make it clear that we've delayed getting that connection for over a year and hopefully that connection does come out, that would not affect your project at all, but I wanted to make sure that it was available. Should that not occur, we are long beyond the point of a cooperative agreement because the SCSD and the NYSDEC are going to get upset. I have written letters to both the Dunkin Donuts and bank property owners hoping that this occurs. So it has to occur. It is either that or we go back to the original plan. One of those two things are going to happen this fall because we can't have that pump/dump going on any longer. Mr. Bianchino stated the following: We have a letter that was dated June 4, 2010 that we sent to the engineer. We did meet with and we did discuss with Mr. Bova those comments last week and talked about how those comments would be addressed and we are comfortable with getting those finalized. Mr. Higgins stated the following: I am not familiar with the site drainage system and asked what happens in the winter when you have 2 FT of frozen ground? Mr. Bova stated the following: Underneath the porous pavement is a crushed stone design, which is shown on the drawing. That crushed stone has a void ratio of 40% and within that stone it is not going to be frozen because you have an open void. So any ice crystals that may form around the stone are still able to accommodate any kind of recharge should it occur in the middle of the winter. Generally we don't have a rainstorm when it is below zero or below freezing. Mr. Higgins asked what about this past January when we had 3 inches of rain and the ground was frozen? Mr. Bova stated the following: It is because of the 40% void ratio. The analogy that I would use is that I also design silos and with silos we put in 4 FT of crushed stone with an Alaskan slab as a foundation. They don't heave because of that 40% void ratio. It is the same concept with this so it is able to accommodate as that water percolates down through. As far as the pavement; if you remember I also said that we have grass strips in the center of the parking lot with drywells with a frame and grate. Any surface water that does not percolate down through the ground for some reason would make it to the center of the parking lot along that flow line which is where we have the drywells. Those drywells are interconnected with that 8 to 10 inch layer of crushed stone that is underneath the entire parking lot. As I said, that 40% stone ratio which has been submitted to CHA is more than adequate to accept the 100-year storm event. Mr. Higgins stated this is something that I don't think I have seen since I have been on this Board in a similar situation. Mr. Bianchino stated I don't think we have had an experience that it has been used in. Mr. Higgins stated that is why I'm asking. Mr. Bianchino stated this criterion is in the State's stormwater management design manual. Mr. Higgins stated the following: I knew there was going to be a coffee bar but during the earlier presentation there was talk about food preparation and things like that. I just want to make sure that the sewer systems that is designed is going to be sufficient because it sounds like it is going to be a little more intense now than just restrooms and a coffee bar. Mr. Bova stated the following: The sewer system would be more than adequate. Those computations were submitted as the sanitary load of the proposed building and they have been submitted to the SCSD and to CHA. Mr. Higgins stated is the applicant aware

that he would have to get whatever State and Health Department approvals that are required? Mr. Bova stated absolutely.

Mr. Nadeau made a motion to approve the commercial site plan application for the Youth for Christ Recreation Center contingent upon a final sign off from CHA. Mr. Roberts seconded. Motion carried.

Public Hearings:

07.101 PH Glen Meadows PDD, 130 Upper Newtown Road – Major Subdivision/PDD

Mr. Watts opened the Public Hearing at 7:21 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Gavin Vuillaume, of the Environment Design Partnership, stated the following: We are site consultants for the proposed Glen Meadows Planned Development District (PDD). This project began back in 2006 and we have had several public hearings since then for the project. Over the course of the last two years the project really has not changed. We had a public informational meeting with the Planning Board about a year ago and at that time we presented all the details for the lots and the layout of the subdivision itself. The actual plans for this PDD were approved by the Town Board in August 2007 where they rezoned the parcel from residential over to a residential PDD. At that time the Town Board referred the plans to the Planning Board where they reviewed many aspects of the project that we'll be going over tonight. There would be a main entrance off of Upper Newtown Road where we have a circular boulevard that gains access to three phases of the project. The first phase of the project I believe is a mixture of single-family homes and twin homes. We have 42 single-family homes and 14 twin homes within the first phase of the development and that is highlighted in pink on the map on the board. From there we go into phase II where we would have 24 single-family units with 4 twin homes. Phase III would be 24 of the twin homes and 21 of the townhomes, which are 3-unit buildings. All the lots within all of those phases will range in size from an average of about 10,000 to 12,000 SF and the homes themselves would be about 2,000 SF in size on average. The greenspace that is leftover from the project, once we develop these phases of construction, is approximately 108-acres. So out of the 148-acre parcel there is over 100-acres that would be left forever wild and within that area the Homeowner's Association (HOA) would own and maintain that land. There is probably 18-acres of quality openspace that could be used by residents within the development and there would also be some private trails developed within that open greenspace. The utilities for the project are being accessed from two different locations; there is an existing 24-inch water main on Upper Newtown Road where we would make a connection and loop it through the project and then connect it back over to another project that is currently being reviewed by the Planning Board, which is Swatling Falls that would have about 100-units in that project as well. We also would be working with the developer of Swatling Falls and developing a pump station and force main connection out to Route 236 where we would make our connection to an existing 18-inch force main. There are several stormwater management basins for each phase of the construction that would all be built in accordance with the New York State Department of Environmental Conservation (NYSDEC) stormwater guidelines. There is preservation of wetlands and steep slopes on the project and we would not be touching any of those. We identified some archeological sensitive areas very early on in the project and those areas have been earmarked and preserved as well. We do have several public benefits that would be occurring along with this project. There would be the dedication or allocation of money towards a mile of multi-use trail for the Town and that would be through either a monetary donation or the actual construction of a mile of trail somewhere within the trail system that the Town chooses. We are also providing a 20 FT easement down on Route 4 for a connection for the Champlain Trail and there are some additional lands that the applicant owns down there that is critical to gain access for the additional trails in that vicinity. We are also obligated to provide a 12-inch water main connection from Harris Road over to Hayner Road where it would be a situation where we would either allocate money or we will actually do the construction of the waterline itself but that has not been determined at this time. We are also

participating with several other developers in the area to help allocate moneys towards traffic mitigation for area roadways in the vicinity of the project. Mr. Watts asked Mr. Blanchino if he had a question relative to the water? Mr. Blanchino stated the following: Mr. Vuillaume just mentioned at the end of his presentation that the water district extension pretty much includes a provision where the applicant would either provide an extension of the waterline from the Town Hall down Route 236 towards Hayner Road or a set amount of money to cover the cost of that extension. Our comment is if we're going to do the extension, we want the design of that to be included in the preliminary plan package that goes to the New York State Department of Health (NYSDOH) for review. As Mr. Vuillaume indicated, the applicant is undecided on which way to go and we would need to make that decision. Mr. Vuillaume stated yes, before we submit to the NYSDEC and the NYSDOH that is the next step so we would obviously make that decision before we submit the plans. Mr. Watts asked if anyone from the public wished to speak. Mr. Watts closed the Public Hearing at 7:29 pm. Mr. Higgins asked did you mention about contributing towards the traffic improvements? Mr. Vuillaume stated the applicant would be participating with the developers of both Swatling Falls and Falcon Trace.

Mr. Roberts made a motion to grant preliminary approval for the Glen Meadows Major Subdivision/PDD conditioned on resolution of the required waterline that is to be extended from Harris Road to Hayner Road and a sign off from CHA on the matter. Mr. Berkowitz seconded. Motion carried.

10.023 PH Tanski Mixed Use Development, Route 146 – Special Use Permit
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10.019 OB Tanski Mixed Use Development, Route 146 – Commercial Site Plan

Mr. Watts opened the Public Hearing at 7:30 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. George Turner, of M J Engineering, stated the following: I'm here tonight on behalf of Mr. Bruce Tanski and his application for a commercial site plan and a special use permit for the mixed use development on Route 146. The site is approximately 1,500 FT west of Route 236, located between Fellows Road and Route 146. The site is approximately 2.5-acres and it is currently undeveloped. Mr. Tanski is proposing to construct a convenience mart that is approximately 3,400 SF with four gas islands that would service about 8 pumps. The gas island would be covered with a canopy in addition to the convenience mart. There would be one tenant also located inside of the building, which would require a drive-thru and the reason for the special use permit. The proposed action conforms to all of the zoning requirements with the exception of the drive-thru lane. Mr. Tanski's application has been before this Board on numerous occasions in the last several months. The Town's designated engineer has reviewed the plans and we believe that we have satisfied those comments by the Board and CHA. We are looking for any kind of an approval and would be glad to address any questions from the public and the Board. Mr. Watts asked if anyone from the public wished to speak. Mr. Dave Pingelski, of 128 Fellows Road, asked are the exits and entrances both going to be on Route 146? Mr. Turner stated that's correct. Mr. Pingelski asked if there would be any exits or entrances on Fellows Road. Mr. Turner stated at one point we had originally planned for an entrance on Fellows Road and the Board had some concerns about that and so did we so we opted not to go forward with those plans. Mr. Pingelski asked would there be any type of buffer for Fellows Road or for the residences on both sides? Mr. Turner stated the following: Yes, there are some landscape plantings and some spruces that would be 6 to 7 FT tall that are being proposed. In addition, the property lines to the east and to the west would have 6 FT opaque fence. In the front of the site we tastefully put in some plantings so that it is screened but it would also be visible. There would probably be a better screen across the back if we had more area for a septic field but right now there is a septic field planned for out back. The landscaping proposed is kind of interspersed amongst the site to give it some visible screening. Mr. Watts closed the public hearing at 7:35 pm. Mr. Higgins stated the following: I would like to a comment in Mr. Ouimet's absence. Mr. Ouimet had mentioned

about moving some handicap parking spots to the front and I see that you have done that and I just wanted to thank you. Also, you made some modifications on the delivery area and I thank you for that. Mr. Watts stated you mentioned in your letter to CHA that should there be any problems that come with the deliveries that you would adjust the delivery times and we would like you to put that on the site plan. Mr. Turner stated yes, there is a note on the site plan on sheet number C-110 that says, "In the event that fuel delivery during normal operation hours becomes an issue, the Planning Board may impose a restriction on the site so that fuel deliveries are only made during off hours". Mr. Tanski stated we are going to call it "Sunoco of Halfmoon".

Mr. Berkowitz made a motion to approve the special use permit and commercial site plan application for the Tanski Mixed Use Development. Mr. Nadeau seconded. Motion carried.

10.054 PH Mark Bethel Subdivision, 46 Plank Road – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:38 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Mark Bethel, the applicant, stated the following: A couple of years ago this parcel was divided into 3 approved building lots. I am now before the Board to ask for a small lot line adjustment between the lots mainly for the reason of allowing a turnaround driveway for the owner of the one house that is on the 3 lots. The other 2 lots are still vacant at this time. Basically there is one existing house and I'm trying to enlarge that lot a little bit so they can use an existing driveway for a turnaround. It is a steep driveway and somewhat of a busy road so I thought it would be better than having to back out if they weren't able to use that turnaround. Mr. Watts asked if anyone from the public wished to speak. Mr. Watts closed the Public Hearing at 7:40 pm.

Mr. Nadeau made a motion to approve the lot line adjustment application for the Mark Bethel Subdivision. Mr. Higgins seconded. Motion carried.

New Business:

10.060 NB Bobrow Distributing Corp. – Phase II, 8 Enterprise Ave. – Addition to Site Plan

Mr. Frank Herba, of Herba Consulting & Contracting, LLC, stated the following: I am here representing Barry Boyd from Bobrow Distributing. This Board previously approved Phase I of two phases of an addition to the building that Mr. Boyd currently owns at 8 Enterprise Ave located in the Halfmoon Light Industrial Park. Now we are asking for a concept-approval for the 16,200 SF addition to the rear of the building. Currently there is approximately a 30,000 SF building; previously the Board approved a 5,000 SF addition for Phase I and Phase II is an addition off of the rear of the building. This is more of a speculative use for Mr. Boyd; in other words, Mr. Boyd doesn't intend to use it himself. Mr. Boyd has been told that there are going to be people that are going to be looking for space so he is looking at the potential of expanding his space right now. At one time we did look at the entire 18.7-acres, we identified wetlands that were Army Corp. of Engineer (ACOE) and we do not have any New York State Department of Environmental Conservation (NYSDEC) regulated wetlands in the area that we are aware of. We did identify some other areas where there could be some expansion but the owner has decided that what he wants to do is this addition. The 20-scale drawing shows you what we're going to be impacting as far as the identified wetlands. The idea was that we were going to stay away from the wetlands and if we interfere with any of it, we are going to approach the (ACOE) with less than a tenth of an acre of land that is going to be disturbed and actually it is going to be considerably less than that. It has been my experience that they have given approvals for that kind of impact. Currently the area in the back of the building is treed and you can see the tree line that we are going to establish and we would maintain the area around it. The owner didn't want to impact the wetlands and he also didn't want to get into a major

Stormwater Pollution Prevention Plan (SWPPP) design. So essentially we stayed under the acre of disturbance here so that we are not getting into a New York State SWPPP requirement. There would be an industrial loading dock type area and there is a floor plan that shows the building and how it is going to drop down because the building is actually going to be 8 FT lower than the existing building because that is the way the land drops off in the back. We can get the access coming down the hill and we are going to create enough of an area down there so they would have enough to backup to loading dock height facilities. We are going to propose one drive-in ramp area because we can also accomplish that. We're going to be building several retaining walls so that we aren't going to be disturbing more area and especially we are not going to be impacting the wetlands. Drainage on the site; all of the additional drainage that is designed for the 10-year storm on the 24 hour period, we are going to detain on-site. In other words; we can slow it down so that it's not go any faster to the current regional detention basins that are on-site. Again, that was one of the major reasons for the design. Parking; we have 10 additional parking spaces in the back which would increase from the 30 spaces that we currently have to 40 existing spaces with the potential for 25 spaces more in the future if we find that we need to have that much more parking. I provided a narrative that addresses all of the items that I just talked about. Sanitary sewer and water utilities; everything is on-site, water is there and they currently pump everything from the rear of the building to the front and we would do the same thing for any sanitary facilities that will be put into the back. Site lighting; what we intend to do is to create lighting off of the side of the building and at the corner of the retaining wall we are going to take an existing pole and we will move it out to the corner of the retaining wall. The lot is 18.7-acres and there is a lot of existing landscaping and we don't intend to interfere with that. In the parking lot we will have some islands and we will create some rip rap areas as well as a hedge row on the side and the rest of it would just be seeded. Mr. Higgins stated the following: I had initial concerns regarding the parking because it is a pretty big addition and without knowing exactly what's going in there it is hard to estimate. But I'm comfortable now realizing that you have those additional spaces out front should they be needed in the future. Mr. Bova stated the 25 spaces have always been part of this design and they haven't used them in the 10 years that they have been there but it is available.

This item was tabled and referred to CHA for their technical review.

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 and Associates, stated the following: I am representing Mr. Don Neddo as the owner and applicant for Duke's Grove. Mr. Neddo is looking for a modification and additions to his site plan at 480 Hudson River Road. The property consists of approximately 14-acres and is located in the M-1 Industrial zone. Mr. Neddo received a previous approval that was granted for the use of the existing pavilion or pole barn for storage of personal property. Now Mr. Neddo is seeking site plan approval to convert the use of the pole barn structure to a concession stand and picnic pavilion for organized events. The pole barn now consists of approximately 6,100 SF. At this point in time Mr. Neddo has also constructed a 624 SF restroom building that is connected to a holding tank. Currently a septic system and kitchen facility are under the New York State Department of Health (NYSDOH) review. The planned use of the facility is to offer an organized setting for groups of up to 400 people. At this point in time the facility would operate only during the months from May to September. It is anticipated to be open only on Saturdays and Sundays and operational hours from noon to 8:00 pm. The access to the parcel will now come through the existing curb cut for the buildings that are on-site. The parking that is anticipated for this facility using the zoning could accommodate 79 cars and that's with doing the calculations as per the book. Mr. Marty Wilson designed the sanitary wastewater disposal system and that

would handle the wastewater and also the kitchen facilities. The parcel would also be connected to the Town of Halfmoon water. Mr. Berkowitz asked did you say that you have 80 parking spaces for 400 people? Mr. Rabideau stated no, 79 spaces. Mr. Berkowitz asked 79 spaces for 400 people? Mr. Rabideau stated that is using the calculations as per the zoning book; 15 spaces plus 1 parking space per table and there are 64 tables. Mr. Berkowitz asked does it specify how large the table is? Mr. Rabideau stated they are standard picnic tables for 6 people. Mr. Berkowitz stated it seems to me that they need more parking spaces. Mr. Higgins asked what section are you referring to for what classification of building? Mr. Rabideau stated a drive-in restaurant. Mr. Berkowitz asked does this classify as a drive-in restaurant? Mr. Williams stated the use for Duke's Grove or pavilion uses are identified in our Schedule 'A' parking requirements. Mr. Berkowitz stated you're talking about 5 people per car, which isn't going to happen. Mr. Matt Chauvin asked under what basis are you classifying this as a drive-in restaurant? Mr. Rabideau stated basically it is a clamsteam type of operation where you drive-in and you get served. Mr. Matt Chauvin asked would you drive-in in your car? Mr. Rabideau stated no, but that is as per the calculations. Mr. Watts stated that may be your determination and it may not fit. Mr. Rabideau stated the following: We can always expand the parking, as that is not an issue. It seems small but that is what the numbers come up to but there is plenty of room for expansion. Mr. Watts stated the following: That might be part of our review process. Did you have some issues there with access to the parking lot where you been advised that you can't use the access and where does that fit in on this issue? Mr. Rabideau stated the following: That's correct, yes. Basically the access would be where the curb cut is now. I did talk to Mr. Chris Abele about this and there is to be no access along this that exists now. Mr. Watts stated okay so you've taken that into account that you are not allowed to go over there. Mr. Rabideau stated that is correct. Mr. Berkowitz asked do you need a liquor licenses for this? Mr. Rabideau stated serving beer I would think so, yes. Mr. Berkowitz asked do you have a liquor license? Mr. Rabideau stated that I do not know. Mr. Berkowitz stated on the parking spots; are they going to be marked or unmarked? Mr. Rabideau stated probably unmarked. Mr. Berkowitz stated so now you are down to about 60 parking spaces based upon on how people are going to park their cars. Mr. Watts stated the following: That would be your proposal that the parking spots would be unmarked. When we do our review, we may indicate that these need to be standards parking spots instead of a free-for-all. Mr. Rabideau stated he has some kind of chains or something that at least gets the cars started right. I was out there today and he has some kind of cables to delineate where the cars should park. Mr. Watts stated this is for a place that hasn't opened yet? Mr. Rabideau stated well, the cables are there but they obviously they haven't been used. Mr. Berkowitz asked is it a raised cable or just cable on the ground? Mr. Rabideau stated no, they are like a post and a small chain in between. Mr. Berkowitz asked what other permits do you need for this besides a liquor licenses? Mr. Rabideau stated the New York State Department of Health (NYSDOH). Mr. Higgins stated regarding the proposed holding tank; are you anticipating that the NYSDOH is going to approve that or are you anticipating that you're going to have to build a septic system at the rear of the property? Mr. Rabideau stated as of this point in time he has a holding tank for this building but once this proposal is approved, the septic system would be incorporated into the holding tank and through a couple of other tanks and then everything goes into an actual septic system. Mr. Higgins asked pump or gravity? Mr. Rabideau stated pump. Mr. Roberts asked at the present time what are the other uses on this property, I know there is a boarding house and asked if the kennel was still there. Mr. Rabideau stated yes there are kennels there, the boarding house and this operation. Mr. Higgins asked what is the little middle existing building used for? Mr. Rabideau stated I'm not sure; but it could be for possible storage. Mr. Berkowitz asked what did you mean by "this operation". Mr. Rabideau stated it is where the pavilions are now. Mr. Berkowitz asked what are the pavilions being used for now? Mr. Rabideau stated nothing at this point in time. Apparently there are issues with this, which I think Mr. Watt's has more knowledge of this than I know about it. Mr. Watts asked are you referring to issues at the boarding house? Mr. Rabideau stated no, the pavilions in general. Mr. Matt Chauvin asked how many residents are there in the boarding house?

Mr. Rabideau stated the following: I'm guessing but I did see 6 people today. I think there are 4-units per building. Mr. Matt Chauvin asked is Mr. Neddo still using the basement storage facilities as residences in the kennel itself? Mr. Rabideau stated that I do not know. Mr. Matt Chauvin stated that is something that we would definitely want an answer to. Mr. Rabideau stated okay and asked was that an issue before? Mr. Matt Chauvin stated it still is. Mr. Nadeau asked are there still outstanding issues on the first site plan? Mr. Watts stated the following: Correct. There is a court appearance scheduled for June 15, 2010. Mr. Matt Chauvin stated yes, but it was adjourned from June 15, 2010 due to the applicant's health issues and it has been rescheduled for second week of August per the court. Mr. Watts asked per the court was that venue changed to Waterford? Mr. Matt Chauvin stated yes. Mr. Watts asked so we are 6/7 weeks out on the court issues. Mr. Matt Chauvin stated it was scheduled for trial tomorrow but that has been adjourned. Mr. Watts asked which are related these questions, is that correct? Mr. Matt Chauvin stated well, the fact that the applicant has gone in and has done significant construction and essentially as Mr. Rabideau has just pointed out, has built a 624 SF restroom and kitchen facility, the septic holding areas, etc. without any approval whatsoever from this Board. Mr. Berkowitz asked so can we even entertain this based on what Mr. Matt Chauvin just mentioned? Mr. Matt Chauvin stated the following: The two are not inextricably linked, you can entertain it, but I would certainly encourage you to comment and make your concerns known. I think the goal is always the compliance and certainly you entertain control over this situation as best as possible. Mr. Watts stated the following: We have spent considerable time on this particular location. At some point when everything is in compliance and when the court cases are settled, we're still going to have to have this reviewed by CHA. Mr. Matt Chauvin stated I think it is essential that the applicant agreed to allow the Town access to the facility and to get a thorough inspection done here so we know what actually has been built. Mr. Neddo has been building on the site and obviously I'm taking action that we can't account for until we get a thorough inspection done. I would ask that you seek that before we go on. Mr. Watts stated the following: We could refer this to CHA with the proviso that the applicant allows unfettered access to the site for our Code Enforcement Officers. Can you speak for Mr. Neddo or Mr. Neddo's attorney? Mr. Rabideau stated yes, I can inform him of this decision. Mr. Higgins stated if we are going to refer it to CHA, looking at the driveway going in the back and the fact that they are going to have so many cars back there obviously we have to be concerned about safety vehicles; fire trucks and ambulances, to make sure that there is access to the back in case someone gets hurt. Mr. Watts state that would be part of CHA's review. Mr. Berkowitz asked what about all the traffic going in and out? Mr. Watts asked how do they plan to control the traffic on Hudson River Road and do they have a curb cut permit? Mr. Rabideau stated they have an existing curb cut and it has unlimited site distance. Mr. Watts asked would they need to do something with the New York State Department of Transportation (NYSDOT) based upon the proposed change in use? Mr. Rabideau stated as far as I know no, but we can verify that with the NYSDOT. Does Mr. Neddo need to grant permission for unfettered access to the parcel prior to this going to CHA? Mr. Matt Chauvin stated the following: In order for CHA to make an informed decision or an informed evaluation of what has been done without any prior knowledge or information being provided to the Town, they have to go over to the site to see what is there. In order for that to happen, Mr. Neddo is going to have to let them on the property.

This item was tabled and referred to CHA for their technical review.

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

Mr. Bob Chauvin recused himself from this item. Mr. Brien Ragone, of the Environment Design Partnership, stated the following: I am here tonight with Mr. Peter Belmonte, of Belmonte Builders. The plan for Arlington Heights PDD Phase II now depicts 35 FT front yard setbacks including the corner lots. We have also added a hedgerow for buffering and some screening where needed between Arlington

Heights Phase I and the proposed Arlington Heights Phase II. Mr. Higgins stated at the pre-meeting I expressed some personal concerns about the number of houses with the single access. I don't have a problem with it once the interconnect road is made to the other adjoining property to the east. What kind of a buildout do you anticipate on this and do you think it is going to take a couple of years? I'm just concerned about the single access. Mr. Bianchino said he didn't have a problem with it but again I'm speaking from a personal concern. Mr. Belmonte stated I don't believe we'll be going into the ground with the neighborhood in less than a couple of years. Mr. Higgins stated the following: Okay. So chances are something might happen to the property next door where the interconnecting road may eventually be constructed before the full buildout of the area. Mr. Belmonte stated the following: Right. We're still in the Planned Development District (PDD) phase so we need to get the Planning Board's recommendation back to the Town Board, come back with a site plan and then we still have to go through the New York State Department of Environmental Conservation (NYSDEC) and the New York State Department of Health (NYSDOH). We've got a solid year plus if not two years ahead of us before we would even be in a position to start building roads. Mr. Higgins stated again, I just expressed the concern and maybe you might want to look at a phasing situation in case you end up with a major traffic jam every morning trying to get out onto Farm to Market Road. Mr. Belmonte stated the following: The history of the demographic of the community is a good number of the residents in the community are not actively working outside of the home or the residents that are employed are working traditional jobs. But, it still represents a minority of the residents in the community and many of those residents are retired or in a phase of their life where they're starting to work non-traditional hours. Mr. Watts asked what is the total number of units? Mr. Belmonte stated I think presently the community is 44 and this phase of the community is 26 additional. It is a few homes less than Prospect Meadows but even if you use Prospect Meadows as a benchmark, you're going to have a hard time getting mowed over by the traffic in Prospect Meadows in the morning or in the evening.

Mr. Roberts made a motion to set a Public Informational Meeting for the June 28, 2010 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

Mr. Higgins made a motion to adjourn the June 14, 2010 Planning Board Meeting at 8:07 pm. Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary