

Town of Halfmoon Planning Board

July 10, 2006 Minutes

Those present at the July 10, 2006 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Rich Berkowitz
Tom Ruchlicki
John Higgins
John Ouimet

Alternate

Planning Board Members: Bob Beck
Jerry Leonard

Senior Planner: Jeff Williams

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

Mr. Watts opened the July 10, 2006 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they have reviewed the June 26, 2006 Planning Board Minutes. Mr. Higgins made a motion to approve the June 26, 2006 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried. Mr. Leonard sat in for Mr. Nadeau and Mr. Beck sat in for Mr. Roberts in their absence.

Public Hearings:

06.170 PH Tribley Subdivision, 315 Farm to Market Road – Minor Subdivision

Mr. Ruchlicki recused himself from this item. 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. Mike McNamara, of Environmental Design Partnership, stated the following:* This application is for a 2-lot subdivision of Lands of Robert and Mary Tribley. The parcel is 50-acres on Farm to Market Road. The proposal is to divide the parcel in half with a front and rear portion. Belmonte Builders is interested in purchasing the rear portion of this parcel for a possible future residential development. In the short-term the rear parcel will be used to house the storm water management and sanitary pump station for the Arlington Heights project. After the subdivision, the lot in the rear would not have access to a public right-of-way and they propose to provide an easement of access that would coincide with the future right-of-way with Arlington Heights. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:04 pm. Mr. Higgins asked if the proposed easement would be from one of the proposed Town roads related to the Arlington Heights PDD. Mr. McNamara stated yes.

Mr. Berkowitz made a motion to approve Tribley's minor subdivision. Mr. Higgins seconded. Motion carried.

05.138 PH Arlington Heights, Farm to Market Road – Major Subdivision/PDD

Mr. Ruchlicki recused himself from this item. Mr. Watts opened the Public Hearing at 7:05 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Mike McNamara, of Environmental Design Partnership, stated the following:* We received an approval for the Arlington Heights PDD in January from the Town Board. This plan is essentially the same as the plan that the Planning Board looked at back in 2000. The major change is that they added about an acre of land at the north end of the site on Farm to Market Road and they have also moved the entrance road to that point. This change was made to avoid crossing wetlands. The original plan had 50-lots and now it has been reduced to 44-lots. The plan calls for 5-acres of open space which is about 1/5th of the total project area. Most of the open space would be in the front of the parcel. The Homeowner's Association would own the open space and it will serve to protect the wetlands and to reduce the project's visibility from Farm to Market Road. All of the roads within the project are proposed for dedication to the Town. The entrance is a boulevard with 16 FT travel lanes and landscaping. The remainder of the roads are 14 FT travel lanes and concrete curbs would be used on all roadways. We have reviewed the roadway with the Highway Superintendent, Mr. Lee Buck, who has given them a verbal approval. Water would be extended from a 12 inch main on Farm to Market Road and throughout the project the water would be supplied by an 8 inch main. The Central Halfmoon Sewer Corporation would provide sanitary sewer. Arlington Heights was one of the original projects that was conceived when that corporation was founded and it is in the service territory. Sewer service would be by gravity that would flow to the rear to a pump station. The pump station would pump the sewer back out to Farm to Market Road then into a manhole on Moreland Drive of Kingsbrook Estates. The County Sewer District will also review the plans and all the facilities would be done to their specifications. The storm water basin complies with NYSDEC regulations. We have received 2 comments from CHA and we have made the corresponding changes and have responded in writing to CHA. We also received comments from the Town's Water Superintendent and they will comply with his requirement. Mr. Watts asked if anyone from the Public wished to speak. Ms. Rosemarie Wysocki, of 362 Farm to Market Road, asked why the sewer pump is placed in the rear of this site and then pumped back out to the front. Mr. McNamara stated because it is a sloping parcel of land, it is not possible to bring it out to the road by gravity. Ms. Wysocki asked if a 30 FT buffer would be placed in the deeds. Mr. McNamara stated yes. Ms. Wysocki asked how this would be enforced. Mr. McNamara stated that this would be on the approved plans and can be enforced by the Town. *Mrs. Murphy stated the following:* We put the 30 FT buffer in the PDD legislation so it is enforceable by the Town. It will be in the deeds themselves, which would amount to a deed restriction, which would be enforceable by the Homeowner's Association. Often Town's do not put buffers in the PDD legislation itself and if it is not in the legislation, we can't enforce it but this one is in the legislation. The Town has the authority to enforce all of the conditions contained the PDD legislation. Ms. Wysocki asked if CHA has looked at the storm water and runoff for this project. Mr. McNamara stated yes, CHA has reviewed this and CHA made comments and we have made some minor changes. The runoff would be graded to go to the road into the storm sewer to the storm water basin. Mr. John Arzoumanian, of 347 Farm to Market Road, stated he lives on the west side of the site. Mr. Arzoumanian stated that he heard about a 30 ft buffer and asked if that means you cannot build on it. Mrs. Murphy stated that the developer is stating a no cut buffer where you cannot remove vegetation. Mr. McNamara showed Mr. Arzoumanian where the location of his house is compared with the location of the proposed houses. Mr. Arzoumanian stated he understands there will be

development but he wanted to possibly gain additional buffering to segregate his existing property from the proposed development. Mr. Peter Belmonte Jr. asked if there were already trees located between the properties. Mr. Arzoumanian stated there is very little and he can see the site from his property. Mr. Belmonte stated he did not see a problem with placing additional evergreen plantings along the shared property lines as long as it does not impact the existing NIMO line easement. Mr. Rex Grathwol, of 345 Farm to Market Road, stated at the last public meeting that he asked for the existing vegetation between his property and the NIMO easement and the Arlington site to be preserved. Mr. Belmonte stated that they have no intention of removing any of the vegetation on the other side of the NIMO easement. Mr. Dwight Hill, of 323 Farm to Market Road, asked how far the proposed road is from his property line. Mr. McNamara stated about 40 ft. Mr. Hill asked if there is any type of planting proposed for the area. Mr. McNamara stated yes there would be white pines and some maples planted. Mr. Hill asked if the former Reed property would be maintained. Mr. Belmonte stated that they cut down the high grass last week and will continue to maintain the property until it is developed. Mr. Watts closed the Public Hearing at 7:19 pm. Mr. Berkowitz asked if the highway department was OK with the curbing. Mr. Belmonte stated yes the Highway Department is OK with the curbing, the entrance and the hammerhead. Mr. Belmonte added that the HOA would do extra maintenance around the boulevard entrance to help the Highway Department with snow clean up. Mr. Polak stated that the Highway Department is satisfied. Mrs. Murphy stated the stipulations are in the PDD legislation.

Mr. Berkowitz made a motion to grant preliminary approval for Arlington Heights Major Subdivision/PDD contingent upon white pine trees are planted along Lot #7 and a no-cut buffer is placed along the Niagara Mohawk easement bordering the lands of Rex Grathwol. Mr. Ouimet seconded. Motion carried.

Old Business:

04.235 OB Adam's Pointe PDD, Johnson Road – Major Subdivision/PDD/GEIS

Mr. Ivan Zdrahal, of Ivan Zdrahal and Associates, stated that the project is a 16-acre site with 20-single family lots. Mr. Zdrahal stated that 30% of the site would be maintained as greenspace. The water supply would be provided by the Town by the developer extending the water main along Johnson Road. The County will provide the Sewer. Mr. Zdrahal stated the PDD legislation has been approved and the Town's Engineers have signed off on the final plans. Mr. Zdrahal stated that the HOA would maintain the open space. Mr. Higgins stated that Mr. Ruchlicki and himself were the committee members and asked if the Town decided if they wanted the proposed trail on the site or not. Mrs. Wormuth stated the applicant has agreed to either place the trail on the site or donate money in lieu of building a trail in another area. The Town will make a determination prior to construction and this agreement is described in the PDD legislation.

Mr. Higgins made a motion to grant final approval for the Adam's Pointe PDD Major Subdivision/PDD/GEIS contingent upon the applicant receiving approval stamps from NYSDEC, NYSDOH, SCSD#1 and a sign off from the Town's Water Department prior to the Town stamping the final plans. Mr. Ruchlicki seconded. Motion carried.

05.126 OB Ellsworth Landing, Mapleridge Ave. – Major Subdivision

Mr. Ivan Zdrahal, of Ivan Zdrahal and Associates, stated that the project consists of a 37-lot subdivision a 50-acre parcel located between Mapleridge and Timberwick developments. Mr. Zdrahal stated that he received a letter from CHA stating that all items have been addressed. Mr. Berkowitz asked if the neighbor's concerns have been addressed. Mr. Zdrahal stated that

he has signed agreements from all of the concerned neighbors. Mr. Watts stated that the drainage issues have been an ongoing concern for the town with this project and they have asked the engineers to maintain a higher standard of review for drainage issues now and in the future.

Mr. Berkowitz made a motion to approve the major subdivision contingent upon signoff from NYDEC, NYDOH, SCSD #1, Town of Halfmoon Water Department, and ACOE Permit is obtained. Mr. Ouimet seconded. Motion carried.

06.123 OB Hudson Ridge PDD, Stone Quarry Road/Route 9 – Multi-Family PDD

Mr. Paul Fleming, of Capital District Properties, LLC, stated the following: They were before the Town Board and Planning Board in February 2006. They are before the Planning Board tonight for an update on some of the changes they have made on the plans and would like to have a Public Informational Meeting in the near future. They have received a comment letter from CHA in April 2006 and they would like to go through some of the changes they made to the site plan and some of the issues surrounding the project that stem from CHA's letter. The building elevation would remain the same and they have reduced the density from 268 units to 200 units. They are offering a proposal of \$1,000 per unit for the public benefit for a total of \$200,000 to the Town. They have also added a right turn lane onto Route 9 for traffic improvement. They have addressed comments from CHA's letter on the following:

- 1) Part III of the Environmental Assessment Form is in process for completion.
- 2) They have prepared a constrained lands map identifying the steep lands and wetlands.
- 3) They intend to extend the water district.
- 4) The density has been modified from the original proposal of 268 units down to 200 units.
- 5) The Comprehensive Plan – C-1 Commercial zone – we feel it is a nice transition between the Route 9 commercial corridor and the R-1 Residential zone.
- 6) Sewer – is under study with several options in mind. The best option appears to be upgrading the Birchwood pump station. They would upgrade the force main line or install a new force main line that would then project up to Grooms Road where it would access the force main going to the main treatment facility. This would alleviate a number of the homes that are contributing to the over capacity concern that exists.
- 7) Traffic – I addressed earlier regarding adding a right hand turn lane onto Route 9.
- 8) CHA also had some comments pertaining to internal site workings. With the recycling center and the clubhouse all accesses show internal access within the site.
- 9) There was a comment made regarding perpendicular parking along the main roadways where site distance was an issue and this has been eliminated.
- 10) Sidewalks and a nature trail have been added and we would extend the nature trail sidewalk from the clubhouse area out to Route 9.
- 11) The width of the boulevard is at 16 FT as requested and parking spaces would be 10 FT x 20 FT.

Mr. Berkowitz asked if the right hand turn lane would be the only traffic improvement. *Mr. Fleming stated the following:* Part of the original plan showed and they still intend to increase the sight distance at Route 9 by leveling off Stone Quarry Road as it approaches Route 9. Also, on the other end of Stone Quarry Road where it intersects Woodin Road, we would remove the rock out cropping and change the horizontal and vertical alignment so that the sight distance would be improved for all angles at that intersection. Their intent is to take the water down to Stone Quarry Road across Route 9 and loop that into the water service that is on Woodin Road.

Storm water would be designed to meet all the NYS required standards. Mr. Higgins asked if the road improvements would be on Town property or do you intend to purchase some additional property. Mrs. Wormuth stated that the applicant is aware that they would have to acquire land from adjoining landowners or obtain an easement, as some of this is not Town owned property. Mr. Polak stated that before this project could be approved these road improvements would have to be made, as this is an integral part of this development. *Mr. Fleming stated the following:* The traffic condition at this intersection today is a level "F". It is a failing intersection and this improvement would keep it from worsening. Our introduction would improve the level of both intersections. We have approached the private landowners and we are aware of all the work that is going to be required and that some of this work would be outside of the Town right-of-way. Mr. Higgins stated that he disagrees with the function of that intersection because any addition of cars would definitely impact that entire area. Mr. Fleming stated that at the next meeting they would be prepared to have a traffic engineer talk more about the traffic impact but the level of service is the key parameter of whether or not an intersection is impacted and this is a function of the volume. Mr. Higgins asked if there has been any discussion with NYS DOT as far as at what level a traffic signal would be warranted. *Mrs. Wormuth stated the following:* Yes, the Town has met with NYS DOT and the applicant. The NYS DOT did not want a traffic signal but they did want the turning lane and the vertical realignment of the road that would improve sight distance. Mr. Fleming stated that the applicant was agreeable to the traffic signal but the NYS DOT was not. Mr. Polak stated that the proposed right hand turn lane would allow traffic to access Route 9 especially during peak hours. Mr. Berkowitz asked at what level of "F" does the NYS DOT warrant a traffic light. Mr. Watts stated that it was not the amount of traffic but how close one traffic signal would be to another traffic signal. Mrs. Wormuth stated that it also has to do with the flow of traffic and the NYS DOT does not feel it is an adequate solution in that area. *Mr. Ouimet stated the following:* The inability to take a left hand turn onto Route 9 would focus the traffic onto the Woodin Road intersection and the Board needs to look at how well the proposed improvements would turn out to be with the density of this project. I feel the density of this project would have a major impact on the intersections and would like to see how the applicant would alleviate the traffic problem at these locations. Mr. Fleming stated that their traffic engineer would elaborate on this further with the number of cars this project would produce and the peak hour north bound flow with the two avenues. Mr. Berkowitz asked when the traffic study for this project was performed. Mr. Fleming stated the traffic study was updated as the density was modified in December 2005. Mr. Berkowitz asked if the study would be updated again to look at future development in the next 10 years, such as the microchip plant in Malta. Mr. Fleming stated a traffic study was done for a 10-year build out and a no build for our project but they would look into this further. This item was tabled for additional information regarding sewer, water, traffic and intersection improvements.

06.137 OB Auto America, 1540 Route 9 – Addition to Site Plan & Sign

Mr. Jim DeNooyer, of DeNooyer Chevrolet, stated the following: Auto American would like to re-open some existing buildings located at 1540 Route 9. Currently they sell used cars and they would like to re-open the buildings for servicing the used cars. One of the issues the Board had was the vehicle display area and the parking spaces in the front of the site. This was approved in 2004 when we opened the lot. There also was a concern with the Route 9 right-of-way. I have a call into Don Gabriel with the NYS DOT but he has been on vacation and we have not been able to get a response from him. The curb was put in back in the mid-70's. Mr.

Watts stated he has talked to Mr. Gabriel and it is his understanding that they have no objections to the configurations along Route 9. *Mr. DeNooyer stated the following:* CHA asked for additional lawn and landscaped areas and we are proposing to remove the pavement in front of an existing building and put plants in that area as well as re-seeding the existing area and would clean up around the site. We will also plant some 6 FT fir trees and azaleas. Also there was a concern with the lighting on Route 9. We are proposing to put light shields on the lights shining into Route 9. We are proposing to put the dumpster on a 10 FT x 15 FT concrete pad and would also install a privacy fence in the dumpster area. They also propose to put a 6 FT privacy fence across the rear of the property. They propose to install a reverse osmosis system to clean the car wash waste before it goes into the septic system. They propose to add an oil/water separator that CHA asked for in their comment letter. Mr. Watts asked Mr. DeNooyer if they have responded to CHA's comment letter of May 16, 2006 in writing. Mr. DeNooyer stated that the response was done but CHA did not have it yet. Mr. Williams stated that the area that the applicant proposed to landscape in front of the car sales office was also in the NYS DOT right-of-way and they need to contact the NYS DOT regarding the proposed landscaping improvement. Mr. Watts stated another issue that we had was regarding the pre-existing non-conforming use and the special extension that would be needed and asked Mrs. Murphy to explain this issue. *Mrs. Murphy stated the following:* Because this was a unique site in that it has some conforming issues and some non-conforming issues. The non-conforming issues are pre-existing non-conforming and have continued as a non-conforming use. The conforming issues which are in the rear of the site regarding the 2 buildings that were previously discussed that have not been utilized by the applicant for a period of 2 years. In order to be able to utilize these 2 buildings the applicant would have to expand on the pre-existing non-conforming use. This Board does not have the authority to grant the applicant permission to use these buildings. Mr. Watts stated if the Planning Board votes to deny this application on the basis of an expansion of a pre-existing, non-conforming use, the applicant would need a Special Extension of a Pre-Existing Use from the Town's Zoning Board of Appeals. Secondly, the applicant would need to submit in writing the response to CHA's comment letter. Mr. Higgins made a motion to deny Auto America's addition to site plan application due to the expansion of a pre-existing, non-conforming use. Mr. Ouimet seconded. Motion carried.

06.144 OB Floud Subdivision, 223 Cary Road – Minor Subdivision

Mr. Dave Flanders, of David A. Flanders Associates, proposed a minor subdivision of a 4-acre lot on the southwesterly side of Cary Road. *Mr. Flanders stated the following:* This subdivision was presented earlier this year and was denied due to the property is zoned Light Industrial. This application was referred to the Zoning Board Appeals and given a positive recommendation noting that the proposed lot conforms to the minimum lot size in the LI/C zoning district. It is my understanding that a variance for residential use of the proposed 4-acre lot could not be granted because the existing property is vacant and it might be misconstrued to grant residential use to the balance of the property which would be 37-acres. I believe the recommendation has come back to this Board and he is requesting a subdivision approval to create the 4-acre lot for single-family use. There is no intention to create any residential use on the balance of the property that Betty Floud owns on the north or south side of Cary Road. The proposed lot is accessed by a 30 FT strip, a new proposed driveway and a perc test was performed on the property with acceptable results listed on the table. On site water would be a private well. Mrs. Murphy stated for clarification that this Board is not considering the use because at this time the property is for commercial use and this Board is only considering whether to grant the subdivision. Mr. Flanders stated he understood. Mr. Watts asked Mr.

Flanders if the site has been cleaned up. *Mr. Flanders stated the following:* He would check the site to make sure that it has been cleaned up. I have been in contact with the Floud's and the Floud's have assured me that the property has been cleaned up and the junk cars have been removed. My survey crew went by the site today and there were 3 vehicles on the property, 2 were licensed and 1 was not. Mr. Floud called my office earlier today and indicated that the 1 unlicensed vehicle would be removed by the end of the day.

Mr. Berkowitz made a motion to set a Public Hearing for the July 24, 2006 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

(Note: Due to compliance issues with the site, the Public Hearing has been postponed until a future date to be determined)

06.171 OB Tire Warehouse, Inc., 1428 Route 9 – Addition to Site Plan

Mr. Bob McCarthy, Attorney for Tire Warehouse, Inc., stated the following: When he was last before the Board, we addressed some of the concerns of the Board and from CHA's letter of June 23, 2006. At the last meeting the Board had concerns about trees and buffering and the curb cut with the NYS DOT. The trees were planted but a couple of them may have died. In addition to the existing shrubbery my client had no objection to change the trees to some type of evergreen or whatever this Board recommends for buffering along Route 9. Mr. Watts stated he has discussed the curb cut with the NYS DOT and both issues have been addressed.

Mr. Berkowitz made a motion to approve the Tire Warehouse addition to site plan application contingent upon evergreen plantings are installed on the northeast corner of the site. Mr. Leonard seconded. Motion carried.

New Business:

06.174 NB Frechette Subdivision, 143 Upper Newtown Road – Minor Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed a 6-acre minor subdivision that lies on the easterly side of Upper Newtown Road. *Mr. VanGuilder stated the following:* The applicant wishes to subdivide the 6-acre parcel into 4 residential lots. All lots meet minimum size requirements and 2 lots are proposed flag lots with substandard frontage on Upper Newtown Road. We realize this Board does not have the ability to grant approval to this proposal without a variance from the Zoning Board of Appeals for the 2 flag lots. We are proposing individual wells for each lot and it is our intention to connect to public water when it becomes available.

Mr. Berkowitz made a motion to deny the Frechette Minor Subdivision application based on two proposed flag lots are to be created. Mr. Ruchlicki seconded. Motion carried.

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

Mr. Dick Butler, of Butler, Rowland, Mays Architects, LLC, stated the following: Clifton Temple Baptist Church is located on Lower Newtown Road. The church provides a diverse number of services and it has a growing population. The applicant has asked for a master plan of the property to include a family center, which would be Phase I of the proposed project. There would be future worship space and the potential conversion of the existing worship space to a youth center and other site improvements such as; a boardwalk and an amphitheatre along the north shore of the existing pond with a bridge across the pond and other activity areas. The family center would be approximately 22,000 SF. One of the plans indicates the potential for expanded parking for the family center. This plan also shows the septic field. Mr. Berkowitz asked what buildings existed on the property at the current time. *Mr. Butler stated the*

following: The existing church and an existing youth center, which was the original church. There is existing pavement for parking and an unpaved area for overflow parking and additional property that extends to the south. Mr. Watts asked what activities would be held at this site when the project is completed. *Pastor Duke Hergatt, of Clifton Temple Baptist Church, stated the following:* There is no proposal for a school but they may possibly have after school programs. Their existing facility holds Sunday school and adult bible classes, which are presently full. The proposed project would allow us to expand our capacity on Sunday mornings for our teaching hour, which is held between 2 worship services. The proposed gymnasium would give us opportunities to have concerts by expanding our capacity from around 700 to 1,200/1,400. This would not make their crowd larger because they already have that number of people, it would just spread it out further. The proposed building would be a multi-purpose building for guest speaker missionaries to spend the night downstairs, office space for the daily operation center for the church and for mid-week services. The building would be used for recreational use, bible classes, possibly the after school program, and other activities. This building would not be used for worship. Mr. Higgins asked where the additional land was located. Mr. Butler showed the map to the Board and stated the parcel was approximately 15-acres. Mr. Higgins stated he was on the Board several years ago when several of the neighbors expressed concerns regarding traffic and parking on the roadway and asked if the applicant envisioned a major increase in the number of people attending services at the church. *Pastor Hergatt stated the following:* They are always hoping that they grow. With the proposed project it would allow them to spread out the operations they currently have and it would allow them to have the space to enable them to do this. At our Easter service this year we had 1,355 people and we didn't have any problems with parking on the roadway. We go to multiple services when one service fills up. Our average attendance is around 800 people on Sunday morning between 2 services and we have never had any cars parked on the road as we have plenty of parking. They are proposing additional parking and there are more parking spaces in the rear if necessary. Mrs. Murphy asked the applicant if the property was under one tax parcel and have the deeds been recorded. Mr. Fleming stated if it hasn't happened, it is in the works. Pastor Hergatt stated he believed the County Tax Dept. stated that it was. Mr. Flemings stated that they have performed perc tests and storm water calculations. This item was tabled and referred to CHA for review.

06.178 NB Cruver Subdivision, 9 Tabor Road – Minor Subdivision

Mr. Tim Cruver is representing Dick and Orrelle Cruver for a 3-lot subdivision on the corner of Cary and Tabor Road. *Mr. Cruver stated the following:* The parcel is 5.34-acres in the AR Agricultural/Residential zone. All 3 lots would meet the minimum size and setback requirements.

Mr. Ruchlicki made a motion to set a Public Hearing for the July 24, 2006 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

**06.181 NB Howland Park PDD, 128 Johnson Road – Major Subdivision/
PDD/GEIS**

Mr. Ivan Zdrahal, of Ivan Zdrahal and Associates, stated the following: The proposed Howland Park PDD would be a residential project and was submitted to the Town Board. The Town Board passed this application to the Planning Board for review. We have submitted documentation and reports to this Board for review. We have provided two layouts for this project. One layout is a conventional layout for 92 single-family lots. The second layout is for the same number of lots, however, some of the lots would be smaller. 67 lots would be a

minimum of 15,000 SF while the rest would have a minimum lot size of 20,000 SF. The PDD would increase the protected open space from 46% to 60% open space. This proposed project would front Johnson Road and McBride Road across from Adam's Pointe PDD. The parcel is 149.14-acres. The proposed PDD would have two access points; one from Johnson Road and the other access would be from McBride Road. There is a provision to extend the interior road system to adjoining parcels which front on Farm to Market Road. The proposed project is outside of the Town water service area so a water district extension agreement would need to be established. The sanitary facilities exist in the Fairway Meadows project. This proposed project would be similar to the Adam's Pointe PDD and we have presented the Town Board with a public benefit of \$400 for each lot plus construction of a trail system. One of the main concerns from the Town Board was regarding traffic and we have agreed to work with the traffic committee on these concerns. Mr. Berkowitz asked if any thought had been given to straightening out Johnson Road as one of the public benefits. *Mr. Dean Taylor, of Leyland Development, stated the following:* We are considering contributing a donation of money per lot feeling that the Town could do a greater benefit with that donation rather than giving the money to a specific cause. It is our intention to work on the contribution toward a trail system and traffic. Mr. Watts stated that the applicant has stated that 60% of the site would be quality open space providing a public benefit with trails, picnic areas and vistas and asked whom would this be available to. Mr. Zdrahal stated a Home Owners Association would own the common open space and the residents in the development would be able to use this area. Mr. Watts asked how this would be considered a public benefit if it is only available to the residents in the development. Mr. Zdrahal stated he was saying that the benefit of this PDD is increased open space and it is an indirect benefit to the area where more of the land would be open, undeveloped and protected. Mr. Watts asked who could use the picnic areas. Mr. Zdrahal stated the residents of the development. *Mr. Watts stated the following:* When we speak of public benefits, it is meant for the public, the taxpayers and the residents of the Town of Halfmoon. When we speak of niceties for the people who reside within a given area, they are not public benefits they are benefits for the people who live in the development. The \$400 per lot public benefit that was mentioned needs to be worked on for the Town to be able to afford roadway improvements and this was made very clear at the Town Board meeting. Mr. Zdrahal stated that they would be working on these issues. Mrs. Wormuth asked if the traffic study has been completed. *Mr. Taylor stated the following:* The traffic study has not been completed. We are aware we need to work on the public benefit and the traffic but we wanted to receive comments from the Planning Board on the overall layout before we went into the specific studies. Mr. Watts stated before the Board can reach a comfort level to be able to refer this project to CHA, we would like to hear a clear delineation on what the public benefits would be for this project.

This item was tabled for the applicant to provide Public Benefit information and traffic information.

06.182 NB Chlopecki Subdivision, 27 McBride Road – Major Subdivision

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: Mr. Ken Chlopecki owns lot #2 of the previously approved subdivision of Lands of Frederick and Kenneth Chlopecki, which was approved in 2004. The Adam's Pointe PDD is north of this parcel. Mr. Chlopecki has reached a conceptual contract agreement to convey the 2.3-acres on the north side of the 5.5-acre parcel to an individual to construct a home on the 2.3-acre lot. The applicant will retain the remaining 3.2-acres, which lies directly across from his current home. There is a drainage easement that will be granted to the Town of Halfmoon, which is part of

the Adam's Pointe PDD and this is shown on the map as a restriction on that lot. This property will have an individual well and an individual septic system. The lot meets all the requirements of the A/R zone. They would like to connect to public water and/or sewer from the Adam's Pointe PDD but the lot is large enough to accommodate an individual septic system and well. Mr. Higgins asked where the access would be from this parcel. Mr. VanGuilder stated the access would be off of McBride Road. Mr. Watts asked if they were aware that they might have to pay GEIS fees. Mr. VanGuilder stated that he has made the applicant aware of the GEIS fees because it is a major subdivision.

Mr. Berkowitz made a motion to set a Public Hearing for the July 24, 2006 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

06.183 NB Comfort Radiant Heating, 9 Morris Lane (Mabey's Storage) – Change of Tenant & Sign

Mr. Russell Hacker, the applicant, proposed a change of tenant and sign application for a building in Mabey's Storage that he is currently renting. *Mr. Hacker stated the following:* I am currently renting 3,500 SF of space in building 4B, which is located to the rear of building 4A. I am phasing out my Frontline business in building 4B as my Comfort Radiant Heating business grows. My business consist of distributing, sales and installation of low voltage radiant heating systems for floor warming, home heating as well as snow melting and ice melting on roofs. Mr. Watts asked if the hours of operation would be 8am to 5pm Monday through Friday. Mr. Hacker stated yes. Mr. Watts asked how many employees there would be. Mr. Hacker stated 2, my wife and myself. Mrs. Murphy asked the applicant if he would sell retail at this location. Mr. Hacker stated no. Mrs. Murphy asked how long he has been running his other business. Mr. Hacker since 1995 at this location. The proposed sign would be an unlit one-sided 3 FT x 8 FT sign located on the building.

Mr. Ouimet made a motion to approve the Comfort Radiant Heating change of tenant and sign applications. Mr. Beck seconded. Motion carried.

Mr. Berkowitz made a motion to adjourn the July 10, 2006 Planning Board Meeting at 9:01 pm. Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary