

## **Town of Halfmoon Planning Board**

### **May 29, 2007 Minutes**

Those present at the May 29, 2007 Planning Board meeting were:

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

***Alternate***

**Planning Board Members:** Bob Beck  
Jerry Leonard

**Senior Planner:** Jeff Williams

**Town Attorney:** Lyn Murphy

**Town Board Liaison:** Paul Hotaling

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the May 29, 2007 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the May 14, 2007 Planning Board Minutes. Mr. Roberts made a motion to approve the May 14, 2007 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Nadeau abstained due to his absence from the May 14, 2007 Planning Board Meeting.

Mr. Leonard sat in for Mr. Berkowitz in his absence.

**Public Hearing:**

**07.039 PH Soroka Subdivision, 104 Ushers Road – Lot Line Adjustment**

Mr. Watts opened the Public Hearing at 7:02 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am before the Board representing the Soroka's for a lot line adjustment for the parcel of land around their existing residence. The parcel is located approximately 2,000 FT east of English Road on the southerly side of Ushers Road. The Soroka's would like to increase the original lot layout on their home with approximately 16,000 SF. This will bring the parcel into conformance in the Light Industrial (LI-C) zone at 60,000 SF. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:03 pm.

Mr. Nadeau made a motion to approve the Soroka Subdivision – Lot Line Adjustment. Mr. Higgins seconded. Motion carried.

**New Business:****07.055 NB Spoon & Whisk, 1675 Route 9 (J&S Watkins Plaza) – Sign**

Mr. Tim Prescott, of Ray Sign, stated the following: I am representing Watkins Plaza and Spoon & Whisk for a sign application. Spoon & Whisk is located at the corner store in the plaza and the applicant wishes to place a sign on each storefront on the corner of the plaza. The first sign "Spoon & Whisk" will have an area of 27 SF and the second sign "Kitchenware" will have an area of 15.6 SF. Mr. Roberts asked how the signs would be lit. Mr. Prescott stated the signs would be internally lit neon channel letters. Mr. Roberts asked if there would be exposed neon. Mr. Prescott stated no, there would be a Plexiglas face covering the letters.

Mr. Roberts made a motion to approve the sign application for Spoon & Whisk. Mr. Nadeau seconded. Motion carried.

**Old Business:****05.159 OB Sportsplex of Halfmoon, 6 Corporate Drive - Amendment to PDD/  
Addition to Site Plan**

Mr. Tom Address, of ABD Engineering, stated the following: We were before the Board on May 14, 2007 and were granted a subdivision approval for Lot #3 located in the Abele Business Park that is associated with the Sportsplex of Halfmoon-Lot #6. This submittal is for the approval request for the site plan, which is the parking lot with drainage, lighting and landscaping. The site plan was designed to integrate into the original design site plan. Mr. Nadeau asked if there were any variances they need to get from the State. Mr. Address stated the following: That is in reference to the building itself and we are not involved in this. I am not sure what Mr. Ed Abele is doing; however, I know there was some issues in regards to the occupancy level verses the number of bathroom facilities. Mrs. Murphy asked if the site plan they were looking for an approval of the Sportsplex with the parking lot attached because it is now all one parcel. Mr. Address stated correct, this is part of the Sportsplex. Mrs. Murphy asked if they had a map showing this. Mr. Address stated I don't think so because we didn't change anything along the Sportsplex itself and this is an addition to the parking to the rest of the Sportsplex. Mrs. Murphy stated the following: Should the Board decide to approve the site plan change, you are going to have to submit a map that shows the site that would be the PDD area which is the parking lot and the building. Mrs. Murphy stated they would have to be combined together so the entire site is on the site plan. Mr. Address stated this would not be a problem. Mr. Bianchino stated the following: The Town Board has approved the revision to the PDD and we have looked at the extra parking in which the first plan did not have the lighting. A revised plan has now been submitted and we have looked at that and everything was consistent with what we have been talking about. Mr. Higgins stated if this Board approves the parking, what would be the next step. Mrs. Murphy stated the following: This would be the last step, but you're not approving the parking. You're approving the site; which would be the parking, the building and the traffic layout. Just understand, although what you're looking at is a parking lot, you're approving the area of the PDD, which you have been looking at throughout this whole process. Mr. Higgins stated it is not just the area of the PDD it is also the traffic and the type of functions that are approved for this site. Mrs. Murphy stated those are done through the PDD with the Town Board. Mr. Higgins asked at this point what other approvals does the applicant need to go ahead and start doing his events. Mrs. Murphy stated the following: The PDD is specific that the applicant is not permitted to go forward with the events unless and until he either changes the building to comply with State Code or receives a variance from the State

Code Division. So, if the applicant were to have an event without one of those two things, he stands to lose the approval of the use. The PDD is very clear that there is a two-year time limitation during which the Town could remove the entire use. Mr. Higgins stated so the Town Code Enforcement Personnel would be responsible for making sure that the proper approvals from the State are in line before any of the major events take place. Mrs. Murphy stated the following: Yes, this is exactly what happens for any site plan. In essence, at the current time the applicant does have Certificate of Occupancy (C.O.) for "A" building and they need one for a "D" building and unless and until they get the C.O. for the "D" building, they're not allowed to put in the exhibition type uses. Mr. Higgins asked if they could continue with the uses that they presently have approved. Mrs. Murphy stated correct. Mr. Williams stated usually when PDD's go through legislation they come back to the Board for final approval and asked if this was the case for this PDD amendment. Mrs. Murphy stated this is what you're doing right now. Mr. Bianchino stated this Board already recommended the PDD amendment to the Town Board and the Town Board has already acted on it and now it is back before this Board for the site plan approval. Mrs. Murphy stated this would be the last time you see this project unless there are changes made. Mr. Watt stated the following: The applicant has indicated that they are aware that there are State Building Code issues that have to be resolved relative to the building itself before any C.O. is issued. This motion in no way vitiates the desires to deal with the Department of State. Mrs. Murphy stated as a function of law they have to get the State approval.

Mr. Ruchlicki made a motion to approve the addition to site plan application for the Sportsplex of Halfmoon. Approval conditioned on the auxiliary parking site plan and the site plan for the existing Halfmoon Sports Complex (Lot 6) to be shown to be all one parcel. Mr. Higgins seconded. Motion carried.

#### **06.149 OB      Casale Rent-All, 1614 Route 9 – Addition to Site Plan**

Mr. Higgins recused himself from this item. Mr. Tom Andress, of ABD Engineering, stated the following: The buildings for Casale Rent-All have been constructed and are in operation. This is for a modification of the site plan that was allowing the entrance on the north side of the site off of Route 9 next to the self-storage facility. There have been some issues with putting an entrance on that north side in which we do have the NYSDOT approval. Mr. Casale had started the work and at that point it was stopped and we went through the process of trying to work everything out. I think at this point we have worked out all the engineering issues and we are back before the Board to receive comments on any issue you may have. Basically, the Route 9 curb cut would be a secondary entrance, which would become the primary entrance because we do have the land to put up a permanent sign so people will know where to turn so we won't have the issue of traffic on the secondary road near the residents. The primary entrance (Route 9) would be set up for all the truck traffic into the site. Mr. Casale would be able to set this up with all the different vendors and it would also be used for Mr. Casale's rental vehicles coming in and out of that site. Mr. Nadeau asked if they are looking to make this their main entrance. Mr. Andress stated the following: I think it is going to become the primary entrance due to the fact that it would be the place where the sign would be located. Currently there is no sign at that location and you would have to know where to turn to get to the site. Mr. Roberts stated based on Mr. Andress's statement, why don't they make this the only entrance to the site. Mr. Nadeau stated the following: I agree with Mr. Roberts; why not block off the other entrance because we have had issues and complaints with the truck traffic from the people living in that area. Mr. Andress did state that the Route 9 entrance would become the primary entrance. Mr. Andress stated the following: This application has been made with both

the entrances and I wouldn't be able to make that commitment without Mr. Casale's consent. Mr. Casale's intent was to still have the other entrance open. Mr. Watts asked where the apartments were located. Mr. Address stated the apartments were to the right of the site. Mr. Watts stated we have had various issues, particularly during construction, from the people in the apartments and as Mr. Nadeau stated close off that entrance and use the other entrance. Mr. Nadeau stated that people are not going to realize that the Route 9 entrance is there until a sign is put up. Mr. Address stated the following: I am not debating this because I do think this will be the principle entrance and the other entrance would give Mr. Casale access to the office. I am not sure what would happen if some people who are still using the other entrance come up to it and then are unable to get into the site. Mr. Roberts and Mr. Nadeau both stated they would only do that one time. Mr. Address stated the following: I will talk to Mr. Casale regarding this issue. I know there were a lot issues in the beginning with the people in the apartments during the construction of the site and the construction traffic that was going in and out of the site but I don't believe there have been any issues since then. Mr. Nadeau stated if there were more issues, the closure of the existing entrance would alleviate any issues. This item was tabled for the applicant to respond to requested termination of the existing access off of the Birch Briar Apartment road and utilizing the new Route 9 access as the only access.

**06.205 OB      Pointe West Townhomes of Halfmoon, (Fellows Road PDD), Fellow Road – Major Subdivision/PDD**

Mr. Roberts recused himself from this item. Mr. Scott Lansing, of Lansing Engineering, stated the following: We are before the Board tonight requesting the Board's consideration for a final approval of this project. We have submitted revised drawings and a comment letter to CHA. We have also received NYSDOH, NYSDEC and the SCSD approvals for the project. In sending the revised submission to Mr. Bianchino he did have some comments on project that we did discuss verbally. The first comment was relative to the radii back in the Pointe West Drive area, the second comment was relative to individual services for the individual units, the third comment was relative to the access to Lot #70 and the last item was relative to the boulevard entrances. The radius at the back portion of the project is proposed as 175 FT and it is my understanding that the Town recommends a 200 FT centerline radius. In our design of the project as a PDD we did exercise some flexibility in our design of that area that has been carried through with the proposed PDD and this was mentioned to CHA in our last submittal to them. We are requesting a variance from the Planning Board on the radii for that curb. Just for reference sake a cul-de-sac in the Town of Halfmoon does have a 106 FT radius. Regarding the individual services to the individual buildings; on the previous submission we did show one water service and water sewer service to each building where the service would be branched off to other units within the structure and we have modified that. It is my understanding that in the Fairway Estates project, which is a similar type of configuration, they do have individual services on each individual unit and I have discussed this with the applicant. This is something that the applicant is going to do and we have modified the plans to reflect that as well. Regarding Lot #70; there was a previous comment by CHA on the access to the units on Lot #70. We did show an easement to site points in internal roadway and access way for the individual units. Mr. Bianchino had brought up a suggestion of possibly having one curb cut onto Fellows Road accessing the units rather than having an internal driveway and we are looking for feedback from the Board on that. Relative to the boulevard entrances; we are showing a narrow boulevard to each one of the entrances. A discussion did come up relative to access points for driveways. We can reconfigure the driveways to go around the boulevard so

that someone coming in does not have to go around the block to get to their unit. A suggestion was made to eliminate the boulevards and I did talk with the applicant and he is okay with eliminating the boulevards if that is the desire of the Board. Mr. Nadeau asked Mr. Bianchino if eliminating the boulevards would make this a better situation. Mr. Bianchino stated yes. Mr. Williams stated the Highway Department would also agree with the elimination of the boulevards. Mr. Higgins asked if the 175 FT radius was satisfactory for emergency vehicles. Mr. Bianchino stated the following: Yes, the emergency vehicles could go around the Town's cul-de-sacs, which are an even tighter turn than what is proposed here. This is 25 FT short of what the minimum standard is but in a PDD the Board has the latitude to lessen those requirements. Mr. Higgins asked if the stormwater management areas were sufficient. Mr. Bianchino stated yes. Mr. Watts asked what building was already constructed. Mr. Lansing stated that was building #1, Lot #28. Mr. Watts stated in regards to the request for the variance on the radius, it is not a variance and this Board does not have the authority to grant variances, however, we do have the authority to approve the proposal. Mr. Higgins asked if the 100 FT of land was part of the approval. Mr. Bianchino stated the following: This would be part of the road dedication. As we dedicate roads in this project, we would get that right-of-way at the same time. Mrs. Murphy asked if the one building on Lot #70 would have to be moved back. Mr. Bianchino stated the following: I think it is a preferable alternative to have one curb cut on Fellows Road and have the other driveways for the 4-plex come off of the one curb cut. I suggested the building be moved back to accommodate the driveways and also keep it further off of Fellows Road. Mr. Higgins asked if there were any problems having a driveway come out to Fellows Road. Mr. Lansing stated no.

Mr. Nadeau made a motion to approve the major subdivision/PDD application for Pointe West Townhomes of Halfmoon contingent on one individual access directly off of Fellows Road for Lot #70 and the 4-plex of Lot #70 is set back to the rear as far as practical and the elimination of the boulevard entrances. Also, with the condition on CHA sign-off and the applicant gaining approval stamps from NYSDOH, NYSDEC and SCSD#1 prior to Planning and Water stamping final plans. Mr. Higgins seconded. Motion carried.

Mr. Leonard made a motion to adjourn the May 29, 2007 Planning Board Meeting at 7:30 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi,  
Planning Board Secretary