

## **Town of Halfmoon Planning Board**

### **Meeting Minutes – April 8, 2013**

Those present at the April 8, 2013 Planning Board meeting were:

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

**Director of Planning:** Richard Harris  
**Planner:** Roy Casper

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the April 8, 2013 Planning Board Meeting at 7:05 pm. Mr. Watts asked the Planning Board Members if they had reviewed the February 25, 2013, March 11, 2013 and March 25, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the February 25, 2013, March 11, 2013 and March 25, 2013 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Nadeau and Mr. Berkowitz abstained from the March 25, 2013 Planning Board Meeting due to their absence.

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

**12.109**

**&**

**12.110 PIM**

**Halfmoon Assisted Living/Special Needs Assisted Living Facility,  
410 Route 146 – PDD Amendment/Minor Subdivision/Commercial  
Site Plan**

Mr. Watts opened the Public Informational Meeting at 7:05 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Kevin Dailey, Esq., stated the following: I'm representing Boni Enterprises LLC, who is the owner the owner/applicant of the property. We are here this evening responding to the Board's desire to have a public informational meeting. There are two aspects to this project: Firstly, I would like the Board to know that we have several maps here this evening. We have the map of the original Planned Development District (PDD) that was approved in 2008. We have a map showing Lots #5, #6, & #7, that is a 25-acre parcel which would constitute the area for the new PDD which is being created from the 81-acres that makes up the existing PDD. The second aspect of this is, hopefully if the PDD passes, that we will be back before this Board for a site plan approval for a memory care/memory

loss facility continuing care of 104,850 SF with 133 beds that would be featured on Lot #7 and that would require a site plan approval from this Board. At this time I would like to introduce Mr. Scott Lansing, our engineer for the project who will discuss some of the same aspects that were discussed 2 weeks ago. We also have Mr. Jay Hopeck here from the Pike Company relative to the site plan and some of the aspects of the building. I think that some of the public may wish to ask some questions or know about the entire projects. Mr. Scott Lansing, of Lansing Engineering, stated the following: As Mr. Dailey had explained, the proposed the PDD is approximately 25-acres and we do have Lots #5, #6 and #7. Lot #7 is actually a combination of Lots #7 and #8 from the original PDD, but we will refer to Lot #7 as part of the proposal. As a part of the PDD, Lots #5 and #6 are proposed to remain unchanged and they would keep the same square footage, the same parking as what's proposed currently in the original PDD. The primary change is to Lot #7 and as a part of the proposal for Lot #7, there were some updates or changes in the wetlands. We did have the wetlands re-verified by the New York State Department of Environmental Conservation (NYSDEC) and the Army Corp. of Engineers (ACOE) and in their review of the wetlands there was a rather large finger of wetlands that comes up into the proposed PDD that was originally designated as a NYSDEC wetland. NYSDEC wetlands do require a 100 FT buffer along with those wetlands and that designation was changed from a NYSDEC wetland to an ACOE wetland, so therefore, the 100 FT buffer was eliminated from that wetland. So, that did provide us with more area for potential development on the parcels and with that the applicant's are proposing a larger building. Originally, there was approximately 16,000 SF proposed on the combination of the 2 lots. With this new proposal, there is approximately 104,000 SF. It is a different type of use in that the use is less parking intensive than the original proposal. Although there was a net increase in square footage for the parcel, the requirement for the parking spaces only increased by 9 parking spaces for the overall PDD. We did provide a table to the Board at the last meeting so they could summarize the differences in the PDD. The primary difference between the overall is approximately a net gain of about 90,000 SF and a net increase of approximately 9 parking spaces for the parcel. Mr. Hopeck is present tonight from the Pike Company to discussed the proposed building for the site. Mr. Hopeck stated the following: The building itself is about 105,000 SF and 4 stories. The entry level of the building would be at 3 stories. The way the topography works the backside of the building would have 4-stories and the lower level is proposed for the food service, the kitchen and some additional units. The proposal is for 133-units and right now it is assisted living, memory care, and a special need assisted living. This is a private pay facility and we estimate that it would generate about 103 jobs and there would be 3 shifts; 7:00 am to 3:00 pm, 3:00 pm to 11:00 pm and 11:00 pm to 7:00 am. Each shift would have about 20 employees. Actually there would be a 4<sup>th</sup> shift which would be a standard 9:00 am to 5:00 pm shift which would be the director and some of the senior administrative staff. Again, this is a private pay assisted living memory care and we believe it is the first facility in the Town of Halfmoon. We've done all of the demographic studies and there is strong need for it in this community and we think it will be a great project and hopefully a very successful project. Mr. Watts asked if anyone from the public wished to speak. Mr. Jerry Baker, 88 Fellows Road, stated the following: The back of my property is Route 146 just down the road from this site. I would like to know what you're proposing for the traffic problem that this project is going to create. Mr. Dailey stated we did a traffic study in 2008 as part of the original PDD process. Mr. Baker stated it's not up-to-date now because there have been a lot of places built by Mr. Bruce Tanski since then and the traffic has increased tremendously. Mr. Dailey stated the following: The study is on file here in the Town and you can certainly read it. One of the important points that we need to make and for you to understand is that even though it is a larger building, the traffic impacts from this facility are about the same as the medical office that was previously approve there. Once again, we have 133 beds and none of these people would drive

because Alzheimer patients aren't driving. So, in terms of staff, there are 3 shift with about 20 people on a shift and there would be visitors. However, you will get more visitors on the weekends than you would during the week. We have a traffic study and we're doing a supplemental traffic study to the original study that we will be submitting to CHA and the Town, and I think that will answer your question. Mr. Baker stated the following: I still don't think it's going to solve the problem. You're going to have a lot of traffic there and you've also created some entrances now. Are you going to create any other lanes for turning in and out of there or is that going to be the only entrance off of Route 146? Mr. Dailey stated the following: The original traffic study does talk about turn lanes into the facility at a future time, which would be triggered at a certain point in the development. This facility by itself would not trigger that, but later on as the 81-acres behind it develops, there would be a need for a traffic turning lane on Route 146 in front and for intersection improvements at Route 236 and Route 146 and farther down heading towards Route 9 and that is all in the traffic study that was approved in 2008. Mrs. Laura Perrault, 5 Werner Road, stated I don't know where the entrances to this are going to be relative to Route 146, but I know they are clearing right across from Werner Road. Mr. Lansing stated the following: Basically, as far as the access point, the D & R Village Mobile Home Park is directly to the north of the parcel so, our access point is a point where sight distance is optimal and that would be at the high point of our property, the northern most part of our property just south of D & R Village. So, basically it would be at the property line between D & R Village and this facility. Mr. Watts asked Mr. Dailey to clarify where Mrs. Perrault mentioned that there was land that was being cleared, because I do not believe that land clearing is part of this project. Mr. Dailey stated the following: Opposite Werner Road there is a 32-acre parcel that is owned by Dr. Jerry Bilinski. Dr. Bilinski grew up in the Town of Halfmoon and he now lives in North Chatham. Dr. Bilinski is a veterinarian, but he is also a farmer and that area that has been cleared across Werner Road is Dr. Bilinski's property. He intends to farm the land and he intends to put a crop in this year. We get a lot of calls about that piece of property because people get a little confused. We are the next piece of property going west. Mr. Watts stated at the current time there is no plan to develop that parcel or if there was, it was a very small building in the front. Mr. Dailey stated that is correct and I know that there is an application in for a small office building by Dr. Bilinski, but I think at this point he desires to hold off on that. Mr. Watts stated so relative to your questions about traffic to from that site you see, I believe at one point they wanted a much larger building there and after meetings with Planning Board, it was determined that that wasn't going to work on that particular site so, that's on hold now and there is going to be some farming of soybean crop or whatever. Mr. Fred Bahr, 29 Willowbrook Terrace, asked what is the greenspace like, in other words, what is the amount that might be left untouched? Mr. Lansing stated for the proposed PDD the required greenspace is 20% and we have 40%. Mr. Bahr stated the following: What would you characterize as the benefit to the Town. I understand the jobs and that seems great, but what other benefits are there that I might be overlooking? Mr. Dailey stated the following: As Southern Saratoga County is developed; our population probably in the southern end of the County is about 100,000 people. This 81-acre parcel is proposed as a medical campus and there is nothing like this in the community. There is nothing in the way of healthcare or in the way of continuing care for seniors and I would ask you to take a look at the census figures from 2010. The Town has gotten older, the community has gotten older and there is a tremendous need in our community now for not only better healthcare, but for this type of living for senior citizens, of which there are many more than there used to be in the Town of Halfmoon and in Southern Saratoga County. So, it does fill a healthcare need in a community where it is needed right now. Mr. Bahr stated I guess that gets to my last questions; I think there are 81 additional acres that there are plans for and could you briefly explain what those plans entail? Mr. Dailey stated the following: In 2008 the Town Board of the Town of Halfmoon

approved a PDD for the entire 81-acre parcel and the map features a 225,000 SF 5-story building for medical uses. We have always referred to that as a hospital and there is a hospital need in this community and we would like to see that here in the community at some time. If you never had to go to a hospital yourself, if you have a serious injury or you have a heart attack or a stroke and you call 911; chances are by the time the ambulance gets your house, picks you up and takes you in any direction north, south, east or west, it's a 45 to a 50 minute trip to the nearest hospital. Chances are that you don't make it. I've had a heart attack and I know where I live and I wouldn't make it to the hospital if I had another one. If there is a facility here in the Town of Halfmoon, this might be the difference between my life and death. In the back of the property we have designated 160,000 SF for Bio Medical Nano Research. We're in discussions with RPI and St. Peter's Hospital about this facility. You may not know it, but at the Luther Forest Campus, the PDD legislation does not include anything that's in the Nano medical area. We're hopeful that through negotiations and I can tell you right now that Global Foundries is in discussions with RPI looking at RPI to assist in the design of chips. Future chips that will be designed that will go into future medical devices and that is going to require a research facility. Chances are that it isn't going to be in Troy or Albany and if it can't be on the Luther Forest Campus, I can envision that it could go right here in the Town of Halfmoon. That would be a good clean ethical medical use for this campus. The other 82,000 SF is designed for medical offices for doctors to support the main facility. We are proposing here tonight 104,000 SF for essentially Alzheimer's memory care loss patients and this facility starts the process. At the time we received our approval in 2008, the bottom fell out of the economy. At the same time there were hospital closures and hospital mergers going on in New York State and in the Capital District because of the Berger Commission Report. So, everything has been sort of topsy-turvy in terms of getting something going here. We've never given up, we feel it's good for the community and this is the first solid proposal that we've had to get something established here in the Town and that's why we are before the Board. Mr. Bahr stated the hospital discussion is irrelevant for tonight, right? Mr. Watts stated the following: Correct. If you were at the meeting a couple of weeks ago, I pointed out that the hospital is something that the applicants wants, it's part of the PDD, but there is a whole run of activities that have to take place, but most critically is a Certificate of Need from the New York State Department of Health (NYSDOH) saying "you need a hospital and we'll approve it" and that remains to be seen. The issue of hospitals is an ever-changing medical care and would I like to see something go there, sure. What we're going to see today, I couldn't say. Mr. Dailey is trying and the applicant is trying, but that's where we are. Ms. Melanie Claeys, 423 Route 146, stated the following: I've been following the possible hospital building for the last 4 or 5 years. So, I'm very much in support of a memory care or an Alzheimer facility because I'm a registered nurse. My question is concerning jobs. I thought I had read in a previous article in the newspaper that there was going to be an external staffing, a medical staff or some type of an external organization that was going to be staffing this facility. I would like to confirm that that's not the case because there are a lot of very qualified people in this area that need jobs and would love to be included in that hiring. So, I would like to open that up and hopefully you are going to include people that are local and qualified. Mr. Watts asked do you have an actual operator yet? Mr. Hopeck stated the following: What we do is we hire an operator and we will bring on a management firm and generally they do recruit locally and they hire all the people locally. There are numerous firms throughout the country and several here locally that we hire as the main operator. But again, to answer the questions, they do hire pretty much locally. Mr. Watts stated we would encourage that greatly as a Town. Mrs. Laura Perrault asked as a registered nurse working the community designing the building, did they take much into consideration having more of a homelike environment for the people with assisted living? Mr. Hopeck stated the following: A quick answer;

yes. Because this is considered a private-pay type facility, the rates are a little higher, the rooms are a little bit more spacious, the configuration lends itself to a higher level of programs that the operators have. There is considerably more program space, different activity type spaces, outside gardens and a lot more activities. Everything is supervised, but it does have a higher level of design than typical facilities that you might have gone through. Shiam Min Chang, 468 Route 146, asked are assisted living facilities associated with any healthcare networks like St. Peter's, Albany Medical or Ellis or is it independent? Mr. Hopeck stated this one is independent. Mrs. Marcia Johnson, 445 Route 146, stated the following: I have lived there for 40 years, we have commercial property on this road and we are 100% for this project. We've been for it since 2008 and we've been waiting and nothing has been happening. As far as the traffic situation that people are worried about, that shipped sailed. We can't get out of our driveway. Perhaps if we had more commercial development, people coming up that road would actually get jobs in Halfmoon that would have to go by our driveway, this is just a thought. Please approve this project. Mr. Watts stated that he had obtained a letter that was asked to be read into the record. It is a bit lengthy and was submitted by a Cathy and Jeff DeLong. Mr. Watts read the following letter: (see pages 6 & 7).

April 4, 2013

Messrs, R. Harris & S. Watts  
Town of Halfmoon Planning Board

Dear Sirs:

I am writing regarding the "Assisted Living of Halfmoon" proposal set for a Public Information hearing on Monday. I would appreciate you reading my letter and entering it into the public record for this proposal. I am a recently retired employee of the NYS Department of Health. My job as a Health Program Administrator I was in the Office of Long Term Care, Licensure and Certification of Adult Homes. As such, I regard myself as well versed in the laws of NYS regarding Adult Care Facilities. The minutes of December 10, 2012 and last week's presentation have given me great concerns. Here are some of the issues:

-The regulations state that: 'Any person, partnership, corporation, organization, agency, government unit or other entity which operates an assisted living residence is subject to the jurisdiction of the Department, and must comply with this Part or cease operating such program. (Chapter X, Assisted Living Residences, Part 1001).

The attorney for the applicant stated that since they are a private facility, they do not have to file a Certificate of Need (CON) for this facility. This simply isn't true, during the course of my career I licensed many private facilities across the state. If a facility is unlicensed, they can incur fines of up to \$1000/day and closure. In addition, Long Term Care Insurance will not pay for residents in unlicensed facilities.

-The applicants are terming this a 'medical facility'. This also is not true, Assisted Living Facilities are not allowed by law to provide Medical Services. They do provide housing, 24 hour monitoring, daily food service, case management and personal care. They state that their staff will be high paid nurses and clinicians. The majority of staff at these facilities are Resident Care Aides, a much lower pay rate. The residents continue to see their own primary care doctors for medical issues.

-Before a shovel can be put in the ground, the applicant must file and have Part I approval. This includes Legal, Architectural, Financial, Character & Competence, Public Need and Regional Approval. Due to the extreme short staffing of the Department due to many senior members retiring, the timeline for this would probably be over a year if the applicant is cooperative with the Department. There are already hundreds of applications being processed and this applicant hasn't even filed yet.

-The applicant states that this will be a four story building. Depending on the construction, Special Needs Residents can only be placed on the grade level and one level above.

-The applicant referred to demographics and market studies. These mean nothing, the Department does a need analysis based on current beds, beds in the pipeline and Cornell University population studies projecting future need. Saratoga County has several well run facilities including Good Shepherd in Malta and Saratoga, Prestwick Chase in Saratoga, Beacon Point in Clifton Park and Woodlawn Commons in Saratoga. Some of these facilities already have applications being processed for additional beds.

-I have a concern that the applicant is not being identified, being described as someone who is familiar with these facilities, but doesn't even know that he has to be licensed. I think the applicant should be identified so we can research for ourselves who this individual is, particularly his history in the senior health care field.

It seems that the Town Board forwarded this application to the Planning Board without doing its own due diligence. An Assisted Living Facility with Special Needs Certification could be a great thing for the town, but not as it is presently proposed. I would prefer to see a not for profit facility that accepts Social Security at least as partial payment. These private proprietary facilities can cost from \$3000 to \$6000 a month, a cost that I don't feel many of our older residents can afford. When their medical needs become greater they will have to transfer to a Nursing Home. By that time, they will have exhausted their resources and where will they go? This is particularly timely with the County discussing selling our Nursing Home.

I sent two emails to the Town in January stating that this applicant must be licensed by the State. I received no reply. I have already spoken to staff from Licensure/Certification and Enforcement (off the record) regarding this proposal and the two other facilities downstate. They also share in my concerns and quite frankly we are all shocked by the ignorance of this applicant regarding the Laws of NYS. I think this project should be tabled until the applicant does their proper research and is ready to meet the regulations to apply for Licensure. They must be an approved Adult Home then seek certification for an Assisted Living Residence and a Special Needs Certification which would cover the memory care unit. I would also like to see the applicant apply for respite care so caregivers can be given a break for up to six weeks per year per resident.

Thank you in advance for entering this letter into the Public Information meeting. I care a great deal for the Seniors in our community and want nothing but the best for them. This is not it.

Catherine DeLong

221 Cary Road, Halfmoon, NY

Mr. Watts asked was there any response from the audience on this? A woman from the audience asked if a Certificate of Need had been obtained for this facility? Mrs. Murphy stated that this project would not be able to move forward without being able to meet the requirements of other boards or agencies. Mr. Shiam MinChang of 468 Route 146 stated that assuming the applicant receives all of the necessary approvals from the other agencies and so forth, what is the timetable for building the facility? Mr. Hopeck stated that their timetable for this application will be about 12-14 months to build. Mr. Jerry Baker, 88 Fellows Road, asked for the Board members opinions on the project. Mrs. Lyn Murphy stated legally the Board cannot respond as that is known as "polling the Board" and until the vote is actually made, they are unable to respond on their opinions. Mr. Watts closed the Public Informational Meeting at 7:41 pm and asked the Board members if anyone wished to comment?. Mr. Nadeau stated that he wanted to clarify that Mr. Daily had stated that the traffic turning lanes would only be added at the final approval of the other parcel and not this project. Is that correct? Mr. Higgins stated that he feels that the Board has not received much information regarding the buildout of the remainder of the PDD and that he feels that needs to be looked at. Also the issue of landbanking some of the parking had been discussed at a previous meeting and at this time the plans have not been changed to address that. Mr. Hopeck stated that they have not yet revised the plans to show that change, but that can be reviewed and the changes submitted to the Town. Mr. Higgins stated that you also need to show on the plan the placement of the wells on the adjoining properties. Mr. Daily stated that the buildings on lots 5 and 6 were already approved with the original PDD in 2008. This new PDD had not changed anything relating to them at this time although there are plans to change them in the future. The PDD would be required to be amended should those changes need to be made. Mr. Scott Lansing of Lansing Engineering stated that as far as wells, the PDD map does show the placement of wells on the adjoining parcels; however, public sewer and public water serve the area. We will look into to that further and update the maps should that be necessary as we move forward. Mr. Higgins stated that the function of Public Benefit is not within the Planning Board but a function of the Town Board and something that they will review as the project moves ahead. Mr. Ouimet asked what happens first, is the building built and then you seek an operator or do you find the operator and then construct the building? Mr. Hopeck stated that the operator comes first due to financing and are a big part of the fine tuning of the design based on needs for their facility functions. Mr. Ouimet asked if they were waiting on a resolution of this application for the next step. Mr. Hopeck stated yes. The PDD approval is the most critical step in the process. Mr. Ouimet asked if this design was simply a prototype of a possible layout, or if this was an actual design for this site? Mr. Hopeck stated that this is the actual design of what would be constructed at this location. Mr. Ouimet stated that the parking had been discussed and the Board does not have a set structure for parking requirements with this type of facility. He asked if that information is available on the other locations of similar sized facilities? Mr. Hopeck stated that parking is a somewhat difficult calculation for this project, as it is really just the staff and visitors that need be accounted for, as the residents typically do not drive. We will provide that information to the Board. Mr. Daily stated that he has been working with Mr. Bianchino, specific to this project, regarding parking and continued research is being done. Mr. Bianchino stated that the breakdown of greenspace shows approximately 68% of the PDD site, just to clarify a question that was asked early. Mr. Berkowitz made a motion for a positive recommendation for the Halfmoon Assisted Living PDD to the Town Board. Mr. Higgins seconded. All-aye. Motion carried.

The Planning Board held a public informational meeting regarding this PDD Amendment. Residents expressed concerns about the additional traffic volume the project would create on Route 146. The Planning Board requested that the applicant address land banking for parking, whether public water



and sewer is available and the percentage of the proposed PDD that will be designated for open space. The Board approved a positive recommendation on the PDD Amendment to the Town Board. If the PDD Amendment is approved by the Town Board, the applicant will be required to come back to the Planning Board for Minor Subdivision and Commercial Site Plan approval for the Assisted Living/ Special Needs Assisted Living Facility.

**Public Hearings:**

**13.031 PH Suchocki Subdivision, 51 Harris Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:50 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. David Flanders, of David A. Flanders Surveying & Site Consultant, PLLC, stated the following: I'm here tonight with Mr. Bill Suchocki and we're proposing to subdivide out of the 212-acre farm, a 1.4-acre parcel for his future home. The existing parcel lies on the easterly side of Harris Road just south of Chester Drive. We're going to be tying into the Saratoga County Sewer District and there is manhole located right near the northwest corner of the parcel. We are also going to be tying into the Town water supply system that's on the easterly side of Harris Road. Mr. Watts asked if anyone from the public wished to speak. Ms. Annie Freidman stated the following: My daughter lives at 17 Harris Road and we have an interest in that house. You mentioned the sewers; would that just be on the side of the proposed subdivision or would that go on the other side as well? Mr. Flanders stated the sewer manhole is already there so we would just be tying a lateral directly into it and we would not be changing the sewer line. Ms. Friedman asked would the opposite side of the road get the sewers if they don't have sewers right now? Mr. Flanders stated we're not proposing to make any changes with the County system. Mr. Watts asked is this subdivision for one house? Mr. Flanders stated yes, one house. Ms. Friedman stated it just seems like a lot of acreage for one house. Mr. Watts stated well, that's what the applicant wants to do. Mr. Watts closed the public hearing at 7:53 pm. Mrs. Murphy stated it was my understanding that you had determined that there was no significant impact for SEQR purposes and that we're declaring a Negative Declaration.

Mr. Roberts made a motion to declare a Negative Declaration regarding SEQR. Mr. Nadeau seconded. Motion carried.

Mr. Ouimet made a motion to approve the minor subdivision application for the Suchocki Subdivision contingent upon the applicant obtaining a curb cut permit from the Saratoga County DPW. Mr. Ruchlicki seconded. Motion carried.

**13.034 PH Synergy Tech Park – Phase I, Route 9 – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:57 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Ivan Zdrahal, of Ivan Zdrahal & Associates, PLLC, stated the following: I'm representing the applicant, Country Club Acres. This application is for a commercial realty subdivision located on an 83-acres of land. The project is predominantly located in the Town of Clifton Park. Approximately 1/2-acre of this project site is located in the Town of Halfmoon shown in the red shaded area on the plans that front on Route 9. This parcel would be subdivided by this commercial subdivision into two parcels and the land would be added to the lots in the commercial subdivision. One part would be added to the parcel, which would be for the right-of-way for the proposed access road. The other part would be added to Lot #6, which would be development in the future with the permitted uses in the B5 Commerce District in the Town of Clifton Park. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 8:00 pm.

Mr. Berkowitz made a motion to approve the minor subdivision application for Synergy Tech Park – Phase I. Mr. Ruchlicki seconded. Motion carried.

**13.037 PH      Amann Subdivision, 211 S. Central Ave., – Minor Subdivision**

Mr. Watts opened the Public Hearing at 8:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder Associates, PLLC, stated the following: I'm here tonight representing Ms. Sue McBride for a 2-lot subdivision. The parcel is located at 211 S. Central Ave. The proposal is to subdivide a 20-acre parcel into two residential lots. Lot #1 is approximately 13.5-acres and has existing improvements (single-family home, barn, septic system and a well), which will remain. Lot #2 would be approximately 6.5-acres, which is vacant at this point in time. Lot #2 is proposed for a residential house. Lot #2 will be a flaglot and the subdivision plan shows easements across Lot #1 for ingress and egress. A driveway access strip is proposed from Lot #2 (flaglot), providing direct access to a public road (Route 4/Central Ave.). Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 8:03 pm.

Mr. Ouimet made a motion to declare a Negative Declaration regarding SEQR. Mr. Nadeau seconded. Motion carried.

Mr. Ouimet made a motion to approve the minor subdivision application for the Amann Subdivision contingent upon the applicant showing topography on the final plan. Mr. Nadeau seconded. Motion carried.

**New Business:**

**13.038 NB      Pride Fitness Center, 215 Guideboard Road – Change of Tenant**

Mr. Michael Wright, the applicant, stated the following: We are asking for an approval of a fitness center in the Salty's Plaza located at 215 Guideboard Road. We are proposing to occupy 4,000 SF of tenant space in the plaza. We would not be putting in a Gold's Gym, Event Fitness or a YMCA. We are proposing a small fitness center focused on personal training, some spin classes, yoga and things of that nature. There would be 2 employees and our hours of operation would be from 5:00 am to 11:00 pm. We are hoping, at the top end, to have 400 or 500 members. However, over the hours of operation in the week we would only need 15 to 20 parking spaces to service our clientele. Mr. Roberts asked how many patrons do you expect at one time? Mr. Wright stated the following: There are similar gyms in the area such as Snap Fitness and Cross Fitness who typically don't see more than 5 to 10 patrons at a time. Perhaps in the rush hours, which are a couple of hours before work and a couple hours after work we may see 10 to 15 patrons. Mr. Roberts asked do you limit how many people can show up at one time? Mr. Wright stated the following: No, we don't limit it but the clientele is limited by the cost of the services. So, it's not a \$9.99 or Gym in the Box where we would have hundreds and hundreds of people in the parking lot at one time. Also, with the hours of use with the other businesses that are in the plaza would work with the parking. Mr. Watts asked if people would come in by appointment. Mr. Wright stated the following: Those that have personal training appointments and the classes would be scheduled so they would be there at those times. The people coming in to simply use the treadmills or the other gym equipment would have access to the front room area where all the gym equipment is located at any time that we are open. Mr. Berkowitz asked how many treadmills and elliptical machines do you plan on having? Mr. Wright stated we are looking at 7 treadmills, 3 elliptical, 4 stationary bikes, and 8 pieces of nautilus type equipment. Mr. Berkowitz asked would you have free weights or anything like that?

Mr. Wright stated the free weights are in a back area that would only be used when the personal trainers are there because we have a concern with safety and it needs to be manned with the trainers present in order for those pieces of equipment to be used. Mr. Berkowitz asked is there a separate area for classes? Mr. Wright stated yes. Mr. Berkowitz asked how big is that area for the classes? Mr. Wright stated the following: The front area where the equipment is located is roughly 1,800 to 2,000 SF. The back area where the bathrooms, office and the personal training area are located is probably a total of 2,200 SF. If you take the bathrooms out of there, it would be about 800 SF for the personal training area. Mr. Berkowitz asked how many people could comfortably fit in a yoga class, a Zumba class, aerobics or something like that? Mr. Wright stated 12 to 15 people. Mr. Berkowitz asked does that include the 10 to 15 people who would also be using the gym at the same time? Mr. Wright stated there is a potential for that, but just for the model of this facility it is unlikely that that many people would use it at the same time. Mr. Berkowitz asked do you plan on doing a Silver Sneakers? Mr. Wright stated the following: We would have to see what the reimbursement is on the Silver Sneakers. One of the reasons we're putting this in is because of all the traffic from Halfmoon with people driving all the way over to Planet Fitness and the YMCA. We're going to charge a little bit more and we want the people who are little more serious because we don't want to have that thing on their keychain to say that they are part of a gym. Mr. Berkowitz stated the following: The only reason why I'm asking is because there is a parking problem in the plaza. It's not your fault, but that's just the way it is. So, we have to figure out the maximum number of people you're going to have at one time. It may be a time when the other businesses in the plaza are not busy, but you still have to accommodate that. Mr. Watts stated the following: In the letter that you submitted to the Planning Board you stated, "There are two main areas that will be utilized in the center. The "front" area will contain 35-40 treadmills, stationary bikes, step mills, fitness machines, etc." That is a different number than you mentioned and the letter is signed by Michael Wright. Mr. Wright stated the following: That needs to be amended and I had a planner who put the floor plan together. I'm not seeing 35 pieces of equipment, but I guess there could be 28 to 30 pieces of equipment. Mr. Watts stated the following: I think what this Board needs to be satisfied with, not to speak for the other members, is that this is a successful busy plaza and we're trying to get a sense from you what the maximum number of people is going to be in that place at any one time, because we're going to set standards as to what the numbers are. I think we'd like to approve something there and that's why we're asking you these questions, because we don't need traffic out on Guideboard Road, cars parked over on Route 236 or at Gil's Garage, which we limited the parking at deliberately and the amount of cars that are parked outside. They've done a great job at Gil's with maintaining it, so when people drive by, it looks good. Mr. Wright stated the following: The pieces of equipment that are in the gym are for a variety for the members to come in and use the facility. They're not there so that 35 people are in the gym working those machines and I have another 20 in the back room. Snap Fitness that is located on Main Street in Jonesville has about 6 parking spaces out front and they service between 300 and 400 members. That's the space they have there to go in and there really never more than 3 or 4 people in there using the equipment. I know if you drive by Event Fitness and you see that show over there, where they need a traffic cop out front to get people in and out of, but at \$9.99 a month that's what you get with the 6,000 members that they have there. That's not what we're looking to do. We're not looking to have the 10,000 members that the YMCA has or 5,000 members that Planet Fitness has. This is a different type of facility. Mr. Higgins asked how many people do you feel might be using the spinning at one time? Mr. Wright stated the back room will be a multiuse area, so if we were spinning, we wouldn't be doing yoga, we wouldn't be doing personal training and we wouldn't be doing those things in the back. Mr. Higgins asked is the spinning in the back, because you have 4 stationary bikes up front and I wasn't sure. Mr.

Wright stated the following: That's not where that would be located. These would be taken out of a closet or what have you to use in that area. So, there may be a spin class at 7:00 on a Wednesday and then 8:00 to 9:00 it's Zumba and then 9:00 to 10:00 there is personal training or whatever. So, they're not stacked on one another, so there would be 30 to 40 people in the back room at the same time. Mr. Higgins stated there are two spinning facilities very close to this who easily have 25 or 30 people at a time. Mr. Berkowitz asked how many bikes do you plan on purchasing because that would limit it. Mr. Wright stated the following: It's going to be 5 to 8 bikes and it's close personal training. Again, it's a little higher end and we're going to charge higher end. We know the volume of traffic, we know the location is great and we believe that with this model we'll be able to support ourselves with this. Mr. Watts stated the dilemma that I think we're facing is how do we assure ourselves that should this become an issue at that plaza, what do we do here? I go to the YMCA and I know and I've seen multiple pieces of equipment there, but I've been there at times when you can't find a spot in the parking lot. Also, I've been there when all the pieces of equipment are being used. We're trying to help you, but we're trying to get some idea of how do we control this and if we have a problem with parking there, what do we do? Mr. Roberts stated I don't see a problem in the morning or the early afternoon, but in the evening when Salty's is busy and the Tai Kwon Do has their classes, it gets pretty busy there. I'd like to see the applicant be approved and be successful, but the parking is a concern. I would say if we do approve this, we're going to have to put the owner of the plaza on notice that if things get tight, the vacant places in the plaza may not be able to be approved for anything else. Mr. Berkowitz stated I tend to agree with Mr. Roberts and also it will be self-limiting in that if the plaza were too busy, then you would lose business because your patrons won't want to walk across that parking lot, especially at night. Mr. Roberts stated I would also suggest that if we do approve this, you might not want to have any organized classes in the evening because that's when the plaza gets busy. Mr. Wright stated the following: I guess we have a couple of vacant storefronts in a hopping section of town and I'm not sure what you would approve to go in there with this situation that is there now. We're trying to put a business in there that will help the other business owners in the plaza to draw business for them and to draw business for us. I see your dilemma. Mr. Watts stated I don't want traffic and health issues with the parking. Mr. Higgins stated obviously this Board has a certain amount of discretion, but if you take it just by the guidelines that are in the Town Ordinances, that plaza is already under as far as parking. Mr. Berkowitz stated do you know the hours of operation of Tai Kwon Do and when their busy times are? Mr. Wright stated I don't, but I would assume they would have evening hours and that would be between 7:00 pm to 10:00 pm. I haven't spoken with the owner and I'm not sure of their busy times. I know that the bank obviously has bank hours so; they would be shut down around 4:00 pm to 5:00 pm. I think Gil's closes at 6:00 pm or 7:00 pm. Mr. Nadeau asked are you operating your business now somewhere else? Mr. Wright stated no, not a fitness center. Mr. Watts stated I would like the Planning staff to go over there to take a look at the site with the applicant and try to make a little bit more delineated usage pattern for us, and we will also have Mr. Roberts go to the site with the Planning staff.

This item was tabled. The Planning Board expressed concerns over adequate parking available at the Country Dollar Plaza (Salty's). Pursuant to a request of the Planning Board, the Planning staff, Planning Board member Mr. Roberts and the applicant have scheduled a site visit for Thursday, April 11<sup>th</sup> to assess the parking requirements of the proposed fitness center and other existing commercial businesses located in the plaza.

**13.039 NB      CGM Construction, Inc. - Equipment Garage, Corner of Brookwood Road & Hudson River Road – Commercial Site Plan**

Mr. Chris Marchand, of CGM Construction, Inc., stated the following: I'm here tonight with a new commercial site plan application for our equipment storage garage. The proposal is located on a vacant piece of property located at the Corner of Brookwood Road and Hudson River Road. We began this process about 2 years ago looking to construct this building on another piece of property and we have since moved on to this piece. The property is zoned M-1 Industrial and it's about 7.76-acres in size. In the project narrative that was submitted, I discussed the nature of the building just as a place to store company trucks and equipment. No one would be working out of the building. The hours of operation would be Monday through Friday and our typical working hours would be 7:00 am to 3:30 pm. It may go a little bit later from 7:00 am to 5:00 pm. As I mentioned, no one would be working out of the facility. It would just simply be someone picking up a company truck and they would leave their own personal vehicle there during the day. At the end of the day, when they get done, they would drop off the company truck and head home. We feel this is a pretty simple building and a good location for it. Mr. Nadeau asked is there a mobile home park directly across the street from your proposal? Mr. Marchand stated correct, the mobile home park is across the street on Brookwood Road. Mr. Higgins stated the following: You don't have any parking spots delineated or outside storage areas delineated. Will you be storing any kind of materials on-site at all or would everything be contained within the area that's marked with the silt fence? Mr. Marchand stated the following: Yes, everything would be contained within that area marked by the silt fence. The total land disturbance would be less than 1/2-acre and we are not going to store any materials outside. Everything would be within the confines of the building. In terms of putting in parking spaces, we were just looking to leave it a gravel parking area and we weren't going to pave it. Therefore, I didn't feel like it was needed to delineate parking spaces. If we do decide to pave it down the road, we certainly can put in parking spaces that are sized to the Town Code. Mr. Watts asked what would be the number of personal vehicles that people would drive to work that would be parked there during the day? Mr. Marchand stated the most vehicles that would be outside would probably be 2 vehicles and 2 trucks. The way our business works is that the guys head right to the jobsite from their home and we have some company vehicles that they take home at night and leave at their house. This is just for some of the vehicles that are more specialized that don't get used everyday. For instance; like a rack truck or a dump truck that they are not going to need everyday, but if they need it, they would bring their personal vehicle and leave it outside, take our company truck and then drop it back off at the site at the end of the day. Mr. Higgins stated I assume the design as far as oil or runoff containment inside the garage, are you going to have to some kind of separators. Mr. Marchand stated the following: No, it's no different than anybody's garage and their house. These vehicles are not leaking oil on the ground and they are well running vehicles so, there is no need for that. Mr. Higgins stated no, but the size of the building that you're talking about and the usage that you're talking about; I think we should refer this to CHA to take a look at it because I think that there must be some kind of requirements as far as a business garage. Mr. Nadeau stated typically on the storage of oil it is recyclable so, typically it's drained. Mr. Marchand stated we are not storing oil because it's not like we are mechanics so, we won't be storing oil there. Mr. Higgins stated even runoffs because I know as far as drains in the floor, aren't they supposed to have some kind of an oil separator? Mr. Berkowitz asked if this application had been forwarded to the Saratoga County Planning Board. Mr. Harris stated that it had been forwarded but that comment had not been received back at this time. Mr. Watts asked if the building would be required to have a bathroom? Mr. Marchand stated that he would submit that information when the building permit is applied for, depending on what is required. This building would simply be used for the storage of equipment and not for

maintenance or the washing of vehicles. Mr. Bianchino stated that he recalls some wetlands on that property. Mrs. Murphy stated that she believes that there may be a Town easement on this parcel as well. Mr. Berkowitz asked what was directly south of the site. Mr. Marchand stated that there is a commercial building.

This item was tabled for Saratoga County Planning Boards response and will be placed on the April 22, 2013 Planning Board agenda for consideration of this Commercial Site Plan.

**13.042 NB      Marchand – Duplex, 87 Button Road – Special Use Permit (Duplex)**

Mr. Chris Marchand, of CGM Construction, Inc., stated the following: He is here tonight to request permission to construct a duplex on Button Road. This was the parcel that he had formerly made application for a PDD to place the commercial garage in the previous application on. The parcel is located in the R-1 zone and duplexes are permissible via the Special Use process. Each unit would be approximately 1500-2000 SF for a total building size of 3000-4000 SF. Mr. Roberts asked if the units would be sold or rented. Mr. Marchand stated that he intended to live in one half himself and to rent the other half out. Mrs. Murphy stated that if the Board chooses to set a the Public Hearing for the next meeting, the applicant may want to have the information on the proposed dimensions of the structure to answer any questions that may arise. Mr. Marchand stated that he would not exceed 4000 SF for the size. Mr. Higgins stated that for the Public Hearing the placement of the well and the septic would also need to be shown on the plan. Mr. Marchand stated ok.

Mr. Ouimet made a motion to schedule the Public Hearing for the next meeting on April 22, 2013. Mr. Higgins seconded. All-aye. Motion carried. The Board requested a revised site plan that indicates water and septic on adjacent properties and a more detailed description of the proposed duplex size/square footage (maximum).

**13.040 NB      Donald Simmons Office, 139 Meyer Road – Sign**

Mr. Brian Lyda, representing the applicant, stated that they are here tonight to explain the differences in the originally proposed sign and what has been constructed. The dimensions of the sign were changes by several inches. Mr. Roberts asked Mr. Lyda to please remind the applicant that he needs to call the Town to go over any changes on the site prior to them being made. Mr. Lyda stated okay.

Mr. Roberts made a motion to approve the application for the changes to the sign. Mr. Nadeau seconded. All-aye. Motion carried.

**13.041 NB      Hansen Subdivision, 65 Plant Road – Minor Subdivision**

Mr. Ouimet stated that he wanted to disclose that he had worked with the applicant on the Zoning Board of Appeals prior to working on the Planning Board. He feels that he does have the ability to be objective regarding this proposal, but wanted to state that for the record for the purposes of full disclosure. Mr. Watts stated that if the applicant did not have any objection he sees no reason why Mr. Ouimet cannot act as an impartial member on this item. Mr. Hansen stated that he did not have any objection. Mr. Hansen stated that he and his wife would like to subdivide their property to allow their son to build a house adjacent to theirs. The lot is 1.1-acres with an existing home right on the corner of Plant Road and Nadeau Road. This home currently is served by private septic and a well. Making a connection to the Town water system as well as the County Sewer will eliminate these. Both parcels would then be connected to public utilities. The lots surrounding this parcel are either vacant or currently served by public sewer and water.

A motion was made by Mr. Nadeau and seconded by Mr. Ruchlicki to set the Public hearing for the next Planning Board meeting on April 22, 2013. All-aye. Motion carried.

**13.043 NB      Busch Subdivision (Lot 1), 68 Route 236 – Special Use Permit – (Duplex)**

Mr. Duane Rabideau from Gil VanGuilder Land Surveying and Associates stated that he was here tonight representing Triple MH Enterprises for a request for a Special Use Permit for a duplex. This lot was approved in a two-lot subdivision back in 2007. The existing house is just north of this parcel. We are requesting that lot created to be used for a duplex. The site plan that was approved, stated that the use would either be single family or duplex for that lot. It meets all of the spatial requirements for a duplex lot per Town Zoning. There are approximately 5 duplexes in close proximity to this lot. The Knox Woods PDD is directly across Route 236 as well. Lands in this area are very much constrained due to an abundance of wetlands. Mr. Watts asked if there would be any questions. Mr. Higgins stated that the location of the well and the septic needs to be shown on the plans. Mr. Rabideau stated that most of the property surrounding is vacant and there are no wells nearby. Mr. Bianchino asked if a soil survey had been performed. Mr. Rabideau stated yes, there was 12 inches of topsoil, 12-60 clay modeling at 24 inches, water at 60.

Mr. Ouimet made a motion to set a Public Hearing for the next meeting on April 22<sup>nd</sup>. Mr. Berkowitz seconded. All-aye. Motion carried. The Board requested a revised site plan that indicates water and septic on adjacent properties.

**13.044**

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**13.045 NB      Regency Park PDD, Route 9 – PDD Referral/Major Subdivision/Commercial Site Plan**

Mr. Roberts recused himself from this item. Mr. Scot Lansing of Lansing Engineering stated that he was present with the applicant tonight to propose the Regency Park PDD in the hopes of setting a Public Informational meeting in order to keep the project moving forward. The site consists of 71.8-acres that are zoned LI-C, Light Industrial-Commercial. There is 1100 ft of frontage on Route 9. The PDD proposes 3 main uses. In the front of the parcel there are two mixed-use 3-story buildings. The first floor would be approximately 15,000 SF of retail. The second and third floor would be 63 apartment units. Parking for those buildings are proposed both in the front and the rear. The front would be parking for the retail tenants and the back would be used for the residential units. There is also garage space on the back of the first floor behind the retail space for the apartment units. The second primary use in this project are 143 luxury apartments in the southern portion of the parcel and would be modeled after the Halfmoon Heritage Apartments with 11 units per building. The third use would consist of a senior housing component on the northern part of the parcel. The 70 single-family lots are about 9000 SF in size. There has been a revision by the applicant that removed the property lines and the roadways will be privately owned. Public water and sewer would be brought in to serve the site. Stormwater would be designed to meet the new standards and we would work with the Town Engineer on the SWPPP review. Mr. Tanski stated that he wanted to introduce the Board to the concept of the mixed commercial and residential use on a single site. This situation, while new to the Town, encourages a community atmosphere and creates a safe environment for both the residents and the patrons. As far as the senior living aspect, the homes would be about 1200-1700 SF to be placed on slab foundations. There would also be two car garages. They are all three-bedroom ranch style homes with a front

porch and a set of stairs that leads to an attic space for storage. There will not be any fencing or outside storage on the lots. Contiguous sidewalks would be installed to allow access for these residences to access the commercial uses. The intent is to purchase the units that would then be sold to the buyers with an additional charge of \$600-\$650 lease for the property that would cover lawn maintenance, snow removal, taxes, and water services. There is a need for those individuals that want to own a home and do not wish to reside in a community like Falcon Trace. This is an opportunity to provide affordable living for those individuals. I have taken it a step further and spoken with my attorney who is with the law firm of Iannello/Anderson and they stated that they could not find anything that said you could do it and nothing that said that I couldn't do this. The homes would be limited on re-sale to a 10% profit over three sales to cap the inflation on the values and prices of the homes to keep them affordable. The leases would outline the restrictions on the sales profits on the homes. Mr. Tanski stated that this project would bring a commercial and residential use to this area that is lacking now. We have cleared a portion of the lot and removed a house that was dilapidated on Route 9. Mr. Berkowitz asked where exactly this site was located on Route 9. Mr. Tanski stated that they removed the Parazynski house and the site is just north of Stewarts. Mr. Berkowitz asked who would own the senior units. Mr. Tanski stated that the tenant would buy the structure and lease the property. Mr. Berkowitz asked what would happen if the buyer did not pay the rent on the property. Mr. Tanski stated that the buyer would have to have the home dismantled and removed; they would be evicted. Mr. Watts stated that using the scenario of \$150,000 for the sale price of the home, the owner would buy the actual house and pay you rent in the total of \$600-\$650 monthly for rent for the use of the property and the maintenance. Mr. Berkowitz stated so you would own the land and the buyer would own the house? Mr. Tanski stated correct. Mr. Berkowitz stated so theoretically the buyer could take the house with them when they moved if they wanted to? Mr. Tanski stated, theoretically, yes. Mr. Nadeau asked if this concept was similar to the villages in Florida? Mr. Tanski stated, yes, that is where he got this idea. The houses are all modular, they can be crane lifted onto the foundation. Mr. Berkowitz asked what uses he had in mind for the retail spaces. Mr. Tanski stated that he had a bakery and coffee shop and that sort of thing. Mr. Ouimet asked what amenities would be offered. Mr. Tanski stated a community room would be offered. Mr. Ouimet asked what if the homebuyers wished to place a swimming pool in the back yard? Mr. Tanski stated that would not be allowed. Mr. Berkowitz asked if there was any outside recreational areas? Mr. Tanski stated no. Mr. Higgins stated that there would be sidewalks? Mr. Tanski stated, yes, to allow access to the commercial businesses. Mr. Nadeau asked if the site would be a gated community? Mr. Tanski stated he did not feel that the site needed to be gated. Mr. Higgins stated that he is not familiar with the concept of a homebuyer purchasing a home, but not owning the property it sits on and he feels that there may be trouble with mortgaging these homes. Mr. Tanski stated that he is working with two banks, at this time, to ensure mortgage options for potential buyers. Mr. Berkowitz asked how many units there were per acre. Mr. Tanski stated about four. Mr. Watts asked how much greenspace there was? Mr. Lansing stated that without having it calculated, he would estimate it at 60-70%. Mr. Higgins asked if the entire 75-acres was buildable land. Mr. Tanski stated that this site used to be a mine that ceased about 10 years ago and that they were working with DEC on an improved reclamation plan. Properties surrounding it are Klersy to the east and Sysco to the north. There are deep ravines that offer a natural buffer. Mr. Berkowitz asked if there were high-tension power lines that ran through it? Mr. Tanski stated yes. The garages would be stick built and attached. Mr. Higgins asked in the event that a resident passed away would a family member be able to purchase it and continue the lease. Mr. Tanski stated that he would have a clause that in such an event he would be able to purchase the home for 80% of the value. Mr. Higgins asked if this parcel was located within the GEIS area. Mr. Bianchino stated yes, it is. Mr. Berkowitz asked



what was being offered for public benefit for the Town? Mr. Tanski stated a water line on Tabor Road and a salt shed for the Town Highway Department. Mr. Ouimet asked if other banks would be willing to finance these homes. Mr. Tanski stated they should. Mr. Higgins asked if the old mining permit was still active? Mr. Tanski stated no.

This item was referred to CHA for review. After CHA's review and comments, a public informational meeting may be scheduled by the Planning Board.

**Old Business:**

**13.023 OB**

**Grace Fellowship Church, 1 Enterprise Ave. – Addition to Site Plan  
(Temporary Modular Classroom)**

Mr. Tom Andress of ABD Engineering stated that he was here tonight representing the applicant to propose the use of a temporary modular structure for classroom space for the churches youth program. The applicant is asking for a 1-year, (twelve month) approval, after which time the applicant hopes to make a permanent addition to the site. Four additional pine trees are to be added. Mr. Bianchino stated that CHA was ok with the engineering review. Mr. Ouimet asked when would the 12 months begin?. Mr. Andress stated preferably from the time that the modular is placed on the site, as it may take a month or two to get it there. Kim Zaranda, the children's youth minister for the church stated they believe it will take 2 months to get it on site. Mr. Andress asked could the limit be placed for one year from the building permit date?

Mr. Ouimet made a motion to approve contingent on a 1-year temporary use for the modular unit to begin at building permit. CHA is satisfied with the applicant's responses to drainage and vegetation/screening issues. Note: The applicant will need to come back to the Planning Board for review of the temporary modular classroom one-year after the building permit has been issued by the Building Department.

**08.068 OB**

**Pleasant Valley Estates PDD, 91 Plant Road – Major Subdivision/PDD  
(formerly Plant Road PDD)**

Mr. Mike McNamara stated that he was here tonight representing Tra-Tom Development for the Pleasant Valley PDD residential subdivision. There are 150 units proposed of 50, 3-unit building, on either side of Plant Road. There is a community center with a pool and parking for 27 cars. There is also a 100 ft buffer on the southerly border with the apple orchard and there is also a stockade fence along the property line. As far as utilities, there is a pump station proposed for sanitary sewer and public water would be provided. Stormwater would be managed on site and is in compliance with the newest regulations for Green Infrastructure. There are improvements proposed for both ends of Plant Road. The project has gone through several reviews by CHA and the plans have progressed significantly. The units on Plant Road that border on Plant Road have had a fence added with landscaping to provide a visual screen. Mr. Watts asked Mr. Bianchino if CHA was comfortable with the progression of the engineering review. Mr. Bianchino stated that there are some minor issues that they are still trying to work through including drainage and off-site improvements. Mr. Berkowitz asked how high would the fence bordering the apple orchard was proposed to be? Mr. McNamara stated 6 ft. Mr. Berkowitz asked for a note in the deeds regarding the use of that property for farming and potential noise associated with that. Mrs. Murphy stated that the PDD requires that that language be placed in the deeds and that the property is used for farming and it involved the use of pesticides, fertilizers, and that type of thing. Mr. Nadeau stated that he feels that the windmill noise should be added as well. Mrs. Murphy

stated that the Devoes are protected under the Right to Farm and that the PDD does already state "wind machine". The applicant wishes to be considered for a public hearing for the next meeting

Mr. Roberts made a motion to set the Public Hearing for the April 22, 2013 Planning Board meeting. Mr. Berkowitz seconded. All-Aye. Motion carried.

CHA has reviewed the revised plans and a majority of issues have been addressed. Remaining issues relate to addressing off-site drainage and grading improvements required as part of the PDD. A Public Hearing was scheduled for the April 22, 2013 Planning Board meeting and a extended notification will be conducted.

Mr. Ruchlicki made a motion to adjourn the April 8, 2013 Planning Board Meeting at 9:23 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary

