

Town of Halfmoon Planning Board

November 13, 2006 Minutes

Those present at the November 13, 2006 Planning Board meeting were:

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

Alternate

Planning Board Members: Bob Beck

Senior Planner: Jeff Williams

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the November 13, 2006 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they have reviewed the October 23, 2006 Planning Board Minutes. Mr. Roberts made a motion to approve the October 23, 2006 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

Public Hearing:

06.227 PH Bruce C. Tanski Subdivision, Vosburgh Road PDD – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:03 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:* Mr. Tanski is requesting a lot line adjustment between Lot #1 and Lot #2 located at the corner of Route 146 and Vosburgh Road. The lot line adjustment would allow the existing driveway on Lot #1 to be within Lot #1. The Town owns Lot #2 and the Town would be granted an easement for ingress/egress and utilities over the existing drive so both lots could utilize the same curb cut. Mr. Watts asked if anyone from the Public wished to speak. Mr. Joe Anuszewski, of 155 Route 146, stated he understood that the knoll on Vosburgh Road was to shaved down for safety reasons with the approval of the Vosburgh Road PDD and Stewart's. *Mr. Bianchino stated the following:* The issue of sight distance was discussed during both projects. Mr. Tanski's commercial property access was placed as far to the top of the hill as possible so the driveway had adequate sight distance in both directions. The Stewart's access was placed as close to Route 146 so as you come over the hill there is

adequate sight distance. The knoll does create a sight distance problem, but Stewart's driveway does meet standards. There may have been a suggestion from someone at the time regarding these 2 projects. Mr. Watts stated that there was an agreement but it was not a mandate or part of the site plan. Mr. Tanski, the applicant, stated when this project was initially before the Board we had the parking in the front and the driveway about three-quarters of the way down the hill and then the Board decided that they wanted the parking in the rear, this is when they turned the building and put the driveway in at the peak of the hill so that they would have adequate sight distance on both sides. Mr. Watts closed the Public Hearing at 7:07 pm. Mrs. Murphy stated that Mr. Chauvin reviewed the easement and it is adequate to meet the Town's needs but I would ask that any approval or any decisions by the Board be contingent upon the language for the maintenance agreement of the road. Mr. Tanski asked Mrs. Murphy what the Town required in regards to the maintenance. Mrs. Murphy stated it was a basic form agreement that Mr. Tanski would be responsible to maintain the road, keep it drivable, open during inclement weather and be responsible for its care. Mr. Tanski asked if this would be just for the entrance of the drive. Mrs. Murphy stated it would be just for the portion upon which they have for the easement. Mr. Tanski stated he would maintain the road because he would have to plow and maintain the road anyway. Mrs. Murphy stated she would draw up the agreement for Mr. Tanski's signature.

Mr. Roberts made a motion to approve Bruce C. Tanski Subdivision; Vosburgh Road PDD lot line adjustment contingent that the Town Attorney accepts the language of the maintenance agreement. Mr. Nadeau seconded. Motion Carried.

Old Business:**05.127 OB Stone Crest Preserve, Vosburgh Road/Werner Road – Major Subdivision/GEIS – (formerly Crescent Hill)**

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: He was before the Board with a revised proposal for this project. Rosewood Builders were also present at tonight's meeting. The proposed project is located between 2 existing Town roads; Vosburgh Road and Werner Road. The previous proposal was for private drives and they have replaced the 3 common drives with proposed Town Roads. There would be some common driveways that would serve 2 lots each. They are proposing a total of 90 lots which all comply with the R-1 Residential Zone. There would be a land preservation area, which would include areas of existing wetlands and steep slopes. The land preservation area would be 68.67-acres of the 188.2-acre parcel. The parcel would be served by public water from existing water mains on Werner Road and Vosburgh Road. Sanitary sewer would be constructed and discharge into existing facilities of the sewer district located at the intersection of Vosburgh Road and Route 146. There would be stormwater management areas for discharge of the proposed storm system. A portion of the project is located within the Northern Halfmoon GEIS area. A portion of the site is within the Town's Water District. Mr. Berkowitz asked the length of one of the cul-de-sacs. Mr. Zdrahal stated 1,200 FT. Mr. Roberts asked the size of the smallest lot. Mr. Zdrahal stated all the lots are 20,000 SF or larger. Mr. Watts asked for more detail regarding the land preservation area. Mr. Zdrahal stated the land preservation area would be a common area that would have restrictions on each lot. Land would be conveyed to each lot where the owner would not be allowed to do any grading, remove any of the vegetation or caused any disturbance to the wetland area. Mr. Watts asked if the individual landowners would own all of the land preservation area. Mr. Zdrahal stated yes. Mr. Ruchlicki asked if there was a break off point where the land preservation begins and the actual lot. Mr. Zdrahal stated this was correct. Mr. Berkowitz asked what the white area depicted on the plans. Mr. Zdrahal stated

the white area was the proposed stormwater management area that would be dedicated to the Town. Mr. Higgins stated that the lots that were in the GEIS area would be subject to GEIS fees and asked if the lots outside of the GEIS would follow the GEIS regulations throughout the development. Mr. Zdrahal stated that the Town Engineer recommended that the lots, which are located outside of the GEIS area, should also be subject to the GEIS fees and regulations. Mr. Higgins asked if this would include quality green space along the main roads. Mr. Zdrahal stated yes. Mr. Nadeau asked where the traffic would flow from this development. Mr. Nadolny, of Creighton-Manning Engineering and Associates, stated the initial traffic study showed a majority of the traffic existing on Werner Road to Route 146 with some of the traffic going to Vosburgh Road and out to Route 146 near NYSEG. Mr. Watts asked if there would be a realignment of Vosburgh Road. *Mr. Nadolny stated the following:* I have been in contact with Mr. Bianchino and I believe there will be realignment at Vosburgh Road. I have supplied Mr. Zdrahal's office with the necessary sight distance exiting each of those legs to provide adequate stopping and intersection sight distance. I believe they are incorporating those into the plans now but I have not seen the final plans. It is our recommendation to have the newly realigned road be a sole stop controlled intersection. I believe Mr. Bianchino would also like to contemplate an all-way stop at that location but the final plans have not been submitted to us for review by Mr. Zdrahal's office. Mr. Watts asked if the applicant would make whatever improvements there might be. Mr. Nadolny stated yes. Mrs. Wormuth asked Mr. Zdrahal if there was an issue with the Director of Water about the Werner Road tank. Mr. Zdrahal stated that he met with Mr. Frank Tiroini and he has requesting that the 2 Town tanks that are adjacent to the property be fenced in. Mrs. Wormuth asked if this was part of their proposal. Mr. Zdrahal stated that he would need to discuss this with the Town officials. Mr. Berkowitz asked if this project would have a trail system or would connect to an existing trail system. Mr. Zdrahal stated they have not proposed a trail system for this project. Mr. Watts asked Mr. Williams to refer this to the Town's trail committee to look at the possibilities for a trail system. Mr. Nadeau asked if there was discussion regarding eliminating Werner Road out to Route 146 so all the traffic would flow to the west. Mr. Bianchino stated this was looked at when the Dudick Chiropractic office was proposed. Mr. Nadeau stated that the Werner Road/Route 146 intersection was dangerous and with this proposal he believes all the traffic would flow to Route 146. Mr. Polak stated there were discussions about cutting the Werner Road link when Fellows Road was shut off by another project. Mr. Ruchlicki stated he believes there will be problems at the Werner Road/Route 146 intersection with added traffic from this project as there is already an abundance of traffic at this intersection. Mr. Rucklicki asked where the drainage would flow from the lots near the pond and the day care center. Mr. Zdrahal stated the drainage would go toward the pond. Mr. Zdrahal stated they would be grading the property and this would reduce the drainage to the pond. Mr. Ruchlicki stated that the pond is near street level in the springtime and the applicant should keep this in mind. Mr. Berkowitz stated that the applicant stated that all lots would meet Town standards and asked if all the lots would conform to the 20,000 SF minimum lot size Town standards without the land preservation area being conveyed to each lot. Mr. Zdrahal stated each lot would be close to the 20,000 SF minimum lot size. Mr. Berkowitz stated if the number of lots was decreased, the lot sizes could be wider so these homes and the driveways would not be on top of each other. Mr. Zdrahal stated that each of the lots is more than 100 FT wide, which meets Town standards. Mrs. Wormuth stated that the GEIS fees have been set up for maintenance of the water tower and this would need to be a separate agreement as far as the Director of the Town's Water Department is concerned. Mrs. Murphy stated that it is her understanding that this is a requirement put forth by the Homeland Security Department recently due to the increase in residences proposed by the subdivision.

This item was tabled and referred to CHA for their review.

05.159 OB Sportsplex of Halfmoon, 6 Corporate Drive – Amendment to PDD

Mr. Ed Abele, the applicant, stated the following: Mr. John Daniels and Mr. Paul Rogan, also with the Sportsplex, are also present at tonight's meeting to represent the proposed amendment to the PDD for the Sportsplex of Halfmoon. They would like to expand the uses of the Sportsplex. At the July 24, 2006 Planning Board meeting they made a detailed presentation on the traffic and the parking impacts associated with the facility, as this was one of the major concerns of the amended project. Creighton-Manning Engineering and Mr. Tom Andress, of ABD Engineering are also present for tonight's presentation. We are seeking a recommendation by the Planning Board and we understand that there would be a Public Informational Meeting held at a future meeting. At the July 24, 2006 Planning Board meeting there were a number of items to be reviewed by us. There was a recommendation on following what the minutes of prior meetings had indicated. We were required to have the Town Engineer review the traffic report in detail and CHA has generally concurred with the findings of our traffic and parking analysis. We have had guidance from the Town with respect to coming up with some prohibitions that would be appropriate. We formalized this last week and submitted to the Planning Board 6 or 7 prohibitions that would not be appropriate for this site. We feel we have adequate parking at the current time and we are very pleased to pursue this process and we are here to give information or answer any questions the Board may have. Mr. Roberts asked if the total parking spaces available was 523. Mr. Abele stated this was correct. Mr. Roberts asked the capacity of the building. *Mr. Abele stated the following:* The capacity of the building is designed for a maximum occupancy of 2,000 people. When this building was designed it was designed as an A4 code rating. In terms of occupancy the architect designed the exiting for the building for 2,000 people. There is another factor to this, which is the number of toilets, and this is just under 2,000. This is 1,000 for the men's room and he is not sure what the number is for the women. We are reviewing this with the Town's Building Department at the current time as to the suitability for the changed use. Mr. Roberts stated he is concerned with the parking of 523 spaces for 2,000 people. Mr. Abele stated that the occupancy was driven by the magnitude of the building and he is not familiar with all of code considerations but there is a lot of exiting for the building. Mr. Higgins asked if the maximum number of people met the New York State Code. *Mr. Abele stated the following:* It is his limited understanding that the number of occupants relates to the classification of the building. When the soccer facility was designed the occupancy of 2,000 SF related that use. We are still working with the architect and the Town's Building Department to determine the exact occupancy level of the building as it relates to an expanded use. Mr. Higgins stated if you have 2 people per car, which is probably low on the average, this would work out to approximately 1,000 cars and there are only 523 parking spaces available. Mr. Abele stated when the analysis was calculated for parking, there were some assumptions made on this as well as the dynamics of the type of use. Mr. Berkowitz stated that when the building was built it was rated for a certain classification and asked if there would be a classification rating change with this application. Mr. Abele stated when they change the use of the facility; we will be required to address the code issues associated with the expanded use so the answer is yes. Mr. Berkowitz asked what the classification would be changed to. *Mr. Abele stated the following:* I am not sure but he believes it would be called an A4 classification. One of the uses for that is considered an assembly use, which is for meeting and exhibitions. Mr. Berkowitz asked if this would increase the occupancy of the building. Mr. Abele stated he was not sure. Mr. Berkowitz asked if this does change to occupancy of the building, would you need to add more toilet facilities. *Mr.*

Abele stated the following: They would be required to do that. If we have an approval at the Town Board and Planning Board level, we are still required to get a new building permit and that new building permit would address the expanded uses of the facility and whatever code implications there are associated with that. We have met with the Building Department and the architect and we are pinning this down. I think that the problem may be with the number of toilets, not as much so with the exits. I don't have a conclusion on that at this time. Mr. Berkowitz asked if they could have a minimum of 2,000 people. Mr. Abele stated there would be a maximum of 2,000 people and the current maximum occupancy is 2,000 for the approved current use. Mr. Berkowitz asked what the new occupancy would be if they received a new use for the building. Mr. Abele stated this would be determined by the code review and he does not have the answer at this time. Mr. Berkowitz stated that the Board would need to know the maximum number of occupants before the Board acts on this proposal. Mr. Abele stated they should have the maximum occupancy before the Public Informational meeting. Mr. Watts stated the Board would need to have the maximum occupancy of this building before a Public Informational meeting could be schedule. Mr. Abele stated he understood.

Mr. Abele stated the following: When they met with the Building Department, they realized that there was some confusion between the existing use and the proposed use as far as occupancy. We are very close to coming up with a number of occupants but it is not definite. My guess is that it would be around 2,000 to 3,000 people. Mr. Watts asked if expertise on the occupancy rest with their architect that is meeting with Mr. Greg Stevens, the Director of Building/Code Enforcement. Mr. Abele stated yes, the architect and the State of New York codes. Mr. Watts asked if there were any issues of variances that would be requested from the State.

Mr. Abele stated the following: If they find out that they are deficient on toilets, we may seek the variance on that and this stems from the practical realization that we have a lot of toilets at the current time that are not being used. If we had to add more exit doors, they could do this. The toilets would be more difficult but not impossible. Mr. Berkowitz asked if they would add permanent toilets or port-a-johns. Mr. Abele stated he was not sure. Mr. Polak stated that the variance would have to come from New York State. Mr. Able stated that was correct. Mr. Higgins stated that the applicant based their study on the Lake George Forum and the Adirondack Sports Dome in Queensbury and asked if they looked at a facility that was closer, such as; Guptile's which has similar types of meetings.

Mr. Mark Nadolny, of Creighton-Manning Engineering, stated the following: When the study was performed, there were not any events scheduled at some of these other facilities. The two facilities that they looked at were the only events that were scheduled that reflected the types of uses that the applicant was looking for. That is the reason why we looked at the other two other existing facilities. Mr. Ruchlicki stated because there would be no regimented time frame when the events would be held, they would have a continuous flow of traffic throughout the day that could create an over abundance of traffic during all hours of the day.

Mr. Abele stated the following: This is why we brought a representative from Creighton-Manning and we are proposing changing the use and for doing this there is a process that we have been undergoing for over a year. The traffic report and the parking report that was done did address the dynamics of that. My sense is the venue will probably have a good deal of smaller shows but we may have larger shows from time to time.

Mr. Rogan stated the following: Before the Public Informational Meeting is held, if the Board wishes, he could prepare a comparison using Creighton-Manning's information on trade shows compared to the traffic that we currently have. Currently, on an average Saturday from November through April they have more traffic coming to the facility than the trade shows would generate. Mr. Watts asked what the largest amount of people they have ever had in the building at one time. Mr. Rogan stated he would like to do some math on this, but he is

guessing about 400 to 500 people. *Mr. Watts stated the following:* The issue the Board has is that this is a very large building that was described to us on the original application as a athletic venue with playing fields. The concern that the Planning Board has evidenced all along may be alleviated by some agreement as to the maximum number of people who could be in this building at any one time. While this building may hold 2,000 people, I don't know if that site could handle 2,000 people coming and going for a large event where everyone would arrive at the same time. If it were a golf expo, where 30 pros were there selling equipment, then there wouldn't be 2,000 people attending. Even though the building can accommodate 2,000 by the nature of its size under the State Building Code, how can we make sure we don't have an issue where too many people get to the site at the same time and cause traffic problems. There may be something we could come up with relative to the maximum capacity of the building, but the maximum number of people that would be allowed in the building is another issue. *Mr. Abele stated the following:* The times when there would be a larger event, would be on weekends and the cars that are in the park during the weekdays would not be parked there on the weekends. The shows that Mr. Rogan and Mr. Daniels are considering are shows where there would be a continuous flow throughout the day. Shows where everyone would arrive at the same time the dynamics would be a lot different. For example; rock concerts were a prohibition that we had offered because of that concern. The analysis was done for 523 parking spaces, 200 parking spaces would be annexed to the site plan and we did not consider the 250 parking spaces that would be available. In reality there would be over 700 parking spaces that would be available. *Mr. Nadolny stated the following:* The large event held at the Adirondack Sports Dome that they looked at had a total of approximately 4,000 people over the entire weekend. With this larger facility they did not have a restriction with regard to size because they could handle more people occupancy wise, they only had 4,000 people over the course of 3 days and was generally spread out. The Halfmoon Sportsplex may be able to handle 2,000 people, but I do not believe these events are going to necessarily generate 2,000 all at one time, because we would have seen this at the Adirondack Sports Dome. The event producers need to be vigilant when they are talking about bringing people to the events and be conscious of what is typically seen at these events. Mr. Ruchlicki stated in the project narrative they list things that wouldn't be held at this facility, but we don't really have a good idea of what events would be there. *Mr. Abele stated the following:* We don't know exactly everything that would be there either because this is a difficult task to understand. We are hoping there is a lot of interest but we do not know every angle of it. Mr. Ruchlicki asked if they would have more information by the Public Informational Meeting. *Mr. Abele stated the following:* Yes, we are willing to limit ourselves in terms of occupants to a certain number. *Mr. Watts stated the following:* The proposal mentioned that "the Town of Halfmoon would have the right during the period ending two years after the effective date of this law" and I would recommend to our Town Attorney that this be open and not having a terminus date because after two years what things occurred or what if the building was sold to someone else. The way the narrative is phased – "to monitor traffic patterns and parking patterns" and "to work with the Town in a mutual effort to alleviate any traffic and parking logistical issues identified by the Town in connection with the uses permitted under this amendment" – and I am saying this in anticipation of the Public Informational Meeting where people may well address the legitimate concerns of traffic and parking. I think the absolute right would be my recommendation to make a determination as to whether the use continue at all rest with the Planning Board for the final determination as it does with any special use permit. The Planning Board does not want to force the applicant to come in for each and every proposal because this won't work time wise because you would lose business. *Mrs. Murphy stated the following:* We

have done agreements with developers in the past whereby the PDD in itself allows the Planning Board to have the authority to bring the applicant back before the Planning Board at such time where Code Enforcement identifies a problem, specifically with parking. There is some verbiage that we have utilized in the past to permit the Planning Board to have the authority to regulate those types of issues. Mr. Roberts asked if legally the applicant could use other parking areas in the park for the Sportsplex. Mrs. Murphy stated no. *Mrs. Murphy further stated:* As a precedent this Board has never allowed off-site parking in past. I understand that the applicant owns the building but we have had lengthy discussions with regard to the parking between the applicant, his attorney and myself and we have explained why this cannot be done. Mr. Nadeau stated with this being said, where would they put 1,000 to 1,500 cars if you don't have the parking. *Mr. Abele stated the following:* I think by granting an easement to the sports facility, which would run in perpetuity with the land, could legitimize parking. So I think there would be 523 parking spaces that would be entitled to the Sportsplex. Mrs. Murphy stated they do have the 523 parking spaces based on a contractual agreement that would go with the land but they do not have the additional 250 parking spaces. Mr. Watts stated that more specifics should be ready to give the people who may attend the Public Informational Meeting. *Mr. Abele stated the following:* We are hoping the public is supportive of this project because it would be a community benefit even though we do realize there are some hurdles associated with the plan. If we were successful in amending the PDD, we would be back before the Planning Board to add 75 additional parking spaces that would require a subdivision. Mr. Watts stated if there has been any discussion with the Town Board relative to public benefit for the PDD amendment. Mrs. Wormuth stated she has been involved with the applicant regarding the public benefit and because the project is still conceptual in nature, we are working to overcome the definition of the use as well as the parking concerns. *Mr. Abele stated the following:* Hopefully the architect and New York State would have a definitive answer at the Public Informational Meeting. Hopefully we will have an occupancy that we offer to limit ourselves for the Boards consideration. Mr. Watts stated the Board could set a Public Informational Meeting for two weeks from now that may require an extensive mailing of public notices or would you rather wait four weeks. Mr. Abele stated they would like to be scheduled for the Public Informational Meeting at the December 11, 2006 Planning Board Meeting.

Mr. Roberts made a motion to set a Public Informational Meeting for the December 11, 2006 Planning Board Meeting and asked that the Planning Department expand the area in order to include residential developments within the immediate area such as Deer Run Hollow and along Sitterly Road. Mr. Nadeau seconded. Motion carried.

06.102 OB Lawrence Circle Commercial Site Plan, Lawrence Circle – Commercial Site Plan

Mr. Warren Longacker, of Lansing Engineering, stated the following: He is before the Board to present two options that they have developed for the Lawrence Circle commercial site plan. These two options were developed in response to the September 11, 2006 Planning Board Meeting and the October 25, 2006 meeting with the Town, the Town's Engineer and ourselves. Option #1 is a modification of the previously discussed plan presented at the September 11, 2006 Planning Board Meeting. The plan has been revised in accordance with the comments received by the Town Engineer. The parking in the front has been realigned to a diagonal pattern to ease the maneuverability of vehicles entering and exiting the parking space. The stormwater underground infiltration basin has been relocated to the parking area to preserve the existing vegetation in front of the building. Vehicles would be required to access the developed area from the westerly side of Lawrence Circle only. The traffic study performed in

March 2006 took into account a conceptual plan that had an entrance and an exit on both the eastern and western legs of Lawrence Circle. This eastern leg has since been removed from the plans. The traffic impact study at Lawrence Circle and Route 146 was investigated. The number of cars that enter Lawrence Circle during the AM and PM peak hours showed 1 car in AM peak hour and no cars in the PM peak hour from the easterly leg. We also looked at the number of right on reds that were made at the traffic signal at the intersection and there were 230 cars during the AM and PM peak hours. This equals 8.6% make the right turn on red. He also did his own study at the traffic light on Route 146 and the maximum number of cars that cued at the signal was 6 cars, 2 of which turned right onto Old Route 146. Although this site would generate more traffic the vehicles would not go around Lawrence Circle to bypass the traffic signal. Option #2 is the preferred alternative for the applicant. The proposal is for an entrance only made to the eastern leg of Lawrence Circle. It would align in such a way that disallow vehicles from exiting the site, but it would allow vehicles traveling westerly on Route 146 to enter site, access the proposed development and traverse around Lawrence Circle. With this new proposal in option #2, it would reduce the retail area for 8,000 SF to 6,000 SF. There would be more green space in the front of the site. There would be improvement made to the intersection of Lawrence Circle and Route 146 to meet Town standards. Mr. Berkowitz asked if they took into consideration the proposed developments (Star Plaza and Inglewood PDD) at the corner of Route 9 and Route 146 with the traffic study. Mr. Longacker stated they took Star Plaza into account in the traffic study. Mr. Ouimet asked if the traffic study took into consideration the discharging and picking up of school children on Lawrence Circle. Mr. Longacker stated no but they would expand the traffic study to include this. Mr. Roberts stated that this project has been before the Board for quite a while and he feels this is the wrong site for a Dunkin Donuts because of the traffic. Mr. Berkowitz stated that if this project were approved then there would be 4 Dunkin Donuts within a mile of this intersection. Mr. Higgins stated the following: I agree with Mr. Roberts and Mr. Berkowitz's statements. If this were a less intense use, he would feel more comfortable with the site plan, because a Dunkin Donuts would increase the traffic. Mr. Ruchlicki stated he was not sure what the school bus traffic was on Cemetery Road and Route 146 but he knows it is busy and they have to take into consideration all the increased traffic because of other proposed projects before the Board in this area. Mr. Ouimet stated either option #1 or option #2 would create a terrible traffic situation at this intersection and it is a terrible site to have this type of business arrangement. *Mr. Watts stated the following:* I agree with the Boards comments. There are some safety and health issues with the traffic. Dunkin Donuts is too intense of a business and it would create traffic hazards based upon the size of the site, the Lawrence Circle issues, the school buses and where it would be located on Route 146. I see us having some real issues with a Dunkin Donuts being proposed for this site. Mr. Longacker stated he would discuss the concerns of the Board with the applicant.

The Planning Board stated to the applicant that they felt the proposed use is too intense of a use for the proposed site and the existing configuration of Lawrence Circle along with its relationship to the Route 146 and Old Route 146 intersection. The Planning Board asked the consultant to review the negative comments received with their applicants.

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

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, is representing Leyland Development for this project. *Mr. Zdrahal stated the following:* The site contains 149-acres of undeveloped vacant property. The site is located along Johnson Road and McBride Road. The proposal for

this site is for residential use. They are proposing a PDD for 92 single-family lots. They are proposing 67 of the lots to have a minimum lot size of 15,000 SF and the remaining 25 lots would have a minimum lot size 20,000 SF. This proposal is similar to the approved Adam's Pointe Subdivision located east of McBride Road. The density of this project was established by providing a thorough analysis of the site with respect to environmental concerns and by preparing a conventional proposal for this project that was for 92 standard R-1 residential lots. The PDD proposal is for the same number of lots. The layout complies with the requirements and guidelines established in the Northern GEIS. Mr. Zdrahal described the plans on the map as: The green area shows the proposed lots. The bright yellow area shows the common open space that would be owned by the Homeowner's Association (HOA). The lots in the beige area are the lots proposed for minimum lot size of 20,000 SF will be in the land preservation area where there would be deed restrictions on each of those lots. The statistics of the proposed land use is 30% of the site would be proposed for lots. The Town right-of-way and the stormwater management area would be another percent of the area. The common open space would include 51% of the site and 8% would be for land preservation. The applicant is proposing a public benefit which consist of building a public trail which would extend from Johnson Road along the east of the project site. Also the applicant is proposing to provide \$1,000 per lot to be contributed to the Town fund for improvements with the Towns discretion. There would be two access points; one access off of Johnson Road and one access off of McBride Road. Provisions have been made for access to adjacent properties to the south. The agreement for the extension of water is to be established. Mr. Berkowitz stated at the last meeting they discussed removing the 2 turns on Johnson Road to make more of a straight away through the development with a subtle curve back on to Johnson Road. Mr. Zdrahal stated that there were some wetlands in the area that they cannot encroach upon. Mr. Nadeau stated that this area gets flooded in the springtime and asked what would be done with the stream. *Mr. Dean Taylor, of Leyland Development, stated the following:* This project cannot handle this extensive improvement. We were hoping to contribute towards something where the Town would deem it to be necessary. Also, in order to straighten out the curve, they would have to go on someone's property. Mr. Berkowitz stated the Board recommended taking out the entire curve. Mr. Taylor stated that this area was very environmentally sensitive land. Mr. Zdrahal stated the area had geographic constraints with wetlands and a major stream. Mr. Taylor stated in the future they would be willing to dedicate some land to be turned over in the event that this was feasible. Mr. Zdrahal stated the land was quite valuable to preserve being in the Northern GEIS. *Mr. Nadeau stated the following:* As bad as the curves are with all the excess traffic that we now get in that area it does tend to slow the traffic down which is on the plus side. I will admit that I agree with the developers as this area floods out totally in the springtime and I feel this is not feasible. Mr. Polak stated that the entire valley backs up with water. Mr. Taylor stated that they have always felt that this was one of the prettiest parts of the whole area and we do not want to disturb this. Mr. Higgins stated that there is an increase in traffic in this area and he has seen several indications where cars have gone off the road on the sharp curve and this is why we are trying to think of ways to improve the traffic situation there. Mr. Berkowitz stated that the view would disappear in a few years when the other side of the road develops anyway. *Mr. Bianchino stated the following:* The suggestion that Mr. Taylor made is something that we have done in the past. As a minimum, if we can get some additional lands or additional right-of-way dedicated, this would allow us to smooth out the 2 curves if this land was available in the event there are future projects in that area. You can do a few small things to smooth those curves out to address the issue that Mr. Higgins raised, without getting into the environmentally sensitive areas. There is a large knoll in the road that

would take a significant construction project to get it knocked down to be able to have a road that would work in this area. There are a lot of constraints in that area and this is the reason why the road is where it is. Mr. Watts asked if a traffic study was completed for this project. Mr. Bianchino stated he believes the traffic study was in the original project narrative as we did reference this in our October 27, 2006 letter. Mr. Watts asked Mr. Zdrahal if they have responded to Mr. Bianchino's comment letter dated October 27, 2006. Mr. Zdrhal stated no. Mr. Nadolny, of Creighton-Manning, asked if the Board would like him to respond regarding the traffic analysis. Mr. Watts stated yes. *Mr. Nadolny stated the following:* We did a quantitative evaluation with automatic traffic counters placed at the two access points to record the speeds for hourly and daily traffic on Johnson Road and McBride Road. We did not perform turning movement counts in this analysis. Where the 40 mph posted speed limit sign the percentile speed is 52 mph and at the 35 mph posted speed limit sign and the speed limit was recorded at 38 mph. The curve and the stop sign are slowing the vehicles down in the vicinity of McBride Road. Currently there are 75 vehicles on Johnson Road in the AM peak hour and 85 vehicles in the PM peak hours. On McBride Road there are 15 vehicles in AM and PM peak hours. The reason we did a quantitative evaluation instead of a full traffic study was because of the low volume of traffic on these roads. We calculated 74 trips generated in the AM peak hour and 99 trips generated in the PM peak hour for the proposed 92 single-family unit subdivisions. Those figures would then be distributed to the 2 separate site accesses roads. Approximately 75% would go to the Johnson Road access and 25% to the McBride Road access. For a frame of reference this calculates to approximately 1 to 2 vehicles extra every minute on Johnson Road and 1 vehicle every 2 to 3 minutes on McBride Road. For vehicles exiting left and right, crossing Johnson Road and also for making a left turn into the development for the 52 mph operating speed the sight distance is more than adequate for the intersection and for stopping so there were no issues at this location. There is adequate sight distance at the McBride Road intersection but there is an issue when you are looking right because you are looking through a horizontal curve and we did indicate this in the letter. If there is development approved at the McBride Road intersection, the Board should be conscience that the sight distance would be impacted if a building or a fence was placed close to road. There are intersection-warning signs on each approach to Johnson Road for Staniak Road. These sign are not warranted but we recommend replacing those signs with 4-way intersection warning signs to indicate that there is a fourth leg to that intersection. Mr. Nadeau asked what the sight distance was on McBride Road looking to the left because of the slight knoll in the road. Mr. Nadolny stated that that they did not evaluate the existing intersection. Mr. Higgins asked about the little road on parcel "J". Mr. Zdrahal stated this was an access for the proposed stormwater management area. Mr. Ruchlicki asked if the parcels labeled "J", "K" and "L" were all stormwater management areas. Mr. Zdrahal stated this is correct. Mr. Watts asked if one of the trails being considered would connect to the A&M Sports Complex on McBride Road. Mr. Zdrahal stated correct. Mr. Watts asked Mr. Williams if the trails committee has been involved with this proposed project. Mr. Williams stated yes, the trails committee has looked at this proposed project and per Mr. Zdrahal the trails committee is recommending that the trail be on this project other than the Adam's Pointe side and to hopefully someday connect to the trail area of the A&M Sports Complex. Mr. Watts asked if the original public benefit of \$400 has now been increased to \$1,000. Mr. Zdrahal stated yes.

This item was tabled and referred to CHA for their review.

06.193 OB Halfmoon Family Dental, 1456 Vischer Ferry Road – Commercial Site Plan

Mr. Andy Rymph, of Chazen Companies, is before the Board representing Dr. Gary Swalsky for the proposed dental office at 1456 Crescent-Vischer Ferry Road. *Mr. Rymph stated the following:* On September 5, 2006 they received an area variance for the front yard setback for the proposed expansion from the Zoning Board of Appeals. On October 23, 2006 the Planning Board referred this project to CHA for comment. We have received CHA's comments and we have addressed their concerns. The proposed project is a renovation expansion of an existing wood frame residential home. The proposed dental office would be approximately 3,200 SF building. Dr. Swalsky is proposing a 6-chair facility with up to 7 employees. Dr. Swalsky currently operates a very similar dental office and wishes to relocate to this site. With the variance that they received they meet all the other zoning and site plan regulations. They have had preliminary conversations with the NYSDOT and they stated as soon as the Town approves the project, the applicant would need to apply for the curb cut permit. Mr. Higgins asked if there would be a sign. Mr. Rymph stated there is no proposed sign for the dental office.

Mr. Roberts made a motion to approve the commercial site plan application for Halfmoon Family Dental contingent upon the applicant gaining a NYSDOT commercial curb cut. Mr. Ouimet seconded. Motion carried.

06.195 OB Inglewood PDD, Cemetery Road – Major Subdivision/PDD

Mr. Gordon Nicholson, of Environmental Design Partnership, stated the following: Since this application last appeared before the Planning Board, we have reduced the density to 28 units from 31 units. The original application had 33 units. We have set aside 10% of the site area for open space that would be owned and maintained by the Homeowner's Association. The open space area would have a gazebo, walks, and benches. We have eliminated the private road into the development in favor of a public road. We are proposing a public benefit of \$2,000 per unit or \$56,000 that the applicant has been discussing with the parks people to be used for playground equipment or the applicant would be willing to purchase the playground equipment for the Town Park. CHA had concerns with the site entrance as well as 2 driveways. We have combined both driveways for lot #1 into one driveway. There also is the possibility of repositioning this unit and have the driveway come out onto the public road which would comply with CHA's request for only one curb cut on Cemetery Road. We have responded to CHA's comments with a part 3 of the long Environmental Assessment Form as well as their last engineering review letter. The applicants have retained an architect to give the Town an idea of what the craftsman's style carriage house would look like. This is a 3-unit building and we are targeting empty nesters. We have submitted a floor plan. In favor of the empty nester concept and senior citizens, there is a master suite, laundry facility and complete living facilities on the first floor of the unit. We would cater to the older type generation. On the second floor there is a room that could be used for a bedroom or a den and a second bedroom that could be used for an office. The unit would have a full basement. We are looking at an estimated price of approximately \$250,000 to \$300,000 for the unit. Mr. Mark Nadolny, of Creighton-Manning, is also present to answer question relating to traffic. We are before the Board to hopefully set a date for a Public Informational Meeting. Mr. Nadeau asked what the site distance was coming out of the development with the barn located on Cemetery Road. *Mr. Nadolny stated the following:* The sight distance is 540 FT and looking right it is 430 FT due to some existing trees located in the right-of-way on the parcel. We are recommending trimming the trees back in

order to maximize the sight distance looking to the right. Mr. Higgins stated he had some concerns with the relocation of the driveway to the main road. Mr. Nicholson stated they are thinking about redesigning that unit so that the garages would be in the rear of the building and we would still have the same façade only without the garages so you would not be looking at the back of building from Cemetery Road. Mr. Bianchino stated they have not reviewed the revisions and comments as of yet. Mrs. Wormuth stated that she had received the public benefits from the applicant but they have not been back before the Town Board because all the engineering issues were not worked out on the Planning level. *Mr. Nicholson stated the following:* Mr. Weber, an adjacent landowner, had some initial concerns regarding the 3-unit build and they have changed that to a 2-unit building and Mr. Weber is satisfied. The Gilbert's, another adjacent landowner, asked for landscaping around the side and rear property line and we would provide this. We have not heard any issues from any other the adjoining neighbors. Mr. Roberts made a motion to set a Public Informational Meeting for the November 27, 2006 Planning Board Meeting. Mr. Nadeau seconded. Motion carried.

06.200 OB 1475 Route 9, Route 9 – Change of Tenant
(formerly known as Romano's Restaurant)

Ms. Sarah Biscone, Esq. stated the following: I am the attorney for the applicant, Pamela Cafritz. I would like to clarify the Board's concerns from the last meeting. We are proposing to break this space into 4 sections and I will clarify each section with square footage. The public café section would be broken down into 3 sections. In one section there would be tables open to the public to enjoy food while socializing or conducting business. These tables would not be reserved or rented. These people would be able to go from the public café section into the public workstation area (second section) where there would be a number of fax machines, printers, photocopy machines and computers. This area is also open to the public but the people would be charged a usage fee for utilizing the equipment. The third section would be a commercial tenant area that would require a term lease. As soon as this tenant is known, we would apply to this Board for a change of tenancy application. The fourth section would be the kitchen section. There would be no conference rooms but there would be one office used for staff members and employees that are working in our public café area and workstation area. This office would not be open to the public. There would be a reception area in the front of the building where people could pick up faxes and pay the fee for this service. Mr. Berkowitz asked where the equipment fees would be paid. *Ms. Biscone stated the following:* The receptionist would take these fees. Also the machines would also accept credit cards or cash vending use cards. Mr. Berkowitz asked if they are proposing any training or educational classes. Ms. Biscone stated there would be no conference rooms and they would have no training classes. The public café section would be 800 SF, the public business center with business equipment would be 1,360 SF, the Commercial Tenant Section is 850 SF and the kitchen section would be 1,050 SF. Mr. Berkowitz asked if the public café could be closed for private reasons. Ms. Biscone stated no, it could not as it is for a first come-first serve basis. Mr. Higgins asked the hours of operation. *Ms. Biscone stated the following:* They would be open 7 days a week from 7:00 AM to Midnight. There would be 3 to 5 employees. The public café area would have 10 tables for the capacity of 24 people. The only fees that would be charge would be at the public workstation area. Mr. Higgins asked if the office space would strictly be used for office space and not for doctor offices, dental offices or real estate offices. Ms. Biscone stated this area would be the professional commercial tenant for something such as a financial management company or a law firm but it would not be something that would bring in a lot of traffic. Mr. Watts stated if the Board approves this usage, they would need to apply for a sign application.

Ms. Biscone stated she understood and she would apply for the sign applications when they are aware of the name of facility, the café and who the commercial tenant would be. Mr. Higgins asked if there would be improvements made to the existing parking in the rear. Ms. Biscone stated she assumes it would be the same parking as it was for Romano's. Mr. Berkowitz asked if the owner of the facility would have an office within the building. Ms. Biscone stated no. Mr. Berkowitz asked if the owner of the building would be renting the commercial tenant space. Ms. Biscone stated correct, this could be done as the building is essentially owned by a trust but at this time we do not know who the commercial tenant is going to be. Mr. Roberts stated that he would like to commend Ms. Biscone on her detailed explanation.

Mr. Roberts made a motion to approve the change of tenant application for 1475 Route 9 (formerly Romano's Restaurant) contingent upon a change of tenant application is submitted for the café use and for the commercial tenant space (office). Mr. Nadeau seconded. Motion carried.

New Business:

06.224 NB Pepperidge Farms Dist. Whse., 9 Morris Lane – Change of Tenant

Mr. Tom Blass, stated the following: I am proposing to operate a Pepperidge Farms distribution operation from the Mabey's Self-Storage site off of Crescent-Vischer Ferry Road. The tenant would utilize building #9 with 7,200 SF of space. The applicant would conduct business from 2:00 AM to 10:00 AM. The Pepperidge Farms cookies and breads would be delivered to the site and then delivered out to the stores. There would be no sign. Mr. Watts asked what type of trucks would be delivering the products. Mr. Blass stated tractor-trailers with delivery on Tuesday and Sunday nights in the evening from 2:00 AM to 6:00 AM. Mr. Watts asked if there were other deliveries made at this site and are there any residents in the area that have complained about the noise with these deliveries. Mr. Blass stated no, this has never been an issue to their knowledge.

Mr. Roberts made a motion to approve the change of tenant application for Pepperidge Farms Distribution Warehouse. Mr. Berkowitz seconded. Motion carried.

06.230 NB Schofield Subdivision, 133 Cary Road – Minor Subdivision

Mr. Dave Flanders, of David Flanders & Associates, stated the following: He is before the Board with Mr. Brad Schofield, the owner of the property. The property lies on the southeasterly side of Cary Road and the property is presently zone A/R Agricultural-Residential. The parcel is 2-acres and is currently occupied by a single-family 2-story residence. The proposal is to subdivide the property into 2 single-family lots. Both proposed lots meet area and setback requirements for this zone. Both parcels would have individual wells and on-site septic systems. There is an existing 30 FT ingress/egress easement lies along the northeasterly side of the property. This easement has been created by virtue of a deed that benefits the property to the south owned by McCarthy. There is an existing gravel drive that lies within that easement. We are proposing a small addition to this easement because the gravel driveway is not entirely in the easement. Mr. Higgins asked if the McCarthy existing structure was inhabitable due to a water problem. Mr. Flanders stated he is not aware why the house is not habitable other than that the foundation has caved in.

Mr. Nadeau made a motion to set a Public Hearing for the November 27, 2006 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

06.231 NB Allstate, 1859 Route 9 (Stewart's) – Change of Tenant & Sign

Mr. John Lofrumento, the applicant stated the following: We are looking to open the Allstate Insurance Agency on Route 9 in Halfmoon located in the Stewart's plaza just north of Farm to Market Road. There would not be a lot of traffic as they average around 2 appointments per day. We have 2 employees and would be hiring a third employee in a couple of months. I feel there would be adequate parking with only 2 appointments coming to the site per day. The signage would be 12 FT x 3 FT, one sided, wall mounted on canopy and internally lit. Mr. Roberts made a motion to approve the change of tenant and sign application for Allstate. Mr. Ruchlicki seconded. Motion carried.

06.232 NB Exit Northway Realty, 1650 Route 9 – Change of Tenant

Mr. Nick Krill, the applicant, proposed a change of tenant application for Exit Northway Realty located at 1650 Route 9. *Mr. Krill stated the following:* He is the owner/broker of Exit Northway Realty. The business will be a full service real estate brokerage firm. Mr. Watts asked if there was adequate parking at this site. Mr. Williams stated yes. Mr. Watts asked if there would be a sign. Mr. Krill stated that they were unaware they needed a sign application before the owner of the building gave them a sign application. *Mr. Williams stated the following:* Ambiance Systems were before the Board for a change of tenant and sign application. At that time Ambiance Systems were approved for their freestanding sign with a tenant panel. Mr. Roberts asked how many signs their business would have. Mr. Krill stated the freestanding sign has a plaque on each side of the sign. Mr. Higgins stated that when the Board approved the Ambiance Systems freestanding sign, the applicant was specifically told that Exit Northway Realty had to appear before the Board for the sign approval.

Mr. Roberts made a motion to approve the change of tenant application and sign for Exit Northway Realty contingent upon the applicant producing a sign application to the Planning Department. Mr. Nadeau seconded. Motion carried.

06.233 NB Yorkshire Management, LLC, 7 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: This change of tenant application for 7 Corporate Drive in the Abele Park. All the tenant space in this building is full except for a small 600 SF area. This would be the last tenant in that area. There would be 2 full-time employees. Mr. Watts asked if there would be a sign. Mr. Andress stated he did not think they had a sign application.

Mr. Berkowitz made a motion to approve the change of tenant application for Yorkshire Management, LLC. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 13, 2006 Planning Board Meeting at 9:30 pm. Mr. Berkowitz seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary