

Town of Halfmoon Planning Board

May 26, 2009 Minutes

Those present at the May 26, 2009 Planning Board meeting were:

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

Planner: Lindsay Zepko

Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the May 26, 2009 Planning Board Meeting at 7:04 pm. Mr. Watts asked the Planning Board Members if they had reviewed the May 11, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the May 11, 2009 Planning Board Minutes. Mr. Nadeau seconded. Motion carried.

Public Hearings:

09.001 PH Clifton Temple Baptist Church, 142 Lower Newtown Road – Addition to Site Plan/Special Use Permit

Mr. Watts opened the Public Hearing at 7:04 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Nick Demos, of Hudson River Valley Engineering, PLLC, stated the following: I am the site civil engineer for the Clifton Temple Baptist Church. Our project that we are working on is an office building for the pastors next to the existing church buildings on the grass field, which if you are facing the building, the buildings would be on the left. We have reviewed the parking, grading issues and septic issues with the Planning Board and the Town's Engineers for this project. I believe that we have answered all the questions and I believe that CHA is satisfied with our responses to their questions. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:05 pm. Mr. Nadeau asked how many people were notified of the public hearing. Mr. Watts stated 8 notices were sent to the adjacent landowners. Mr. Higgins stated at a previous public hearing for this site one of the neighbors had expressed concerns about occasional parking on the main road and I would just like to go on record that obviously, for safety reasons, you should encourage the people when they are attending services to park on the site and not on the road. Mr. Demos stated the following: We did address that to some extent. CHA also asked those questions and since our previous meeting we've installed 5 permanent "no parking" signs along Lower Newtown Road to help direct people in. The church staff and congregation have organized a parking committee so that at all the large events; such as Christmas

and Easter, there would be a staff of parking attendants on hand to help direct the traffic. We did this all in an effort to keep parking under control out on Lower Newtown Road.

Mr. Roberts made a motion to approve the addition to site plan/special use permit for the Clifton Temple Baptist Church. Mr. Higgins seconded. Motion carried.

09.043 PH The Fairways of Halfmoon, 17-19 Johnson Road – Addition to Site Plan/Special Use Permit (Golf Cart Storage Building)

Mr. Watts opened the Public Hearing at 7:07 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am representing the Fairways of Halfmoon in their request for a special use permit for a golf cart storage building. The proposed location for the building is behind the Maloney parcel. The proposed building would be 40 x 100 SF and it would be used for winter storage of golf carts. Hopefully, since the last meeting the members of the Planning Board were able to go on-site to take a look at this to see if they agree with us this seems to be the most logical and most practical location for this building. Mr. Watts asked if they had any plans for screening or berms, which was discussed at the last meeting. Mr. Rabideau stated there was discussion of potential screening if the Board requested it and if the Board wanted it there are provisions for it. Mr. Watts asked if the location of the building had changed from the previous meeting with the recommended locations? Mr. Rabideau stated it was our understanding that this was open to discussion as far as the current proposed location or to slide it farther down to the tree line. Mr. Watts asked if anyone from the public wished to speak. Mr. Joe Micklas, of Raylinsky Lane, stated the following: I own the property that is located near the proposed building. I had the opportunity to hear what was done at the last meeting and I would like to address the fact that I'm not certain that all of the facts that were presented are totally accurate. I would also like to say that I listened to the Planning Board's taped meeting minutes and Mr. Nadeau was having an exchange with the applicant and the question was "where do we draw the line?" because the applicant feels that they have a more important use for that property than we do. I would like to go to a little bit of history. (1) no one in the area opposed the golf course and that was a permissible use but under section 501 of your own Town laws it said that commercial use is not permissible but a golf course is a recreational area. When it started out the applicant was going to put up the golf course with a snack bar. Then the snack bar became a dining hall and a clubhouse. Then there were advertisements for dinners on Friday nights, on the weekends and so forth. By the applicant's own admission, the banquet hall was never intended to be put there. Let's put it this way; it was never designed in. Someone who came to one of the dinners or breakfast said, "gee what a lovely view you have, a banquet house would be ideal". So the Town Planning Board in its wisdom granted that use which is a violation of your own zoning laws. Now therein lies the problem. You have allowed a commercial use to be placed in there. Now the applicant is trying to demonstrate that there is some form of hardship that he has by having to have this underneath of the building for his commercial uses so, therefore, now he has to plan a 100 x 40 SF building. At what point in time does our value for being there for 40 years; where the golf course has been there for 9 or 10 years? No one objects to the golf course. The golf course is fine. It is the commercial uses and the activities that come along with it. In the presentation that was given or the statements that were made two weeks ago a question was asked, "why can't it be located over at Roman Drive?" which would make a lot more sense. Well, Roman Drive was supposedly a place where there is a septic system that is there. I have done some investigation on my own just to see and according to the County Sewer people, both the banquet hall and the clubhouse are on a sewer and the applicant has 6,500 gallons a day of water usage that is there. I then decided to check further because I thought it would be odd that why wouldn't you want to put it over there or would there be cost involved because I didn't know this was

there. Then I find out that there is no sewer assessment against the applicant. So, I don't know if there is a sewer there or not. According to the Sewer Authority there is a sewer and the banquet hall is on a sewer and so is the clubhouse. Mr. Watts asked what is your definition of a sewer? Mr. Micklas stated it goes into the County Sewer System. Mr. Watts stated you are not talking about a septic system; you are talking about a hookup to the County Sewer System. Mr. Micklas stated the following: Absolutely and I don't understand why there would be no bill because there could be use going on there that nobody seems to be paying for. I checked with the Town also and there is no assessment against the property in the Assessor's Office. Mr. Watts asked what do you mean by no assessment? Mr. Micklas stated the following: You would be in a sewer district and in order to pay your taxes on a sewer use rate, you would have to be assessed a number of units done by chair. The clubhouse has 140 chairs and the banquet hall has 250 chairs and that is how they assess usage when they are doing a commercial property. In the applicant's original application for the golf course, the hours of operation were going to be from 7:00 to 8:00 and then when he applied for the banquet hall, the hours of operation were stated on the application were, which by the ways says "commercial application for commercial use", listed as the same as but then there was an addendum added in the hours of operation that were added to 11:00. So now if you live in that area, we have activity from 6:30 in the morning until 11:00 at night. Again, where do we draw the line? I have already given where we have gone from a hot dog stand to a clubhouse to a dining area to a commercial use to a banquet hall and where do we draw the line? Now you are being asked again, I heard some of the information, and we are being vilified as though we are the guys that are just throwing dirtballs at this thing and we're not. There is 160 some odd acres of land and that facility should be and could be put down where the other storage of equipment is. Is it an inconvenience? Absolutely it is an inconvenience probably to put it that far away. But the inconvenience to the neighborhood is going to be the traffic that goes with that building when you are bringing, I don't know how many and I can't determine that from the conversation on whether it is going to be 35, 50 or all 80 cars and are they going to be coming in and out because there has to be activity associated with that. I can tell you that the driving range is located right in my backyard and at 6:45 in the morning you can hear guys clicking the golf balls; whack, whack, whack and you are sitting there and it does wake you up. Come in on the lane and you'll see the activity that is there. Again, the basic premise is that this was a recreational area that was setup to be a recreational area. But it morphed by actions of the Planning Board, which I feel are against the law, because you put a commercial venue in a residential area and it has forced a conflict between the owner of the commercial establishment and the residents that are there. You talked about the esthetics of it and Marcel was having a conversation or John was having a conversation and it was like "well it is a beautiful building and I can't imagine anybody objecting to it". How about putting it adjacent to the parking lot? And the answer was "no, we have weddings there and the wedding people wouldn't want to see that". The wedding people can't see it but the neighbors can see it. Again, the same conflicts are arising and I can go on and on but I'm not going to and I hope I have made my point. In my view there is no hardship demonstrated other than that we can't store the beer where we need to and if you come at 11:00 and the hear the parking lot when everybody is leaving a wedding and it gets a little ruckus and they are cursing and swearing and sometimes a little bit worse than that, then you will understand that there is a cause and affect and an unintended consequence to the best ideas that are ever thought. I believe that and I'm asking the Board to not locate that building there because there is going more traffic and more of everything located right in that central area. Thank you for your time. Mr. Bruce Tanski, the applicant, stated the following: First off, for the Board's consideration, the only part of the building that is on Saratoga County Sewer is the banquet house and the rest of the building is and always has been on its own septic system that is located on the southern part of the course. We have two 2,000-gallon tanks, one is a grease trap and one is a septic tank and then we have a dousing system and it all pumps into about a \$40,000 above ground

system. If you come into the cellar of the banquet house, you would see great big valves in the cellar and the only time we would ever use the pumping station is if there was an emergency, like we had a couple of years ago on July 4th when it was about 95 degrees and we had to dig it up and the smell was horrendous because the golfers were trying to eat by the gazebo. So in that situation we would open up the valve and it would go the other way. So, the whole building is not on sewer no. 1 and no. 2 the Town is aware of the sewer because I think Mr. Frank Tironi was the building inspector when we hooked it up and he was aware of it and he also verified to somebody that it was hooked up and he told them right where it was hooked up. We have also hooked it up to the Town water and we did that after the water treatment station was made available and Mr. Jim Bold wouldn't let us hook it up until that was up and running and we have hooked it up and we have only used it once about 2 years ago. It is on the house side of the meter so any water that we take from that is paid for by me and the Town and Mr. Frank Tironi in the Water Department is aware of that. As far as the noise goes and everything else, I have been there for 8 years and I think we have had one complaint in 8 years. We had a wedding that was a little bit loud and it went a little bit long and I think Mr. Micklas made the complaint and so we put a stop on having weddings go past 11:00 at night and that happened about 5 or 6 years ago. Also, the driving range and Mr. Micklas' lot is about 170 FT long, so the driving range is not in his backyard. The driving range is on my property, which is next to his property, and it is not in his backyard. Whatever screening the Town needs, I don't have a problem putting it up. Mrs. Zepko, Mr. Williams and Mr. Roberts came down, but I don't know if Mr. Watts came down but he said he was going to, and I think they all agreed with me after we walked the whole site that this really was the best spot. If we tried to put it on the driving range, it would get hit by golf balls. If we put it out in front, I don't think the Town would want to see another building on Johnson Road. The golf carts would go in the building November 1st, there will be no lights, no heat and we won't go back and get these carts out until April 1st. So, for 6 months there would be no activity there. I plan on doing a slab on grade and according to the Building Code you can't put heat in a building that is going to be a slab on grade. So, the most we would do is bring one cart over, wash it and bring it back and that would be the extent of the activity there from April 1st to October 31st and for the next 6 months there would be no activity, no lights, no power and no nothing. Mr. Jim Hopeck, of Johnson Road, stated the following: I would just like to confirm my objections to this project and I confirm and agree with Mr. Micklas as far as the noise, etc. that is constantly on-going from the area. I would like to express my objection to the location of the proposed building. Mr. Micklas stated the following: I would just like to say that I have never called anyone to make a complaint. I just want the record to be clear. Mr. Watts closed the Public Hearing at 7:23 pm. Mr. Berkowitz asked what goes on there during the golf season? Mr. Tanski stated the most that we would do is we would bring a cart over, wash it and then bring it back during the season. Mr. Berkowitz asked would the building be empty during the season. Mr. Tanski stated the following: Correct. Right now if you go over to that course you would see 75 carts that are outside until November 1st. The rest of the carts are in the cellar and I use those for tournaments and those carts will be in that building. When I have a tournament I will take them out, use them for the tournament and then put them back. We don't have tournaments everyday. We usually average 1 tournament per week during the season and that starts around the first of June. Mr. Berkowitz stated so this proposed building would mainly be used for tournament carts. Mr. Tanski stated the following: Correct, during the season. If anybody has been over there at all, you will see all 65 or 70 carts outside in front of the deck and they stay there all year. Mr. Higgins stated the following: I'm confused. You are saying that from April to November the carts are parked outside by the main building. Mr. Tanski stated that is correct. Mr. Higgins stated so this building will be empty at that time and there is not going to be anything there? Mr. Tanski stated the following: No, there is going to be 25 additional carts that stay inside and those are only used for tournaments. I will take them out once a week if we have a tournament. We will bring them out and put them on the course

and when the tournament is done, we will put them back inside. Mr. Higgins stated the following: So this building would be utilized year round? In the winter it would be storage for the carts. Mr. Tanski stated the following: The building will not be used at all in the wintertime. To me use is when people are going in and out of the building. Mr. Higgins stated no, use is when there is something in it. Mr. Tanski stated I disagree with Mr. Higgins on that. Mr. Higgins stated the following: I'm sorry but that is my opinion and a use is when there something in it. The building is not going to be empty in the winter, the carts are going to be stored in it in the winter and asked if that was correct. Mr. Tanski stated it is cold storage. Mr. Higgins stated but there are carts in it. Mr. Watts stated the following: That's a given and the carts are going to be inside the building through the winter. So, the building is being used to store carts through the winter. Mr. Higgins stated and then during the golf season whenever there are tournaments those additional carts that are needed for the tournaments will be taken out of the building and brought over and will be used for tournament and then they will be put back in the building. Mr. Tanski stated correct. Mr. Berkowitz asked what time would those carts come out of the building? Mr. Tanski stated the following: It depends because sometimes they come out at 6:30 or 7:00 and it would depend on the time of the tournament. Most tournaments start at 8:00 or 9:00. Mr. Berkowitz asked is it possible for an early tournament if you can take those carts out the night before? Mr. Tanski stated the following: We always take them out the night before. In other words, we set the tournament up the night before. If anybody has been to a tournament, and some of you people have been there for the Town tournament, those carts are set-up when you get there from the day before. Mr. Berkowitz stated okay so they won't be coming out at 5:00 in the morning. Mr. Tanski stated no they are not. Mr. Watts asked what time would the carts be returned? Mr. Tanski stated the following: As soon as the tournament is over. So, if the tournament starts at 7:00 in the morning, 5 hours later they come back in when they are done. Mr. Watts asked do you have tournaments that start at 2:00 in the afternoon? Mr. Tanski stated very rarely; there may be 2 all year. Mr. Watts asked so what time would those carts go back? Mr. Tanski stated 5 hours later; probably 7:00 at night at the latest because obviously once it is dark you are not going to golf. The latest we have is a 1:00 tournament and I think we have the Probation Department down in Albany who start at 1:00 and they are done about 5:30 and at 6:00 the carts would go right inside. Mr. Berkowitz asked if there were any security lights around that building? Mr. Tanski stated the following: I planned on not putting any lights outside the building at all because I don't want to draw attention to it. There really is no need to have lights on it because we are not going to be working over there at night. Mr. Watts asked would there be any cart repair in the building or washing of the equipment in the building. Mr. Tanski stated no, the only things that we wash is the carts. Mr. Watts asked where do you wash the carts? Mr. Tanski stated I planned on washing them by the new building. Mr. Watts stated so you would have to hook up water. Mr. Tanski stated I already have a waterline there going down to the pond so there is water right in front of the building. Mr. Watts asked would the carts be washed inside or outside the building? Mr. Tanski stated outside the building. Mr. Watts asked where does the water go that is sprayed on the carts. Mr. Tanski stated the following: It just goes on the ground and it gets absorbed. It is the same thing that I'm doing now. It is just the dirt from the people's feet on the cart. We don't wash the motors off or anything like that. We just wash out the inside of the cart. Mr. Ouimet asked are these gas carts? Mr. Tanski stated yes. Mr. Higgins asked if the neighbors along Raylinsky Lane were on Town water or do they have individual wells? Mr. Tanski stated I think most of the neighbors along Raylinsky Lane are on Town water. Mr. Ouimet stated getting back to the carts and washing carts; do you wash the carts out in front of the clubhouse right now? Mr. Tanski stated that is correct. Mr. Ouimet asked where does the water and whatever else that comes off the carts go now. Mr. Tanski stated the following: The water just goes in the ground because there is not that much. When we spray it off it takes about 20 seconds and there is not a lot of water. Mr. Ouimet stated it seems to me that what you are proposing is to build a separate building

to house and service your carts. Mr. Tanski stated no service. Mr. Ouimet asked are you going to add carts or is there going to be the same number of carts as you have there now? Mr. Tanski stated the carts we have now is all we are ever going to have. Mr. Ouimet stated so you are not adding carts and you are not expanding the number of carts you have? Mr. Tanski stated the following: No. There is no need to add more carts because I need 50 carts that would have 2 people per cart, which would be for 100 people. The other carts that I have for tournaments so I don't have to rent carts. Mr. Ouimet stated so you are just moving your storage location from underneath the clubhouse to this separate building? Mr. Tanski stated correct. Mr. Ouimet stated so you are not going to add more carts, you are not going to have more people come there, you are not going to have more cars parked there, you are not going to have more traffic in and out? Mr. Tanski stated no. Mr. Ouimet stated by virtue of what you are proposing right here; the building. Mr. Tanski stated correct and I don't have a problem with putting that on the map. Mr. Ouimet stated at the last meeting I asked you if you considered other sites around your property for the location of this building. Mr. Tanski stated yes you did. Mr. Ouimet stated for the record what was your answer was, what you considered and why they were not viable sites. Mr. Tanski stated the following: We went over to the south side of the site and the south side of the course which has a very expensive above ground septic system in there and that is why we can't put it on that side. I know that some people expressed the desire to put it near the parking lot but it would get pummeled with golf balls. If you look down in there it is all full of golf balls. I didn't think that the Town would want me to put it out between the building and Johnson Road because why put the building on Johnson Road. Mr. Ouimet asked is the proposed location reasonable screened? Mr. Tanski stated the following: there is all woods along that area and if the Town wants me to move it down, I don't have a problem with that. If the Town wants me to add trees, I don't have a problem with that. But I think that Mr. Roberts and hopefully Mrs. Zepko and Mr. Williams would back me up because we walked the entire site and I don't think Mr. Williams or Mr. Roberts wanted to agree with me but after we got done, he did admit that this was the best spot for it. Mr. Ruchlicki stated I am looking at the aerial photograph, which shows the parking lot that has golf carts in it. Where the driving range is located and the direction that they drive golf balls in to and where those carts are in that parking lot; if my car was in that parking lot, are you telling me it would get hit with golf balls? Because I thought I asked you if you could put that building in front of that parking lot and you told me that it would get hit by golf balls in that area. Mr. Tanski stated yes and if there are cars there, they're not supposed to be because what we do is we don't let anybody park there when people are on the driving range and inadvertently somebody will slide down in there and we have had a couple of broken windows and stuff like that. We can't let anybody park there and if there is a wedding going on, we close the driving range and none of that stuff would change. Mr. Ruchlicki stated the following: If you are going to have this proposed building to store the carts over the winter and the carts would normally be stored in the cellar beneath the clubhouse; what happens is when the carts are being used when the course opens in the spring through the season, you will be going there at least once a week and pulling those carts out for tournaments. So, during your prime usage is when you are going to be transporting carts back and forth. Normally would you put the carts in the cellar and then bring them back out every week? Mr. Tanski stated the following: Yes. If you go down there now, you'll see 25 carts in the cellar and they stay there because sometimes we might not have a tournament for 2 or 3 weeks. Mr. Ruchlicki stated but you can have a tournament weekly? Mr. Tanski stated the following: Yes. For the month of June we'll probably have a tournament once a week. Like I said to Mr. Berkowitz; we don't bring the carts, we set them up. If you go there on a Friday night and if we have a tournament on Saturday, you will see all the carts setup for a tournament. It would be too hectic to set the carts up in the morning. There is a lot of work setting up the carts with the cards and everything else. Mr. Ruchlicki stated the following: I guess I don't have a problem with the winter storage issue but because you are going to be going there almost weekly during the summer, I didn't

think that is what your original proposal was, I thought it was just a storage building. I guess Mr. Tanski has clarified that for me. I never would of figured that you would design that so that the driving range was at such an attitude toward that parking lot that you wouldn't be able to use that parking lot. Mr. Tanski stated it is absolutely impossible to use it. Mr. Ouimet asked are you planning on building any hardscape to get out to that building? Mr. Tanski stated my plan was just to take a small 8 FT cart path just like I do around the rest of the course and that was it. Mr. Ouimet asked would it be similar to the path that is in front of the driving range right now? Mr. Tanski stated the path that is in front of the driveway is an actual road and this would only be 8 FT wide and would be like what is on the rest of the golf course. Mr. Ouimet asked like in front of the banquet house? Mr. Tanski stated well not even that wide; it would only be 8 FT wide and it would be like what goes out to the different holes on the course. Mr. Ouimet asked are you also proposing something like a pad for washing the carts? Mr. Tanski stated no, we just wash them out on the grass and we have never had a problem with it and it is not like we are washing grease, oil or gas it is just dirt from the people's spikes and stuff like that. We like to keep the carts clean so that is why we wash them. Mr. Berkowitz asked have you ever considered extending the banquet facility with just a side extension that is big enough to store 25 carts and then just have the ramp going through that building? Mr. Tanski stated the following: I thought of that but as it stands now I would almost have to take the area for the driving range and pull it up in another location and if I pulled it across the road and up in here it would do two things; it would alleviate the problem here, but then all the balls would be in the water all the time. As it is now, we pull an average of about 1,000 golf balls a year out of the water when the water goes down. Mr. Ruchlicki asked how extensive is those pads on the driving range; are they just concrete pads with a roof over them? Mr. Tanski stated the following: There is no roof over the pads. It is a concrete pad and then we have special pads that people tee off from. Mr. Ruchlicki asked if you already have an issue with the golfers driving their balls from that location and you have to close that parking lot off, why don't you just move that concrete pad to the other side of that road and put the building right there on top of that pad. Mr. Tanski stated the following: That is what I just said; if I pull this pad up, then all the golf balls end up in water. As it is now we pull about 1,000 golf balls out of the water. If we pull that up to here, there is a 5-acre pond there. Mr. Berkowitz asked if that was about 250 yards? Mr. Tanski stated yes, to the water. Mr. Ruchlicki stated well you wouldn't be moving that pad more than 50 yards on the other side of that road if you put it there. Mr. Tanski stated right, but like I said, we'd have 10,000 golf balls in that water. Mr. Higgins stated I know several people went out and looked at it however, my question previously was as far as a side yard setback or off the property line and I know you said 16 or 17 FT. Mr. Tanski stated right. Mr. Higgins stated in the aerial photograph I can't tell what it is that is there but is basically the property line where the grass line is? Mr. Tanski stated no, it is back in the trees. Mr. Higgins asked are there lights on the golf carts? Mr. Tanski stated no. Mr. Watts stated if you were to get an approval for this building, what hours would you operate? Mr. Tanski stated whatever the Board decides. Mr. Watts stated if this were to be approved, these are gas carts and they do make noise, the hours of operation could be set for only certain hours during the daylight and not early morning daylight hours. Mr. Tanski stated right and also instead of the running and if we came over here with cart path, it would keep the noise away from the homes. Mr. Ruchlicki stated I know that some of the Board members were at the site and looked at it and I guess they mentioned something about screening and whether a berm could be built up. Mr. Tanski stated the following: There are woods along there and then there are open fields and if you wanted me to we could add to it, that is kind of crazy in that area but if we could add something there, we have the woods as a buffer here and I would move it down because I don't have a problem with that. Mr. Ruchlicki stated I was curious as to just how significant that would be. Mr. Tanski stated that is not a problem. Mr. Roberts stated the following: Having visited the site, if we do approve this, I would prefer that we do move it down as far as you go and to put a berm behind it and

to extend the berm from the other side and come down. Mr. Berkowitz asked would a berm be better of a fence? Mr. Roberts stated the berm. Mr. Pete Aalto, of Raylinsky Lane, stated I'm glad you brought that up. Mr. Watts asked Mr. Aalto if he was present for the public hearing. Mr. Aalto stated I came in about 5 minutes late. Mr. Watts stated okay go ahead. Mr. Aalto stated the following: The thing I object to offhand is that you are proposing to change what you are discussing tonight. That is not right. You have to reopen everything if you are going to do that as far as I'm concerned. I already have a berm down here that probably wasn't approved to begin with by the Town. I don't know that for a fact but I think if you check into it, it was never approved. All I'm saying is your discussing this thing here right now and now you are proposing something different. Mr. Watts stated the following: The public hearing hears the proposal and as part of the public hearing there are concerns that people bring up and quite often things are changed. Mr. Matt Chauvin stated the purpose of the public hearing is to receive comment from the public and from the Board as to the propriety of the project as proposed and comment suggestions as to how it may be changed, improved or modified. You are well within your purview by soliciting the information that you just listened to and then make a decision based upon the information you solicited both from the public and from the Board's comments. Mr. Aalto stated I concur with what you are saying but I guess what I'm saying is that we as a public come in here and view one thing and you're saying that through your discussions you can go ahead and change your mind and change it again and asked if the Board was going to hold another public hearing when you do that. Mr. Watts stated the following: I would think that, and correct me if I'm wrong, if the change was substantive in nature and we had said that a road was going to put here and then the road got moved 100 yards and then affected other places in a major way, that might require an additional public hearing or public informational meeting. I have never really had that question asked. Mr. Matt Chauvin stated I don't want to speculate on the hypothetical, but unless you are substantially changing the character of what is being proposed, you are talking about the same building in roughly the same location. You're talking about 50 FT different within in the same general vicinity of the property. We're not talking about a proposal of pole barn verses the proposal of another building. Mr. Aalto stated the following: I guess that was my only point. I wasn't going to say anything but you brought up something different. Mr. Roberts stated what happened was that Mr. Tanski made a proposal last week so the members of the Board in the Town went out to visit the site and thought that a possible alternative to alleviate the concerns of the Mr. Micklas and his neighbors was to move the building down and that is where we are at this point. Mr. Aalto stated that would be fine but I am also saying that I would think that you would have to have another open meeting for it. Mr. Roberts stated that is up to our Attorney to decide. Mr. Aalto stated that would mean that you could put it almost any place and you so decide that and that doesn't seem right. Mr. Tanski stated the following: In response to Mr. Aalto; if we do move it down, if the Board so deems fit, rather than put a berm there, we could put some extra trees or something because if you put a berm there you are going to have to make it probably 20 FT wide on the bottom and the top and we're going to push this out farther and then everybody is going to be able to see it even more. So, if we screen it with trees, if we do move it down and screen it with trees and put trees on this side, at least Mr. Micklas and Mr. Hopeck won't have to see it. There is a small berm on one end and we continue that berm and put some trees on it and then they'd never see it. Mr. Bianchino stated the following: There are no real engineering issues here, it is more of an esthetic thing. It is where the building is going to be visible and what is the best location. I have been to the site and looked at it but I haven't gone out in that area of the site so I don't really know. I would have to defer to the people who have been out to the site who observed which area in there is the best for keeping the screening and that is my only comment and what is the best location for the building not to be visible to the surrounding neighbors. Mr. Higgins stated the berm is at the southern end and I am looking at the aerial photograph and it looks like there are a bunch of trees but is there a berm up in here or not? Mr. Tanski stated yes the berm is down in here

farther. Mrs. Zepko stated the following: I think we are talking about two different berms right now. There is one on the southern side of the proposed location of the building along the back of Mr. Micklas' property. Then there is vegetation in the middle and then there is another berm in another location. Mr. Tanski stated this seems to be a bit of an emotional thing here, and this is against my better judgment, but I would like to suggest that we postpone this and let the balance of the Board go out there and look at it. Hopefully they will concur with Mr. Williams, Mr. Roberts and Mrs. Zepko and then everybody will have a better feel for it because I want everybody to have a comfort level for what we are doing. Mr. Watts stated the following: I was going to get to that point because the Planning Board raised points and certain questions relative to the legality of past actions by the Planning Board. I don't know that those were in fact issues but they were raised and I would like our counsel to take a look at that. I think the applicant has answered the questions regarding the sewer usage gallonage. The applicant said the clubhouse side is on a septic system. Mr. Tanski stated the following: correct and also Mr. Micklas had said that the clubhouse seats a hundred some odd people. There are 13 tables and 4 chairs per table and I think my seating capacity allowed by the Town is 86 people. Mr. Micklas was correct about the banquet house; the banquet house seating capacity is 250. Mr. Watts asked does that number include the deck too? Mr. Tanski stated no it does not. Mr. Watts asked does the deck seat about 20 more? Mr. Tanski stated correct. Mr. Watts stated so you are saying that the clubhouse side is served by a septic system. Mr. Tanski stated correct and I can show anybody from the Board that at any time. Mr. Watts asked is the banquet house served by a connection to the County Sewer District? Mr. Tanski stated correct. Mr. Watts asked where does your water come from? Mr. Tanski stated the Town of Halfmoon and that is water for the whole place. Mr. Watts asked if the water for the irrigation system for the golf course comes from the pond? Mr. Tanski stated the following: Correct. Except for a separate line that we ran when we made the connection down to the pond after Mr. Bold gave us permission after the water filtration plant was done so that I could use it. Three years ago I think I used it and it cost me about \$1,500 because our pond was so low because it was so dry. It is on the house side of the meter so we are paying for every drop of water we get. Mr. Watts asked to use that water do you have to get an approval from the Town? Mr. Tanski stated no, they wouldn't let me hook it up until the plant was done. Mr. Watts asked do you use the water now? Mr. Tanski stated no, I do not. Mr. Watts asked do you have unlimited access? Mr. Tanski stated the following: Yes I have unlimited access and I only used it once 3 years ago. Because if you remember last year we didn't turn our water on until the second week in June and this year we turned our water on the second week of April so this might be another year but we are supposed to get a ton of rain in the next couple of days. Mr. Nadeau asked for identification of the property owners. Mr. Tanski stated Mr. Hopeck, Mr. Micklas, Mr. Maloney and Mr. Aalto. Mr. Nadeau asked if Mr. Maloney was present. Mr. Tanski stated no he is not. Mr. Nadeau asked if Mr. Maloney had sent a letter. Mr. Watts stated we have not received any correspondence from Mr. Maloney. Mr. Roberts asked if Mr. Maloney was notified regarding the public hearing. Mr. Micklas stated that Mr. Maloney's wife was ill and he knows about this proposal. Mr. Watts stated yes we did send Mr. Maloney a public notice and Mr. Maloney is free to send a letter to the Board. Mr. Watts asked Mr. Matt Chauvin for the Board's options at this point. Mr. Matt Chauvin stated the following: The Board is free at its pleasure to vote this evening should you feel that you have enough information. If you would like to make some additional inquiries and you need additional informational from the applicant, the Board can do a site visit as Mr. Tanski has suggested. You can table the issue for the time being and bring this project back at subsequent meeting. Those are your options at this point. If you want to set another public hearing, you do have that option down the road. Mr. Tanski stated I am not an attorney but it is my understanding that when we put this banquet house on, and I checked every golf course practically in New York State and every golf course has a banquet house so I can't see how this would be illegal because most golf courses are special use permits in an agriculture zone. Mr. Matt Chauvin stated the following: I am

not able to comment whether it is or is not an approved use within the zone because I haven't looked at it myself. I wasn't here when myself when this was all done originally. I am not commenting one way or the other, I just want to look into to advise the Board to make sure that all our I's are dotted and the T's are crossed. Mr. Tanski stated I understand. Mr. Higgins stated the following: If we are in fact going to look at the site, could the applicant put corner stakes in so we have an idea where it is. Because obviously when Mr. Roberts, Mrs. Zepko and Mr. Williams were out there they were talking about possibly moving it further north. So if there is a location that the applicant is proposing, could the applicant put in corner stakes just so we know. Mr. Tanski asked do you want the stakes put in where the building is proposed for now or do you want the stakes where we are going to move it? I am deferring this to the Board as to how far you want me to move it. Mr. Watts stated the following: My suggestion would be that you put the stakes as to where your proposed building is now and that would give us a perspective of where it is now and then we can look about moving it. I don't know that we have decided to move it. Mr. Higgins stated just something so we have an idea of where the building is proposed to be built. Mr. Roberts stated also if after everyone looks at it and feels as though it would be proper to move it and asked would we need to have another public hearing? Mr. Watts stated Mr. Matt Chauvin discussed that earlier as to what a substantive change is. Mr. Matt Chauvin stated the following: I would have to look further but at this point I don't feel that the Board has made enough of a substantive change to this. This is the purpose of a public hearing, which is to solicit comments of proposed changes and modifications and/or approval of the project. I think that you are well within the purview of the original public hearing with the input from Mr. Aalto, from Mr. Micklas, etc. is all to be taken into account. I don't think you have to set another public hearing at this point. Mr. Micklas stated if we want further input based on what we have heard tonight, what approach would we take because if we don't have another public hearing, we don't have the right to comment again. Mr. Watts stated the following: I believe that you have had appropriate opportunity at this point to comment. The Board has heard the comments and we have a pretty good picture of what they want to do, where it is and that there are some legal issues that need to be looked into. You could certainly provide us with a letter, like I said Mr. Maloney could do. We can't go on forever with public hearings. We did give you a chance and you did have a good opportunity to speak, we raised questions based upon what you said, the applicant has responded, our Attorney is looking into your questions of the legality of certain activities of the Planning Board and that is being reviewed. I think we have had a rather exhaustive review at this point. If you want to send a letter with further questions, because sometimes you think of other questions the next day, we will accept your letter. Mr. Aalto stated I am not sure what would you constitute as a substantive change? Mr. Watts stated what I would rather do on the legal issues is to have Mr. Matt Chauvin speak with the public or we can give you his phone number. Mr. Aalto stated I only question the fact that he made that statement and to me if you change it anything from what the public record is; it was 17 FT off the line and I have read the thing myself. Mr. Watts stated I have already stated and our Attorney has stated regarding the lack of substantive change. Mr. Matt Chauvin stated the following: The purpose of a public hearing is to solicit feed back from the public on a project and to allow the Board an opportunity to comment and review the project. I don't want to get into an exhaustive legal discussion of the requirements for a legislative body to take action because we could be here all night. The purpose of this hearing is to solicit that information, to propose those changes and to work forward for the project from that point. At this point no action has been taken by the Board relative to moving the building, to changing the substantial character of the building, to additional berms, etc; those are comments that have been solicited both from the Board and from the public that are proposed. No action has been taken and no direction has been given to the applicant at this point. At this point there is no requirement for an additional public hearing. Mr. Aalto stated so in other words if he moves it out towards the road like he is talking about, he could do that as well? Mr. Matt Chauvin stated the

following: I can't speculate on every permutation of what could theoretically possibly happen. You are welcome to consult with an Attorney and I would encourage you to do so if you feel uncomfortable with the nature of the proceedings. I don't have the ability to give you legal advice and I am not allowed to give you legal advice or to advise you as to the legalities what is being proposed or if you want to challenge it.

This item was tabled to schedule site visits for the Planning Board Members and to review legality of an approval of use in an Agricultural/Residential (A-R) zone

09.044 PH Reo Subdivision, 50-54 Farmview Lane – Minor Subdivision

Mr. Watts opened the Public Hearing at 8:03 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Bob Reo, the applicant, stated the following: I am proposing to subdivide the parcel into two 12-acre lots on the northeast corner of the property. Both lots would have 50 FT of frontage off of Button Road. The access to the lots would be through an easement from the main property off of Farmview Lane. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 8:04 pm. Mr. Higgins asked if the frontage was 50 FT for each lot and asked what the requirement was for road frontage to not be a flaglot? Mrs. Zepko stated you are allowed to approve multiple flaglots. Mr. Higgins asked so this is multiple flaglots? Mr. Reo stated yes.

Mr. Nadeau made a motion to approve the Reo minor subdivision. Mr. Roberts seconded. Motion carried.

New Business:

09.046 NB Lowe's (Outdoor Sales), 476 Route 146 – Change of Use

Mr. Matt Brown, Manager of Lowe's, stated the following: Mr. Ed Daniels, our store manager, asked me to be here tonight to talk to you all. We are requesting that due to our seasonal freight flow; we would like to obtain a seasonal permit from April 1st to September 7th (roughly Labor Day).

At this point the tape recording malfunctioned and the minutes were typed from the Planning Board Topics and Notes:

The following is the Planning Board Topics for this item.

New Business:

Lowe's, Route 146, Addition to Site Plan-Outdoor Sales

Location: Intersection of Route 146 and Old Route 146

Zoning: C-1, Commercial

Parcel Size/Acreage: 15.39-acres

Existing Building Size: 117,347 SF

Planning Board Date(s): 5/26/09

Brief Description: The applicant wishes to gain approval for an 8,004 SF area to be added to the north side of the existing Garden Center for seasonal outdoor display and storage. The area would utilize 30 parking spaces and would allow for the increase in seasonal merchandise shipments to be stored and displayed from April 1st through to Labor Day. This will be granted on a seasonal basis, similar to Walmart and Home Depot. The area is to be contained in a short split rail type fence enclosure. Fence

panels, 4ft x 8ft display sheds, wheelbarrows, mulch pallets, block pallets, bagged stone pallets, and soil pallets would be stored in this area.

~LZ

Mr. Watts questioned the applicant about the poor landscaping at the site. The applicant stated the following: The irrigation system was being repaired. Scotts was providing grass seed, etc. and within a few weeks things would be much improved.

Mr. Roberts made a motion to approve the Lowe's (Outdoor Sales) change of use application. Mr. Higgins seconded. Motion carried.

09.047 NB Replay, 1403 Route 9 (Stewart's) – Change of Tenant & Sign

The following is the Planning Board Topics for this item.

RePlay, 1403 Route 9 (Stewart's), Change of Tenant & Sign

Location: Stewart's – Crescent Bridge Rt 9 (approved 1982)

Zoning: Commercial (C-1)

Existing Lot Size: 27,000 SF (0.61-acres)

Size of Building: 3,750 SF

Existing Parking: 13 spaces

Former Use: Sports Memorabilia and Card shop

Proposed Use: Retail sales of used movie and video games

Proposed Space: 1,500 SF

Hours/Days of Operation: 10AM-8PM M-SAT. 12PM-5PM-SUN.

Number of Employees: 4 (2 per max. shift)

Planning Board Date(s): 5/26/09

Brief Description: The applicant wishes to operate a retail store offering used movies and video games. The applicant states the business consists of buying; selling and trading used movies and games. There is no rental therefore no drop offs. The applicant states that the Stewart's busiest time is 6am to 9am whereas the store will open after the Stewart's peak time.

Sign -Replay

Sign Size: 20 SF

Sided: ☒ one-sided ☐ Two-sided

Sign Dimensions: 30" x 96"

Location of Sign: On the building above the front entrance

Lighted: ☐ Internal -NONE

Planning Board Date(s): 5/26/09

Brief Description: The applicant wishes to replace the existing sign face to represent their business name.

~JRW

The following was transcribed from the Planning Board meeting notes:

Ms. Josette Hodges, the applicant, stated the following: I am here tonight to operate a retail store offering used movies and video games. The business consists of buying; selling and trading used movies and games. There is no rental, therefore, no drop offs. The applicant stated that the Stewart's

busiest time is 6am to 9am whereas the store will open after the Stewart's peak time. Ms. Hodges stated that she intends to replace the existing sign face to reflect the new business.

Mr. Roberts made a motion to approve the change of tenant and sign application for Replay. Mr. Nadeau seconded. Motion carried.

09.048 NB Sunkiss'D, 222 Guideboard Road (222 Plaza) – Change of Tenant

There was no one present to represent this application.

Old Business:

08.038 OB Swatling Falls PDD, 162 Upper Newtown Road – Major Subdivision/PDD

The following is the Planning Board Topics for this item:

Swatling Falls PDD, 162 Upper Newtown Road-Major Subdivision/PDD

Zoning: A-R, Agricultural-Residential

Parcel Size/Acreage: 94.79-acres

Number of lots: 100

Building Size: n/a

SEQRA: A long EAF has been submitted. Town Board to assume Lead Agency.

Town Board Date(s): 12/04/07

Planning Board Date(s): 4/14/08, 5/26/09

Brief Description:

OLD: At the February 21, 2007 Town of Halfmoon Town Board meeting, the Town Board passed this PDD application to the Planning Board for recommendation. At the Town Board meeting, the Town Board raised concerns including: proposed road widths, ownership and maintenance as well as enforcement of the proposed HOA land, and the Town Board asked the Planning Board to conduct a Public Informational Meeting prior to consideration of recommendation back to the Town Board.

At the April 14, 2008 Planning Board meeting, the applicant introduced the proposed residential PDD for 104 living units. At this meeting the applicant was referred to CHA for review. Through the reviews, the applicant has produced a conventional subdivision layout; a constrained lands map and a slope analysis report. The conventional subdivision map exemplified that there could be 93 conventional lots on this parcel.

New: The applicant is currently proposing 100 residential units (seven units over the base density). Of the proposed 100 residential units, there will be 20 units of town homes (10 buildings, 2 units each), 47 traditional single-family homes, 32 units of carriage homes and one Estate Lot for the current landowner. The town home lots will have a minimum lot size of 20,000 SF and the carriage and traditional homes will have a minimum lot size of 10,000 SF.

The proposed road layout shows two curb cuts off of Upper Newtown Road and a future connection to the neighboring Glen Meadows residential PDD (currently in front of the Town Board for consideration of PDD legislation). The first curb cut is a cul-de-sac that will serve the 20 units of town homes with a connector road that traverses the parcel to connect to the rear portion with the traditional homes. The connector road is approximately 1,300 LF that does not serve any access (frontage) to any proposed lot. A HOA maintained trail to connect the two roads or an emergency access road may be a better alternative, pending Planning Board review, to serve this area.

The property is showing 46.63-acres of being open space. These areas include the steep sloped areas, wetlands and quality open space. The open space area also preserves the McDonald Creek corridor where a public trail is proposed (note: the McDonald Creek corridor offers the Town the opportunity to

create a trail system that could connect the Champlain Trail to the Town's active recreational park on Rt. 236. along with preserving the natural resources within the creek area.)

The traffic study (using the original 104-lot development scenario) states there will be 86 AM peak trips and 112 PM peak trips generated. The Rt 146/Upper Newtown Road will degrade to a LOS F with Sheldon Hills, Proposed Glen Meadows PDD and this proposal adding to the traffic volumes. The study states that a traffic signal would be warranted at the Rt 146/Upper Newtown Road intersection. This would create 3 traffic lights within a ½ mile stretch of Rt 146 (Rt146/Rt 236, future Rt 146/Vosburgh Rd and possible Rt 146/Upper Newtown Road). The traffic study suggests that the Town undertake a Rt 146 corridor study to develop a long term plan for this area (please note: at the time of the traffic study the proposed Falcon Trace Sr. Apts off of Fellows and Rt 236 was non-existent). The traffic study suggest that the Town undertake a comprehensive study of the Route 146 Corridor to develop a plan to mitigate the increase in future traffic volumes in this area, as the installation of a third traffic signal in this one mile corridor is not considered the "best long-term solution" for the cumulative growth that this area is expecting. The study indicates that if a signal is preferred at this intersection (Route 146/Upper Newtown Road) a signal warrant analysis should be performed at the combined total of 130- units threshold. The site distance analysis indicated that proposed ingress/egress provides adequate site distance for access to and from the site.

JRW/LZ

The following was transcribed from the Planning Board meeting notes:

Mr. Scott Lansing, of Lansing Engineering, stated the following: The applicant is currently proposing 100 residential units (seven units over the base density). Of the proposed 100 residential units, there will be 20 units of town homes (10 buildings, 2 units each), 47 traditional single-family homes, 32 units of carriage homes and one Estate Lot for the current landowner. The town home lots will have a minimum lot size of 20,000 SF and the carriage and traditional homes will have a minimum lot size of 10,000 SF. The proposed road layout shows two curb cuts off of Upper Newtown Road and a future connection to the neighboring Glen Meadows residential PDD (currently in front of the Town Board for consideration of PDD legislation). The first curb cut is a cul-de-sac that will serve the 20 units of town homes with a connector road that traverses the parcel to connect to the rear portion with the traditional homes. The connector road is approximately 1,300 LF that does not serve any access (frontage) to any proposed lot. A HOA maintained trail to connect the two roads or an emergency access road may be a better alternative, pending Planning Board review, to serve this area. The property is showing 46.63-acres of being open space. These areas include the steep sloped areas, wetlands and quality open space. The open space area also preserves the McDonald Creek corridor where a public trail is proposed (note: the McDonald Creek corridor offers the Town the opportunity to create a trail system that could connect the Champlain Trail to the Town's active recreational park on Route 236. along with preserving the natural resources within the creek area.) A traffic study was performed (using the original 104-lot development scenario) and concluded that there will be 86 AM peak trips and 112 PM peak trips generated. The Route 146/Upper Newtown Road will degrade to a LOS F with Sheldon Hills, the proposed Glen Meadows PDD and this proposal adding to the traffic volumes. The study states that a traffic signal would be warranted at the Route 146/Upper Newtown Road intersection. This would create 3 traffic lights within a ½ mile stretch of Route 146 (Route 146/Route 236, future Route 146/Vosburgh Rd and possible Route 146/Upper Newtown Road). Mr. Lansing stated that they are before the Board tonight to set a public informational meeting. Mr. Watts stated that the traffic engineer who performed the study should be present at the public informational meeting. Mr. Lansing stated that they would do that.

Mr. Roberts made a motion to set the public informational meeting for the June 8, 2009 Planning Board meeting. Mr. Berkowitz seconded. Motion carried.

08.068 OB Plant Road PDD, 91 Plant Road – Major Subdivision/PDD

The following is the Planning Board Topics for this item.

Plant Road PDD, 91 Plant Road, Major Subdivision/PDD

Location: *Plant Road – (~3/4 mi. to the Rt 146 intersection)*

Zoning: *Proposed PDD (underlying zoning R-1)*

Parcel Size/Acreage: *53.85-acres (two parcels)*

Number of proposed units: *110 town home units, 40 condominium units*

Planning Board Date(s): *7/14/08, 5/26/09*

Brief Description:

OLD (7/14/08 meeting): *At the June 17, 2008 Town Board meeting, the Town Board passed the proposed Plant Road PDD to the Planning Board for recommendation.*

Initial, preliminary discussions with the applicant regarding the proposed PDD had strong concerns with the proposed density as the original proposal consisted of 190 units and traffic impacts created from the proposed development. At the June 17th Town Board meeting, the Town Board discussed the density and related traffic, buffering to the existing orchard farming practices to the south of the project, consideration of the across the street Senior Condominium housing to be moved closer to the proposed clubhouse and responsibility of the proposed HOA.

The proposed 53.85-acre Plant Road PDD site consists of two parcels that are bisected by Plant Road. The west side of Plant Road is proposed to be developed as 110 town home units (2, 3 & 4 unit buildings) with a proposed clubhouse and pool. The east side of Plant Road consists of 40 condominium units to be contained in 10 buildings. The condominium development is proposed to be age-restricted for senior housing that would be described in the deeds and enforced by the HOA.

The Senior Condominium development (55+) will consist of ten, 4-unit buildings and will be served by a cul-de-sac (proposed private road). The condominium project will offer open lawn areas for recreation, and a pathway leading to a crosswalk with appropriate signage to cross Plant Road to access the clubhouse. The southern end of the parcel is to retain as much as the existing vegetation as possible. The site will be developed with a landscaped berm and streetscape plantings along the frontage to Plant Road.

The town home development consists of 110 units in 43 buildings (a mix of 2, 3 & 4 unit buildings). The townhouse development has access via a boulevard entrance and an internal loop road system (proposed to be Town Roads). The applicant is proposing a clubhouse with a pool to the front of the townhouse development. There is also a proposed pond with fountains being proposed between the clubhouse and Plant Rd. The applicant has provided a 100 ft no cut buffer with existing and proposed plantings along with a 6 ft stockade fence to help buffer the development from the existing active orchard farm. The applicant is providing an area in between the town homes as a passive recreation area by removing dead underbrush from an existing wooded area. There is a multi-use recreation path proposed to traverse east/west along the 100 ft buffer area and there is an additional pathway north/south along Plant Rd. Landscaped berms and streetscapes are also being provided.

This project will provide a total of 500 parking spaces (217 garage spaces and 233 outdoor spaces) The applicant is proposing a 25 ft front yard setback and a 25 ft minimum separation of buildings (side yard). The applicant is proposing to dedicate 5,000 SF of the projects southwestern corner of the parcel for a possible ROW for a future east/west road that would run from Rt 9 to Lower Newtown Rd (as described in the Town Center Plan).

New: *The applicant wishes to appear before the Board at this time to present some modifications to the site plan. The original plan showed the condominiums placed across Plant Road from the clubhouse. The revised site plan has now moved the ten (10) condo buildings (Age restricted housing) to the west side of Plant Road adjacent to the clubhouse in response to CHA's comment letter dated 8/28/2008. Those comments also addressed the need for a constrained lands map, which the applicant has provided with the 5/11/2009 revisions. CHA's letter also requested a review of the pool and clubhouse parking, now providing 24 spaces with an additional 17 spaces to be landbanked. In response to the 25 ft setbacks, the applicant is now proposing that all new roads would be privately owned and maintained by the HOA, therefore not requiring the minimum setback in a PDD of 35 ft. The traffic impact study indicates that while, this project alone may not trigger the need for mitigation at the Plant Road Route 146 intersection, other development in the area in combination with this development may cause that need in the future. Long-term it was assessed that the Old Route 146/Plant Road/ Route 146 intersection is not sustainable and would require improvement. The intersection with Plant Road and Route 9 was also studied and would most likely require improvements for the increase in capacity.*

This new modifications should be referred to CHA for review.

~JRW/LZ

At this point the tape began recording the meeting minutes:

Mr. Joe Dannible, of Environmental Design Partnership, stated the following:.....and the calculation for buildable land you are allowed 421 units. So, we would be well below the allowable density based on the PDD zoning district. Mr. Berkowitz asked are you figuring in the roads, green space and wetlands? Mr. Dannible stated there is 4.75-acres of New York State Department of Environmental Conservation (NYSDEC) wetlands, there is 2.26-acres of Army Corp. wetlands (ACOE), 4.7-acres of slopes and a total constrained land of 11.71-acres on site which leaves us 42.14-acres of buildable land with an allowable density under the Planned Development District (PDD) zoning change of 10-units per acre we are allowed 421-units and that is section 16560-E of the zoning code. Mr. Higgins stated yes but that doesn't account for roads or anything else for non-buildable. Mr. Dannible stated I am using the calculations as provided within the zoning ordinance. Mr. Watts stated we don't have an answer the question I asked of in a Conventional Subdivision about how many units would be allowed for our public informational meeting. Mr. Dannible stated the following: We do not have that because a conventional layout has never been prepared for this site because it doesn't lend itself to it with its proximity to the commercial in the rear; it lends itself to the PDD. Mr. Watts asked why? Mr. Dannible stated because it provides a transitional zone into the more developed areas of Town from the more rural single-family development areas. Mr. Berkowitz asked what is it zoned? Mr. Dannible stated the currently zoning of the site is R-1 Residential. Mr. Ouimet stated I don't understand what you just said. Mr. Nadeau stated the following: A conventional zone would have X amount verses the PDD so we need to know what would that be. I don't need an answer now but we would like you to get that information to us. Mr. Berkowitz asked how many buildable acres are there. Mr. Dannible stated 42.14-acres and I believe the zoning is 40,000 SF. Mr. Watts stated we are talking about some traffic density issues so the Board is asking for the total number. Mr. Dannible stated there is 150 total; 110 townhouses and 40 senior housing. Mr. Watts stated the following: This is just a rough look at it, not a design of it. I know at this point we asked questions at our last meeting and now they are back with the changes where we went from here to there. Mr. Williams' and Mrs. Zepko write-up has all this stuff in here that has certain facts and figures and asked Mrs. Zepko if this information came from the May 11, 2009 letter or previously. Mrs. Zepko stated the following: The new information is labeled "new" about three-quarters of the way down on page 6 of the Planning Board Topics. So any

information that is on the write-up under that "new" title, which is for tonight's meeting is relevant to that letter. Anything pre is old information. Mr. Roberts stated in the write-up it says "*the new modifications should be referred to CHA for review*", so Mr. Bianchino has not seen this yet. Mrs. Zepko stated Mr. Bianchino has not seen the new modifications for this project. Mr. Watts stated this will be referred to CHA for review and asked if the Board should schedule a public information meeting. Mr. Bianchino stated if you want to schedule a public informational meeting that would fine because I always like to hear the public comments. Mr. Berkowitz stated in relation to the public informational meeting, there are basically 4 neighbors who would be notified and asked if the Board should expand that number. Mr. Higgins stated right because we have the whole Cardin Acres development and they had extensive comments regarding the expansion that hasn't even been done yet that has been approved just south of that development. Mr. Nadeau stated we should also notify Wal-mart, which is on the backside of that and that would receive huge input from the people. Mr. Higgins stated from previous experience from those people in that area; an extensive amount of the comments are going to be regarding the traffic. Mr. Dannible stated so is it the Board's recommendation that we should definitely bring in a traffic engineer representative to that meeting. Mr. Watts stated the following: Yes. Traffic is issue that has come up on Plant Road on various occasions. As we have stated, we have had people who came to previous meetings who complained vehemently about the speed limits Plant Road. We had the Sheriff's go up to put radar out on Plant Road and one of the first person caught was one of the people who had been at a meeting complaining about the speeding on Plant Road. Those are the kind of comments that we are going to get. The Planning Department will determine on whether or not the public notification area will be expanded for the June 8, 2009 public informational meeting.

Mr. Berkowitz made a motion to set the public informational meeting for the June 8, 2009 Planning Board meeting. Mr. Roberts seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 26, 2009 Planning Board Meeting at 9:06 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary