

## **Town of Halfmoon Planning Board**

### **August 24, 2009 Minutes**

Those present at the August 24, 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

***Alternate***  
**Planning Board Member:** Jerry Leonard

**Planner:** Lindsay Zepko

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Paul Hotaling  
Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the August 24, 2009 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the August 10, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the August 10, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Watts abstained due to his absence from the August 10, 2009 Planning Board Meeting.

#### **Public Informational Meeting:**

##### **09.025 PIM Falcon Trace of Halfmoon PDD, Fellows Road –Multi-Family/PDD**

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. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight for the Falcon Trace of Halfmoon Planned Development District (PDD). The parcel is located by the corner of Route 146 and Route 236 with Fellows Road traversing on the western side of the parcel. There are 2 parcels that comprises the project; the northern parcel is approximately 29.65-acres that is currently zoned Commercial (C-1) and the southern parcel is approximately 23.65-acres that is currently zoned Agricultural-Residential (A-R). Currently both of the parcels are vacant and are some former remnants of agricultural activities on the southern parcel and the northern parcel is currently wooded at this time. The applicant is proposing a senior housing PDD and the primary focus is a senior house PDD. There are 3 general uses on the parcel. The first use would be for commercial uses and there is a commercial lot on the northern portion and a commercial lot on the southern portion. The northern lot is approximately 3.57-acres and the southern parcel is approximately 5.53-acres. The second use proposed for the parcel is luxury apartment units and they

would be located on the southern parcel. There would be 121-luxury apartment units proposed for the PDD and located on approximately 23.55-acres. The primary focus of the project is the senior housing, which is located on the northern portion of the parcel. There are 156-units proposed; 33-units are proposed on the eastern portion of the northern parcel. The luxury senior apartments are similar in style to the luxury apartments on the southern parcel. There are 123 senior apartments located in the central portion of the northern parcel and this complex is a congregant living type arrangement with a center building with 4 wings off of the center building. Each wing is comprised of 30-units and there would be 3-units in the central portion of the congregant living facility. Within the central community center of this building there are many uses proposed; a central entrance reception room, several gathering rooms of various sizes, a kitchenette, a recreation room, library, exercise room, mailboxes, restrooms and administrative offices. Also, on the outer limits of the congregant living senior housing facility there are outdoor amenities proposed as well. These amenities would be available to all the residents, both the residents within the congregant living building and the 33-units located to the east. The amenities would include a bus stop at the entrance/reception area, shuffleboard, walking trails, several outdoor gathering areas with benches and tables, a putting green and garden areas. There are 2 primary points of access proposed for the project; one off of Fellows Road that would service the senior housing facility and there is another connection that goes through the luxury apartment units and comes out and connects directly to Route 236. We are proposing 2 parking spaces per unit. The plan has been modified as there was a comment from CHA relative to the parking and that was updated since the last time the Board had seen the plans. Water service would be extended from Upper Newtown Road to service all the residents within the project. For sanitary sewer; currently there is a large force main along Route 236 and Route 146 and the applicant would be tying into that for public sewer. Stormwater would be managed on-site and we have proposed conceptual locations for stormwater management areas and those would be taken care of during preliminary design. We are proposing approximately 82% open space overall for the parcel. PDD's usually provide community benefits along with the proposal and we have several that we are proposing. We feel that the application provides a community need for luxury senior apartment housing. We are proposing a trail system linkage and we have talked with the Town's Planning staff and they have requested a trail from Upper Newtown Road down through the project and then connecting to the Town Park parcel to link both the residents along the Upper Newtown Road corridor, within the project and also to the Town Park as well. The applicant does feel that there is a need within the community for affordable senior housing and he has made a commitment that the estimate for the senior housing would be \$250 to \$300 per month less than the typical market rate for leases of apartments and that would be for the senior housing apartment units located on the northern parcel. We feel that this application does promote life-long residence within the Town and it does provide a housing option for seniors within the Town of Halfmoon rather than to move to another community that offers this type of housing. We are here tonight for questions and comments from the Board and the public as well. Mr. Watts asked if anyone from the public wished to speak. Mr. Bill Betts, 77 Hayner Road, stated the following: I am not here against the project. I would like to have a chain link fence put up along the creek and all along my property. I run beef cattle and I don't want the people from the development coming over onto my property. Mr. Bruce Tanski, the applicant, stated the following: I have entered into an agreement with Mr. Betts' attorney. We are going to put up a 20 FT gate and a chain link fence the whole length of the property line and that conversation occurred today. Mr. Watts closed the public informational meeting at 7:11 pm. Mr. Ouimet asked Mr. Lansing to explain the emergency vehicle areas that are depicted on the plan. Mr. Lansing stated the following: A plan was provided to Mr. Tironi to review. In the area around the congregant living building the width of the pavement was increased to 30 FT and we are also providing areas where fire apparatus can access in between the wings of the building and that would likely not be a gravel road and would be more of a turf

reinforcement something where it would be grass and it would be green but would be able to support emergency vehicles in case of a fire or an emergency. Mr. Ouimet asked are the areas that you have placed on the plan areas that have been approved already by the emergency services people? Mr. Lansing stated the following: Correct, yes. We did supply plans to them and they supplied us with comments and we revised the plan and submitted it to the Town. Mr. Ouimet stated I didn't hear any discussion about traffic impacts. Mr. Lansing stated the following: We did briefly discuss this at the last meeting. The traffic study was performed for the project and that study basically determined that this project alone did not trigger any significant impacts to adjoining intersections but it was the growth in the area that cumulatively did create impacts to those intersections and that is something that the applicant is working on with the Town. The applicant has committed to work with the Town on any improvements to those intersections and I believe CHA is doing a corridor study of the Route 146 area to determine what improvements would be necessary at those intersections. Mr. Watts stated very large pieces of equipment have to be able to get in and out and you are talking about turf? Mr. Lansing stated it is called a grass pave and its where gravel goes down and they put these plastic corrugations down and those corrugations transfer the load from the vehicle to the gravel. In between the corrugations topsoil is placed in and grass grows so just the corrugations are below the visual aspects of the turf but it would be able to support a vehicle. That is something that we think we would work with CHA on. This is something that we proposed to try to maintain green space in between those buildings. Mr. Watts asked would that be able to be plowed. Mr. Lansing stated yes. Mr. Nadeau asked Mr. Lansing to point out where that fence is going to take place. Mr. Lansing stated there is an area here where Mr. Tanski is purchasing a parcel of land from Mr. Betts that is about .31-acres. Mr. Higgins stated the following: I would like to agree with Mr. Ouimet regarding traffic. I know originally when the project was brought before the Board there was an emphasis to have the majority of the traffic go out across from the new Town Park entrance. Somewhere along the way the entrance onto Fellows Road went from a secondary to a major entrance into the other area. As I understand it there is supposed to be some improvements to Fellows Road from that entrance down. Mr. Lansing stated yes, if you do recall the original project just included the northern parcel and we only had one access point that was out on Fellows Road and the applicant did agree to provide, at a minimum, improvement to the Fellows Road corridor from the project entrance to Route 236. Since then the applicant did acquire the piece to the south that was added on and we did get a secondary access point on Route 236. So, the applicant is still proposing the improvements on Fellows Road but we do feel that there will be some trips from the senior housing project that would go out and utilize the Route 236 access point. We feel that some of the trips will be distributed down to the south. Mr. Higgins stated the following: With the amount of development in that area; with this project and other projects over on Upper Newtown and with the State's lack of willingness to do major improvements because of the financial situation, I think what we are going to see is a lot more traffic on Fellows Road. Instead of going down and trying to make a left at the end of Upper Newtown Road, the people will come down Fellows Road and make a right and go to the light. Mr. Bruce Tanski, the applicant, stated the following: Mr. Higgins is probably right but I think we had entered into an agreement with the Town at a meeting that we had a couple of weeks ago with CHA to join some of the other local developers. So at this point we just really don't know. We're just trying to keep the process going until the Town decides what they want us to do. Hopefully all your questions will be answered by the study that CHA does. Mr. Bianchino stated the following: To update the Board and the public we talked after our meeting and we met with Mr. Tanski and the other developers of three other projects in the area. We talked about the cumulative impact of the development of these projects and the affect that they would have on traffic. We have been working with the New York State Department of Transportation (NYSDOT). We have not had a chance since our last meeting to get together to get into this with the NYSDOT and we are trying to set up a meeting with them sometime next week. Mr.

Ouimet stated the following: Mr. Higgins' just raised an issue that I forget to ask Mr. Lansing about. Does the southern access point onto to Route 236 line up with the driveway for the Town Park? Mr. Lansing stated the following: I believe right now as rendered it does not. I believe it is offset by 125 FT or whatever the Town standard is for the offsets of the intersections. We will work with CHA, the Town and the NYSDOT to align that if needed or we will leave it offset, whichever the NYSDOT and the Town decide. Mr. Ouimet stated I know that at a couple of other meetings we raised the same issue and you guys were going to look to see if you could line them up together. Mr. Lansing stated it is offset right now. Mr. Nadeau asked where is the Town Park driveway right now? Mr. Lansing stated it is to the south along the southern boundary. We could line them up if it is something that is required. We felt this was kind of nice because this potential future commercial lot would have two corners and would be better offset. We would liked to but again we will work with the Town and the NYSDOT on that. Mr. Nadeau asked what is the time frame going forward with this project because if there are changes that need to be made, how would it affect this project? Mr. Bianchino stated our intention is to try and get a consensus on the best plan. Obviously, the NYSDOT has certain opinions. The Town wants to protect the existing residents and the new residents that come in and we want to make sure that people can get in and out of these roadways. The NYSDOT has a concern as well about the mainline traffic and looking at interruptions to that. We are hoping to set up a meeting for this coming week or next week to try to come to at least a conceptual idea of what we want to take forward. Then we will have to get into more detail so we know what the cost of those things are and then we can advise the developers as a group of what we want to do. Mr. Nadeau stated so this is not something that is 6 to 8 months ahead because you are looking at it now? Mr. Bianchino stated yes.

This item was tabled for further review.

**Public Hearing:**

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

Mr. Watts opened the Public Hearing at 7:20 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Brian Ragone, of Environmental Design Partnership, stated the following: I am here to present the 2-lot subdivision for Abele Builders. The first parcel is currently 176-acres and a portion of that parcel was just recently approved by the Town Board as the Glen Meadows Planned Development District (PDD) for approximately 148-acres of that 176-acre parcel. Parcel 2 is currently 125-acres and that is still zoned as Agricultural-Residential (A-R). When they did the PDD, it left out a 27.7-acre piece of parcel and that stayed zoned as A-R. At this time what we are basically doing is a land transfer to formalize the PDD boundary with adding this 27.7-acre piece to the existing 125-acre parcel. The totals for the PDD are now 148.5-acres and the second parcel would now be 152-acres and would remain as is, which is currently farmland. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 7:20 pm.

Mr. Roberts made a motion to approve the major subdivision for Glen Meadows PDD. Mr. Ruchlicki seconded. Motion carried.

**New Business:**

**09.009 NB      Subway, 1709 Route 9 (Bldg. A @ Shoppes of Halfmoon) – Change of Tenant & Sign**

Mr. Bruce Tanski, the applicant, stated the following: This application is for a new tenant in the building that the Sushi Thai at the Park and the barbershop are currently located. Mr. Eddie Hicks is the gentleman that has the Subway franchise and he also has a Subway Shop across from the Clifton

Country Mall. The proposal is for 14 tables, 35 chairs and a total of 12 employees; 6 full-time and 6 part-time employees and they would not all be there at the same time. They would have the standard Subway menu and the hours of operation are Monday through Thursday 7:00 am to 9:00 pm.; Friday and Saturday 7:00 am to 10:00 pm and Sunday 8:00 am to 8:00 pm. The sign would be the same as the other tenants; except the only difference is that there is a little bit of yellow in it. The sign would be one sided, 2 FT x 8 FT, above storefront, internally lit and a total of 16 SF. Mr. Roberts asked if the sign would have neon. Mr. Tanski stated no, the sign would be backlit like the rest of the signs. Mr. Watts stated I hope they advertise as being located in Halfmoon because there are some surrounding businesses in the Shoppes of Halfmoon who think they are located in Clifton Park.

Mr. Nadeau made a motion to approve the change of tenant application for Subway. Mr. Ouimet seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Subway. Mr. Berkowitz seconded. Motion carried.

**09.070 NB      Pettes/Smith Lot Line Adjustment, 9, 11 & 13 Northern Sites Drive - Lot Line Adjustment**

Mr. Tom Andress, of ABD Engineering, stated the following: I am representing Mr. Archie Pettes and Mr. Brian Smith for a lot line adjustment between Mr. Pettes' property, Mr. Smith's property and another parcel that is owned by Mr. Pettes. Mr. Pettes's parcel would become smaller from 5.16-acres down to 4.76-acres. The 1.55-acre parcel would become 1.44-acres and it would increase Mr. Smith's property. Mr. Smith's property would go from 4.1-acres to 4.7-acres. Now the two parcels would be equal and it works better to give more land around it. Mr. Pettes is looking to eventually sell his home and Mr. Smith is Mr. Pettes' son-in-law.

Mr. Berkowitz made a motion to set a public hearing for the September 14, 2009 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

**09.071 NB      Dave's Place, 1471 Route 9-Suite 105 (Crescent Commons) – Change of Tenant & Sign      (Formerly Rome Plaza)**

Mrs. Murphy recused herself from this item. Mr. Dave Powers, the applicant, stated the following: The proposals for Dave's Place is 440 SF of space, with 3 booths and we would probably require 3 parking spaces. I am before the Board for a change in occupancy. Mr. Watts stated the application states that the hours of operation would be approximately 8:00 am to 5:00 pm during the week. Mr. Powers stated Tuesday through Friday 8:00 am to 5:00 pm and on Saturday the hours of operation would be from 8:00 am to 1:00 pm. Mr. Watts asked if they would have 3 employees. Mr. Powers stated yes, 2 rentals and myself. The proposed sign would be one sided, 2 FT x 8 FT for a total of 16 SF plus a 1 FT x 5.5 FT tenant panel on the existing freestanding sign. The location of the sign would be above the storefront and it would be internally lit. Mr. Roberts asked if the sign had any neon. Mr. Klimkewicz, the owner of the plaza, stated there would be no neon.

Mr. Roberts made a motion to approve the change of tenant application for Dave's Place. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Dave's Place. Mr. Ouimet seconded. Motion carried.

**09.072 NB      Assured Source, 14 Corporate Drive – Change of Tenant**

Mr. Tom Andress, of ABD Engineering, stated the following: The proposed change of tenant would be located at 14 Corporate Drive in the Abele Business Park. Assured Source would be located in the same building that the Abele's have their office in. There currently is a vacant space on the bottom level of the building and Assured Source would occupy half of that vacant space. Assured Source is a benefits and payroll company and everything is done over the internet and over the telephone. Mr. Higgins asked if there would be adequate parking. Mr. Watts stated yes.

Mr. Higgins made a motion to approve the change of tenant application for Assured Source. Mr. Berkowitz seconded. Motion carried.

**Old Business:****08.059 OB      Werner & Searles Subdivision, Werner Road – Major Subdivision**

Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am representing Pipino Builders. We are here to address the revisions as per comments from the July 27, 2009 Planning Board Meeting for a public hearing. The two main issues that were talked about were to revise the turnaround at the end of the street and we have moved that further south so it would give it more room for Lot #4 and it would make a better configuration. Also a revision was to the area for the stormwater retention. We just set up the lot around what will be the actual stormwater retention basin and the remaining portions would be added to each of the lots on either side. Mr. Higgins stated the map that we have that is dated August 17, 2009 still shows lands to be dedicated to the Town of Halfmoon. Mr. Rabideau stated the latest map revision is dated 7/29/09. Mrs. Murphy asked are you still saying that you want to dedicate the land to the Town of Halfmoon? Mr. Rabideau stated yes, that is correct. Mr. Higgins asked didn't you just say that the two pieces were going to be split between the two adjoining properties or is that the actual stormwater retention area? Mr. Rabideau stated yes. Mr. Higgins stated it doesn't say that on the August 17, 2009 map. Mr. Rabideau stated the following: It was set up to go around the proposed retention areas. Basically the excess lands we annexed to each of the adjoining lots. Mr. Higgins asked are you referring to the back land? Mr. Rabideau stated that is correct. Mr. Higgins stated but the front land is the actual stormwater retention area? Mr. Rabideau stated yes that lot was set up to go around the actual physical structures. Mr. Watts asked if the map had to be revised? Mr. Bianchino asked if the map indicated that it would be dedicated to the town. Mr. Higgins stated no it doesn't indicate what it is for. Mr. Rabideau stated okay we will add that to the map.

Mr. Higgins made a motion to approve the major subdivision application for the Werner & Searles Subdivision contingent upon submission of a revised plan with the Stormwater Management Area (SWMA) labeled. Mr. Nadeau seconded. Motion carried.

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

Mr. Ruchlicki recused himself from this item and Mr. Leonard sat in for him. Mr. Brian Ragone, of Environmental Design Partnership, stated the following: This presentation is for the Arlington Heights PDD Phase II subdivision. Since the last meeting we revised the plan based on a lot of the Board's comments and hopefully I have satisfied most of them if not all of them. We now have a minimum lot size of 10,000 SF for each lot. To do this we had to take a portion of the existing PDD of the Arlington Heights Phase I and make it part of lots #1, #2 and #3. This shouldn't have any affect on those existing lots that were in Arlington Heights Phase I. We have added side-load garages to mix up some

of the house styles to have a different variety. We have added an area for a community garden in Phase II where the residents can do planting and have their own individual gardens. The total lot count is 30. I know at one point we had proposed an additional lot in Phase I that would come when you got rid of the hammerhead turnaround and that has been removed due to us taking some of the land from Phase I. If the Planning Board is satisfied with the revisions, we would like to be referred back to the Town Board. Mr. Ouimet asked have the side yard setbacks been changed? Mr. Ragone stated the side yard setbacks are 7.5 FT and that was not changed. Mr. Ouimet asked which lots would have the side-load garages? Mr. Ragone stated we currently show lots 1, 19, 20, 21, 25, 26, 27 and 30. Mr. Ouimet asked if those lots were shown on the current plan. Mr. Ragone stated no. Mr. Ouimet asked is that because you have deeper side lots on those? Mr. Ragone stated yes, those are some of the bigger lots. Mr. Ouimet stated I think one of the issues that we all raised at the last presentation was that we thought that the side yards were too narrow and we asked the developer to look at whether or not he could increase them to the normal 10 FT side lots. Mr. Ragone stated right now I know that the building is approximately 40 by 55 or 60 FT. Mr. Ouimet stated it seems that the increase in lot size was made in depth as opposed to in width. Mr. Ragone stated a lot of the lots in the middle show 7.5 FT at the line but a lot of the lots have an increased lot size. Since we put the connection in some of the lots got squeezed in so they are the tighter lots. Mr. Roberts stated with that being said you may have to lose some lots to meet what we are trying to do here. Mr. Nadeau stated the following: Right, because initially you basically just increased the rear portion of the lots. Our concern was that the lots were too tight and you have not made any changes to the smaller side yard setbacks. Nothing has taken place other than the depth of the lot and I don't think that was what we were looking for. Mr. Ouimet stated neither was I. Mr. Higgins stated the following: I agree with what's being said. We were concerned with not only the size of the lots but also the side yard setbacks. Mr. Ouimet stated the following: I think it is even greater than that. I think our predominant concern was with the size of the side lots. Mr. Ragone stated I am new to this project and I was told it was with the minimum lot size needed to 10,000+ SF. Mr. Ouimet stated I just want to make it clear that the concerns that we expressed at the last meeting and then again tonight is the 7.5 FT side yard setbacks don't seem to make it in my mind. Mr. Higgins stated I agree one hundred percent. Mr. Nadeau stated to clarify; we were looking for an increased square footage but the intent was wider side lots not deeper lots. Mr. Ragone stated okay. Mr. Higgins stated or a combination of both. Mr. Ragone stated right, we got the deeper lots but it was also the side yard setbacks. Mr. Leonard stated but the side lot was the overriding concern of most of the Board members. Mr. Ragone asked are you looking for a 10 FT side yard setback on each side? Mr. Higgins stated a minimum of 10 FT. Mr. Watts stated I know this is a PDD but what is the Board asking for and what does our zoning require? Mrs. Zepko stated the PDD code states that the minimum setback requirements for side yards states that no building can be closer than 20 FT to another building so a minimum of 10 FT side yard setback is required for both side yards. Mr. Roberts stated the whole point is that these are getting too tight and that is the whole problem. Mr. Ouimet stated the following: It seems to me that the only reason why they're decreasing the side yards is to get more housing units in there. There hasn't been any discussion as to why this particular development needs to have 7.5 FT side yards neither the last time nor this time and we haven't heard anything other than that. Mr. Ragone stated the density calculations say it is 33 lots and we are showing 30 lots. Mr. Ouimet stated I guess what I am saying is maybe there is a reason that the developer has this and why this development needs to have 7.5 FT side yards but I haven't heard any reason why. Mr. Watts stated the following: Those were the concerns that were evidenced at our previous meeting by the Board and these concerns are still there. We still have to refer to this CHA. Mr. Ragone stated I know there was a comment letter that we hadn't addressed yet because we wanted to make sure that we were good with the Planning Board before we addressed this. Mr. Watts stated the following: That was our big concern at the last

meeting and I know that Mr. Nicholson and Mr. Belmonte were present for that meeting. Some of the Planning Board members had that opinion and a few of the members didn't and that was evidenced by the Board as a major concern. Mr. Ragone asked at this point could this project be referred back to the Town Board. Mr. Watts stated the following: No, we haven't even had a public informational meeting. You have heard the concerns of the Board like Mr. Nicholson and Mr. Belmonte heard at the last meeting. This was an attempt to address those concerns but you have not addressed the side yard requirements particularly.

This item was tabled for the applicant to address the Planning Board concerns and comments.

Mr. Ouimet made a motion to adjourn the August 24, 2009 Planning Board Meeting at 7:45 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Department Secretary