

## **Town of Halfmoon Planning Board**

### **October 24, 2005 Minutes**

Those present at the October 24, 2005 Planning Board meeting were:

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

***Alternate***

**Planning Board Member:** Daphne Jordan  
Bob Beck

**Planner:** Jeff Williams

**Town Attorney:** Bob Chauvin  
**Deputy Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the October 24, 2005 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they have reviewed the October 11, 2005 Planning Board Minutes. Mr. Roberts made a motion to approve the October 11, 2005 Planning Board Minutes. Mr. Ruchlicki seconded. Motion carried.

### **Public Hearings:**

#### **05.134 PH Southview Apartments PDD, Route 9/Sitterly Road – Minor Subdivision**

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. Watts adjourned the Public Hearing at 7:03 pm, as a representative was not present to present the Southview Apartment PDD Minor Subdivision application to the Board. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts reopened the Public Hearing at 7:22 pm. Mr. Joe Dannible, of Environmental Design Partnership, apologized to the Board for his tardiness. *Mr. Dannible stated the following:* He is representing Donald C. Greene for a 2-lot subdivision from the existing Southview Apartments. The land in question to be subdivided was approved, as part of the overall Twin Lakes PDD and in 1991 was included to amend a section of the PDD. In September 2005 the Town Board voted unanimously to amend the PDD's and they are now applying for a 2-lot subdivision to subdivide out a 1.827-acre parcel adjacent to NYS Route 9. There is no applicant ready to develop this parcel and any development in the future will be consistent with the uses of the C-1 commercial district in the Route 9 corridor. Mr. Watts again asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:23 pm.

Mrs. Jordan made a motion to approve the Southview Apartments PDD Minor Subdivision. Mr. Roberts seconded. Motion carried.

**05.224 PH Czajkowski Subdivision, Pruyn Hill Road – Major Subdivision**

Mr. Watts opened the Public Hearing at 7:04 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. Ms. Bernadette Czajkowski, the applicant, is representing her mother-in-law, who resides in Florida, for this major subdivision application. *Ms. Czajkowski stated the following:* The proposed Czajkowski subdivision, located on Pruyn Hill Road, consist of a 3-acre parcel of land that they wish to subdivide into a 2-acre lot and a 1-acre lot. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:05 pm. Mr. Chauvin stated, so the buyer will be aware, the Mylar that is submitted must have a note indicating that it will be subject to curb cut approval from the County DPW.

Mr. Higgins made a motion to approve the Czajkowski Major Subdivision contingent upon a note being place on plans stating a County Curb Cut permit is needed before the vacant property is built upon. Mr. Nadeau seconded. Motion carried.

**05.226 PH Strohmaier Subdivision, 266 Lower Newtown Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:06 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. *Mr. Dave Flanders, of David Flanders and Associates, stated the following:* Mrs. Florence Strohmaier owns a parcel of land on the south side of Lower Newtown Road. Mrs. Strohmaier proposes to sell a 40 FT. wide strip of land located behind her property to her neighbors, the Herald's. There would be no proposed improvements to this parcel to be conveyed to the Herald's. Mr. Watts asked if anyone from the Public wished to speak. Mr. Jamie Alling, who lives across the street from Mrs. Strohmaier, asked if the Herald's had any plans to build on that piece of property. Mr. Flanders stated to his knowledge the Herald's have no plan for any construction on this piece of property. A member from the audience asked if there were any plans to build on the remaining lands of Mrs. Strohmaier. Mr. Flanders stated that he did not know but he surmises the property will be sold. Mr. Watts closed the Public Hearing at 7:08 pm. Mr. Chauvin asked Mr. Flanders if there was an existing easement to access the rear parcel. Mr. Flanders stated there was an existing easement on the adjoining lands of Williamson and Kuscick. Mr. Higgins asked Mr. Chauvin if the existing easement would need to be modified because of the new configuration. *Mr. Chauvin stated the following:* No, not if the existing easement is shown on the map and they are satisfied there is enough of an access. This 40 FT. parcel is going to be attached to become a part of the other lot and it would not be a stand-alone parcel for any purposes so he sees no reason for a modification. Mr. Flanders stated he also does not see any reason for the easement modification, as there is no desire for the client to do this. Mr. Watts asked Mrs. Murphy if she had a point relative to this issue. *Mrs. Murphy stated the following:* At the last Board meeting there was a question with regards to the fact that the lot being created would still be sub-standard. It has been upheld in the past that due to the fact that they are making a more conforming lot, they are taking a bad situation and making it better. Mr. Flanders can go forward with the approval process if it has met the Board's other qualifications. Mr. Watts asked regarding the issue that the person raised about building on the property, is it conceivable that someone would put a home on this parcel? Mr. Flanders stated no, as this parcel is being added to the lands of Herald and the Herald property would be considered to be 1 lot and this noted on the plans. Mr. Flanders stated that Mrs. Strohmaier has always intended to sell this piece of land and the Herald's have been utilizing this piece of property. Mr. Nadeau

stated that the question is could someone put a house on this 40 FT. piece of land, and he believes the answer to this is yes. *Mr. Chauvin stated the following:* This lot will still be non-confirming in area but a house could be placed on the lot if the existing mobile home is removed. Tonight's action is to convey a piece of land from one neighbor to the other. Someone from the audience asked if the area would remain residential. Mr. Chauvin stated yes. Mr. Higgins asked if there was a question about any of the wells or septic on the adjoining property of Kuscick. Mr. Flanders stated that there is Town water and private septic on the property and he doesn't believe there are any wells.

Mr. Nadeau made a motion to approve the Strohmaier Minor Subdivision. Mr. Beck seconded. Motion carried.

**05.228 PH Kapenos Subdivision, 53 Werner Road – Major Subdivision**

Mr. Watts opened the Public Hearing at 7:12 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. *Mr. Greg Bold stated the following:* He is representing Mr. Joseph Kapenos who wishes to subdivide his property at 53 Werner Road for the purpose of creating a single ½-acre lot to be conveyed to members of the Kapenos family. The new ½-acre lot would have frontage on Werner Road and would have the proper setback requirements. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:13 pm. Mr. Nadeau stated he reviewed this proposed project and did not have any issues with the subdivision.

Mr. Nadeau made a motion to approve the Kapenos Major Subdivision. Mrs. Jordan seconded. Motion carried.

**05.230 PH Ciepiela Subdivision, 128 Johnson Road – Major Subdivision**

Mr. Watts opened the Public Hearing at 7:14 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. *Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following:* Mr. Edwin Ciepiela is the executor of his mother's estate and he wishes to retain a 6.03-acre portion of the overall 114-acre parcel of land. The 6.03-acre parcel would contain the existing farm buildings and an existing residence. The Planning Board has classified this as a major subdivision because of prior subdivision activity that has been shown on an inset map. They have also listed previous conveyances by Edwin Ciepiela with most of the subdivisions located on the northern side of Johnson Road. There was a question at the last Board meeting why a 26 FT. wide strip of land was being left with the overall 114-acre parcel of land. There is a contract which states that the property is under contract to add into the overall parcel and the reason this line was established was to give flexibility for a future access into the property. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:15 pm.

Mr. Nadeau made a motion to approve the Ciepiela Major Subdivision. Mr. Roberts seconded. Motion carried.

**05.231 PH Coreno Subdivision, 95 Ushers Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 7:16 pm. Mr. Watts asked if anyone would like to have the Public Notice read. No one responded. *Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following:* Mr. William Coreno owns approximately 73-acres on both sides of Ushers Road. The parcel of land is located on the northern side of Ushers Road. The Saratoga County Sewer District's main truck line and the Anthony Dwass Kill that is located to the rear of the property bisect this land. The large parcel located to the rear of the property is over 20-acres that would be accessed by a 20 FT. wide strip of land. Lot #1 has an existing

residence located on the property that spans the County sewer right-of-way and the total acreage of lot #1 is 4.08-acres. There is a 2.07-acre parcel that is located on the northern side of Ushers Road and bounded on the north by lands of Saratoga County. This property is located in the Light Industrial/Commercial zone and all of the lots would meet the requirements of the Light Industrial zone. Mr. Watts asked if anyone from the Public wished to speak. Mrs. Henrietta O'Grady, of Church Hill Road, asked what the intentions were for lot #1 on the north side of the Saratoga County Sewer main trunk line. Mr. VanGuilder stated this parcel would be part of lot #1 which is bisected by the lands of Saratoga County and he is unaware of any plans for this parcel. Mrs. O'Grady asked if there were any wetlands in this area. Mr. VanGuilder stated that he was sure that there are wetlands located on the north side of the Saratoga County Sewer and there are no proposed improvements or disturbance in this area at this time. Mr. Watts closed the Public Hearing at 7:19 pm. Mr. Higgins asked what the 20 FT. right-of-way easement would be used for. Mr. VanGuilder stated that the 20 FT. piece of land would access the 20-acre parcel in the rear of the property. Mr. Higgins asked if that would be the only access. Mr. VanGuilder stated yes. Mr. Higgins asked if the applicant was aware that by only allowing a 20 FT. access he is severely limiting what could be put on this parcel. *Mr. VanGuilder stated the following:* Environmentally, not much could be done with this parcel. The reason behind this 20 FT. access, as he understands it, was when the applicant was looking to get financing for this house, the bank was not interested in financing a 20-acre parcel or a 25-acre parcel. The bank was more interested in financing a 4-acre parcel. This was done for financing purposes to make improvements needed for the other lot. Mr. Roberts made a motion to approve the Coreno Minor Subdivision. Mr. Higgins seconded. Motion carried.

**Old Business:**

**02.118 OB      Rolling Hills PDD Phase I, Cary Road – Major Subdivision/PDD/GEIS**

Mr. Percy Cotton, of Percy B. Cotton Engineering, proposed Rolling Hills PDD Phase I. *Mr. Cotton stated the following:* Phase I consist of 57 lots located on Cary Road and Tabor Road. Tabor Road is one of the homestead lots with some of the detention facilities. The storm water management areas will be located off of both Cary Road and Tabor Road. The project would have Public water and sewer. Sanitary sewer will be constructed from the Phase I limits to the existing gravity line on Liebich Lane near the SYSCO Food Building. The water main will be installed from Smith Road to the intersection of Cary Road and the Rolling Hills Drive intersection. Additionally, the water line will be extended to the Cary/Tabor Road and Johnson Road intersections to service only the existing residents. Mr. Chauvin stated for the record that only the existing residential homes would be permitted to tie into the water line and not the large parcels of land. *Mr. Cotton stated the following:* There will be one entrance to Phase I and there are no temporary cul-de-sacs as a part of Phase I. The applicant also proposes trail systems associated with Phase I. Mr. Higgins asked if the number of lots has stayed the same and if the plan has changed due to wetland problems. Mr. Cotton stated they have done some lot line adjustments and there are 57 lots instead of the original proposed 58 lots. Mr. Higgins asked if the sewer line would be temporary until the final elevations are completed. Mr. Cotton stated they had talked about that earlier as a possibility but the plan is now to connect to the existing sewer line with a permanent sewer line. *Mr. Higgins stated the following:* Regarding the water line along Cary Road, there was a note made previously and he wanted to note again that some of the existing houses at the end have very shallow wells and one of them only has a cistern. Therefore, before any major excavation is done the water line will have to be installed

for these people because if they lose their wells, they will be without water. Mr. Cotton stated he remembers this submission and that is planned to be done. Mr. Nadeau stated there was an issue regarding a culvert crossing the road on the last lot and would this be increased or was this resolved. Mr. Higgins stated there are two culverts that cross the road, one by Slish and one up by Robinson and there was some discussion regarding this issue. Mr. Bianchino stated currently this ponds in the springtime and they will bring this up-to-date. Mr. Higgins stated there were some off-site improvements that the applicant proposed and asked if they would strictly be for the water line and the remainder would go into the GEIS mitigation. Mr. Cottons stated that was correct. Mr. Cotton stated Liebich Road was part of Phase II and the water line would continue along Tabor Road and all the way down to Liebich Road prior to any C.O.'s of Phase II. Mr. Higgins stated this would have to be built to the Town's satisfaction and turned over to the Town before any C.O.'s are granted. Mr. Nadeau asked Mr. Bianchino what was the status of the Cary Road intersection regarding the realignment of Farm to Market Road and Cary Road. Mr. Bianchino stated they are in the concept phase and they are collecting fees as part of the GEIS but have not taken this to the next step at this time. Mr. Nadeau stated this intersection is starting to get a lot of traffic and the Town should be aware of this. Mr. Chauvin stated that the Town is very aware of it and has referred this to Mr. Polak as it has been on his schedule of sites for a long time but they haven't had the money to do it. Mr. Polak stated this was correct. *Mr. Nadeau stated the following:* He questioned, do we start developing all of these sites when we know we have intersections all over Town that need to be improved? Are all the sites going to be developed and the Town is still not going to have enough money to do these intersections? Mr. Polak stated the purpose of the mitigation fee was based on the C.O.'s and as they collect the fees they will have funds to make the improvements and until the site is built-out a little, they will not have the funds to do it. *Mr. Bianchino stated the following:* By approving a project, this would not mean you would have the traffic. As the projects are built the C.O.'s are issued the fees are received and now the money should be available to do the improvements when the impact is there.

Mr. Higgins made a motion for the final approval of Rolling Hills PDD Phase I, Major Subdivision/PDD/GEIS contingent upon water agreement finalized, other agency stamps on plans and water line placed early in development. Mr. Nadeau seconded. Motion carried.

**02.118 OB     Rolling Hills PDD Phase II & III, Cary Road – Major Subdivision PDD/GEIS**

Mr. Percy Cotton, of Percy B. Cotton Engineering, proposed Rolling Hills PDD Phase II & III. *Mr. Cotton stated the following:* Phase II will extend to Tabor Road and Phase III will continue to the south. Phase II and III will be accessed from Cary Road through Rolling Hills Drive. As discussed previously, before C.O.'s are issued in Phase II the roads would be completed to the Town's satisfaction. The sewer will flow from a high point by gravity down to the existing sewer by SYSCO. The only part of the sewer system that will be pumped would be a portion of Phase I. There would be a 12-inch water line from Tabor Road to the Liebich Road extension. The 12-inch water line would loop completely around the site and the internal water line would be 8-inch. Storm water will flow by gravity to the sanitary sewer. There would be 3 access locations to the project. Mr. Watts asked Mr. Bianchino at what stage was the Board with Phase II and III. *Mr. Bianchino stated the following:* Phase II and III have not been in front of the Board for preliminary approval and the SEQR process has been completed for the entire project. He asked Mr. Cotton if he has submitted full preliminary plans to the Board. Mr. Cotton stated that he did. *Mr. Bianchino stated the following:* Phase II would need to go through engineering and a Public Hearing would need to be scheduled for Phase II and III. Once preliminary is granted, they will have to do a water district extension, etc. At this point

this is the first step in the preliminary approval process for Phase II and III. Mr. Higgins asked if there was more area that is being deeded to the Town where the water tanks are located or is this all part of the original? Mr. Cotton showed an area on the map that is already Town property and a portion of a lot would be given to the Town. Mr. Higgins asked if this area would need to be conveyed to the Town prior to Phase II starting. Mr. Chauvin stated this area should be conveyed to the Town when the road is completed so the Town can get access to the roadway.

Phase II and III of Rolling Hills PDD was tabled and referred to CHA for review.

**05.137 OB     Kingdom Hall of Jehovah's Witnesses, 171 Route 236 - Sign**

*Mr. Bob Bordeau Sr., representative for the Kingdom Hall, stated the following:* A few weeks ago they gained approval for a sign variance from the Zoning Board of Appeals for their sign located at 171 Route 236. They are proposing a double-sided sign 3 FT. x 5 FT. for the Kingdom Hall of Jehovah's Witnesses. The Zoning Board of Appeals referred them to the Planning Board for approval. They feel that the sign is very respectful of their place of worship and for the community. Mr. Roberts asked if the sign would be moved back so there are no sight distance problems with traffic going in and out. Mr. Bordeau stated the proposed sign would be moved 10 FT. further back than the existing sign. Mr. Roberts asked if the sign would be flood lit. Mr. Bordeau stated yes, on both sides. Mr. Roberts stated to make sure that the floodlights do not shine into the roadway. Mr. Bordeau stated the floodlights would not shine into the roadway.

Mr. Roberts made a motion to approve the Kingdom Hall of Jehovah's Witnesses sign application contingent upon the sign's floodlights do not shine into the roadway. Mr. Ruchlicki seconded. Motion carried.

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

Mr. Chauvin and Mr. Ruchlicki recused themselves from this item. *Mr. Joe Dannible, of Environmental Design Partnership, stated the following:* He is representing Belmonte Builders for a residential Planned Development District known as Arlington Heights located on Farm to Market Road. The Town Board and the Planning Board originally approved the Arlington Heights PDD in 1999. Due to outstanding issues with wetland crossings and obtaining permits from the Army Corp or Engineers, the application time span has lapsed and they are now presenting a new project for development. Since 1999 the applicant has acquire an additional 1.25-acres of land to provide a new access location around the wetlands for the project. The Town Board referred the revised application to the Planning Board in March 2005. This new project was presented to the Planning Board on May 23, 2005 and a Public Informational Meeting was held on July 11, 2005. At the July 11, 2005 Public Informational Meeting this project was referred to CHA. Tonight the applicant would like to resolve any outstanding issues the Planning Board may have and they are looking for a recommendation to the Town Board for this PDD application. They are proposing a 46-lot subdivision on a 26.24-acre parcel. This site would be accessed from Farm to Market Road. The proposed public road "A" on the plans will have a full 60 FT. right-of-way. There will be a 10 FT. wide fully landscaped Boulevard entrance coming into the site with 16 FT. wide drive aisles on either side to accommodate emergency access vehicles. Proposed Roads "B" and "C" would have a 20 FT. wide drive aisle with concrete curbs continuous throughout the site and a 44 FT. right-of-way. There will be an additional 8 FT. utility easement provided along either side of the right-of-way to provide room for sidewalks and utility units. They are proposing 5 FT. pedestrian sidewalks; a single sidewalk extending from Farm to Market Road into proposed road "B" and then continuous around both

sides of the road for the entire lengths of road "B" and road "A". These sidewalks will have street trees planted as well as period street lighting. They believe the streets will have an attractive look for residents to be able to walk through the development in the evening hours and feel safe and comfortable in that environment. They also propose open space for this project. Located centrally throughout the project there would be approximately .67-acres of recreational open space. A Homeowner's Association will maintain this open space and the HOA will govern the entire development. The recreational open space would be used for such activities as baseball throwing and football in other active recreational areas. In the front of the site they propose 4.25-acres of passive recreational open space. This area would be used for walking and bird watching. They have also provided a utility infrastructure easement to be located on lands to the north of the property. In this easement, which is the low area on the site, they will provide storm water management, a sewer pump station that will be deeded to the Saratoga County Sewer District and a temporary turnaround, which would also be used for future development to lands to the north. Agreements have been reached with the owner of the property to the north for these easements and possible purchase of land. In regards to the CHA letter dated August 3, 2005 there was a question about a clearing buffer along the southwestern edge of the property. They have no problem going up to a 30 FT. selective clearing easement. This selective clearing easement would allow the landowner's to remove dead vegetation and any invasive species of vegetation. In the previous plans they showed a 24 FT. wide road section throughout the development plan and CHA felt that this was too narrow and they are now proposing a 28 FT. wide drive aisle section, 2 FT. wider for each driving lane. CHA has concern with the curbing on the boulevard entrance. The applicant would like to keep the curbing at a full 6-inch reveal curb as this will go along with the look of the site and the entire development concept for that area. To help accommodate this, they increased the drive aisle width from 12 FT. to 16 FT. on either side of the boulevard, which would be more than enough to compensate for emergency vehicles accessing the site. The right-of-ways within the site have increased from 40 FT. to 44 FT. to help accommodate any concerns over the area within the right-of-way. They have provided a temporary cul-de-sac at the end of proposed road "C" and have removed the stub road. CHA has concern with the deed restricting the environmentally sensitive areas. He has not conferred with the applicant on this at this time but they do not see a problem with deed restricting the actual wetlands located within the open space and within the private parcels in the back of the lots. There was concern raised about the depth of the yards within the lots to the south of the project. There is a utility easement located to the south of the property. They have revised the layout and relocated road "B" approximately 30 FT. to the north that now provides close to 100 FT. of depth from the front yard building setbacks and rear property line that they feel will accommodate the house and any amenities in the back yard. In regard to the concern to the open space, they are providing 4.89-acres of open space and they feel it is adequate to sufficiently provide recreational areas for the residents in this development. Mr. Watts asked if there was a subsequent CHA letter to the August 3, 2005 letter. Mr. Dannible stated yes, there was another letter from CHA on October 18, 2005. *Mr. Dannible stated the following:* They have reviewed the letter and they do not feel there are any problems with these recommendations and they are willing to investigate these recommendations in the future. In regards to comment #5 of this letter which talked about the lots being smaller than on the original proposal. In the original plan that was proposed, the area between the front yard building line and an easement was about 6,000 SF on the smallest 2 lots. The land from lots #9, #10 and #11, which were the smallest lots on the original plan, now show close to 7,500 SF of useable space, which is an increase of 1,500 SF, and they feel this is adequate for these sites. Any access to this area by

means of a walking trail, the applicant is willing to entertain such walking trails in that area to help provide the passive recreation that they desire in this area. Mr. Bianchino asked if the original proposal was for a 60 FT. right-of-way. Mr. Dannible stated that it was his understanding with the first application there were 40 FT. right-of-ways being proposed on the detailed subdivision plans. Mr. Bianchino asked what the purpose was for the reduced right-of-ways and the added easement outside of the right-of-ways. Mr. Dannible stated they were able to gain more room for the lots by reducing the right-of-way width throughout the project while still maintaining the road widths within the project and they do not feel there will be any problems with utilities or the road within that area. Mr. Bianchino stated that the lot sizes have increase but in effect the lot setbacks will be closer to the roadway then they would normally be with a full width right-of-way. Mr. Dannible stated that was correct and it is his understanding that these units in this residential neighborhood are to be marketing toward the empty nester and there will be the availability of full maintenance of these lots and feels that people do not want huge parcels of land to maintain. *Mr. Bianchino stated the following:* CHA has a concern with the homes being located close to the roadway with shorter driveways, which provides for less off street parking. Prospect Meadows has created an issue with CHA regarding the parking in the narrow roadway, which can be addressed with going with a wider roadway for on street parking. Mr. Higgins stated in the other location they added turn off parking areas on each of the lots. Mr. Watts asked how many cars could be parked in the driveway with this configuration? Mr. Dannible stated with the front yard setback of 35 FT., they could do a 16 FT. driveway that would allow 2 cars to fit in the driveway and 2 cars in the garage. Mr. Watts asked if all the homes would have 2-car garages. Mr. Dannible stated he did not have this information at this time. Mr. Higgins asked Mr. Bianchino if the area of 3 FT. between the road and the sidewalk was adequate for the utilities to be buried. Mr. Bianchino stated yes. *Mrs. Jordan stated the following:* Mr. Dannible mentioned that they felt the open space requirement was adequate and the active recreational use is only .67-acres and the 4 plus acres that remain look to be all wetlands. She believes the regulations are that 10% of the gross development area with the open space developed for active recreational, which would mean they are about 2-acres short. *Mr. Dannible stated the following:* This tends to have more to do with the actual clientele. Being that these proposed homes are geared more toward the "empty nester", they are assuming that the need for open recreational space that children would be using is not needed in the extent for most of the Planned Development Districts that have been in front of the Board for major full single-family houses with 2, 3 and 4 bedroom units which would be occupied by children. They feel that the open space, the smaller amount of the active recreational space plus a walking trail in this area would provide adequate open space for the residents of this community. Mrs. Jordan stated that all the homes may not be occupied by "empty nesters" as there may be families just starting out with 1 child and the these lots are small; ¼-acre, .32-acres, and .33-acres. Mr. Dannible stated that it his understanding with the marketing study that the width of the houses that are going to be built on these lots are 2-bedroom homes and they do not anticipate having many school aged children within this development and that is their intensions. Mr. Nadeau asked if that marketing didn't work out, would they possibility sell these homes to a different market. Mr. Dannible stated he could not speak on behalf of the applicant. Mr. Nadeau stated that the Board would have to look at this on both sides. Mr. Watts asked Mr. Bianchino what the GEIS states relative to Mrs. Jordan question regarding the open space. *Mr. Bianchino stated the following:* The GEIS definition, in the way that this PDD is configured, states there needs to be 20% open space which can be either developable or constrained lands. Therefore, if all the wetland area is included and because the wetland area is located along the main road, the way this is developed it does



meet the 10% on the GEIS. The issue that CHA raised in their letter is really the PDD ordinance, which states, "An area in addition including the 10% of the gross development area, shall be developed and maintained as common open space. Such common open space shall be developed for active recreation; or sitting areas or bicycle, walking, or horse trails or developed wooded area or any other uses found appropriate by the Planning Board". According to the GEIS, the way this is laid out with the open space along Farm to Market Road and the fact that the 20% exists, totally would comply with the GEIS requirements. Mr. Watts stated there are developments, such as Prospect Meadows, that are similar to this project and asked Mr. Dannible how the marketing is going at Prospect Meadows. Mr. Dannible stated very good and it is his understanding they are very close to being sold out. *Mr. Watts stated the following:* He lives in a development that has very limited common/open space and there are some people who live here that do have children and it seems to work. The people in this development maintain their homes very well and there not necessarily single-family large lots but these houses sell overnight. His point, relative to the GEIS, is that there does seem to be a marketing strategy that is working that does meet the needs of the diverse Halfmoon community in terms of people who are "empty nesters" or families who are just starting out. He does not know if he wants to interpose the Planning Board's various philosophical theories. *Mr. Higgins stated the following:* The trail system, that the applicant has mentioned, definitely needs to be part of this project to give the residents enough of an area rather than just walking around looking at homes. Both of the projects that were mentioned on Farm to Market Road have extensive trail systems going through the green area so it gives the residence more of an opportunity to get out to bird watch, etc. He feels the trail system really needs to be a part of the project as it was on the original PDD legislation as far as the amount of recreational area. Being that there may be school buses going into this development, is the width of the roads wide enough for school bus access. Mr. Dannible stated he believes the 28 FT. wide right-of-way would be adequate for school buses and emergency access vehicles. Mr. Nadeau stated to Mr. Higgins that this project would be geared toward empty nesters. *Mr. Higgins stated the following:* They have to look at other contingencies as the applicant, Mr. Peter Belmonte, has mentioned on record before this forum that he felt that the roads were too narrow in Prospect Meadows. This is the reason why the Board is concerned with the roads to make sure that there is not a problem with people parking in the roads and obstructing the flow of traffic. Mr. Nadeau stated that before Prospect Meadows was basically built-out there was a fire at the end of one of the streets that turned into chaos trying to get the fire trucks to this location because of people parked on the streets during an open-house. *Mr. Watts stated the following:* This is why he had asked the question about 2-car garages and how many cars could be parked in the driveway, as there is a Town parking ordinance in the winter that will be aggressively enforcement this winter. Cars that are parked in the street is a negative and one possibility might be is to have a couple of common parking areas, which may take away a couple of lots, to prevent these cars from parking in the street. Mr. Dannible stated they would be willing to look at putting some kind of parking area in the green space area that wouldn't take up more than 1/10 of an acre of the open space. *Mr. Polak stated the following:* He doesn't feel that people would walk from this area. When there is a snow emergency there is no on-street parking day or night. He would like the Town engineers to look at the radius for snow plowing and he is unclear on whether the 3 FT. utility right-of-way would be used for water, sewer or power and if trees would also be planted within this 3 FT. strip. Mr. Dannible stated he believes the trees will be planted on the property line side. *Mrs. Jordan stated the following:* She understands that the open space requirement would be met by the GEIS. This is a PDD and she questioned when it is a PDD, does the GEIS take precedents on regulations over the PDD

rule? Mr. Bianchino stated the last couple of PDD's that have been done in the GEIS area; they adhere to the GEIS requirement. *Mrs. Murphy stated the following:* The PDD legislation specifically permits the Planning Board to say that 10% can be for any use that the Board finds to be appropriate. The GEIS has determined on a larger scale that this is an appropriate use and the Planning Board has chosen in the past to go with that GEIS analysis. Mr. Higgins asked Mr. Watts if it would be appropriate at this point to refer this back to CHA and have CHA work with the applicant to iron out some of these questions brought up by the Board. Mr. Watts stated yes. *Mr. Polak stated the following:* He would like to see these issues and concerns addressed before this project is brought back to the Town Board. He was somewhat skeptical about these types of projects but he has visited some of these projects and the way the units are laid out, the smaller lots do work. Mr. Higgins stated these types of projects are obviously appropriate and are selling, however, he is concerned about the traffic flow and the problems that they have already experienced on some of the other developments with the smaller lots. Mr. Watts stated to Mr. Williams to make sure that the fire department is part of the process as there have been issues in the past. Mr. Higgins asked if easements were needed on the off-site infrastructure for the detention ponds and pump stations. Mrs. Murphy stated this is definitely something that she would want as they move forward with the process before a positive recommendation is made to the Town Board. *Mr. Belmonte, the applicant, stated the following:* He apologizes to the Board for being late as he has come from a prior meeting. The road width still seems to be a concern and he believes this has been hashed over several times where they have increased the road width over the experience at Arlington Heights. Prospect Meadows PDD was originally approved at 22 FT. and built at 24 FT. and they have increased this again for this particular community. Mr. Watts stated the road width was a concern amongst some other issues discussed and it is not appropriate at this point to revisit those issues and the project would be referred to CHA and then they can go over those issue again. This item was tabled for the applicant to work with CHA on issues raised by the Planning Board.

**05.183 OB      Dudick Chiropractic, 377 Route 146 – Commercial Site Plan**

Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed a commercial site plan for Dudick Chiropractic located at 377 Route 146. *Mr. VanGuilder stated the following:* The last time this project was before the Planning Board they needed a use variance for a Professional Office use in a Residential zone. The Zoning Board of Appeals has granted this variance along with an area variance for a lot that is smaller than is required in the Professional Office/Residential zone use. There have been updates since last appearing before the Board. They have moved the parking area to the north and the entrance to the parking would be on the northerly side making the parking area a longer distance away from the intersection of Route 146 and Old Werner Road. There would be 9 parking spaces and one of those spaces would be a handicap parking space. Only 7 parking spaces are required under the current off street parking requirements but the applicant feels that 9 parking spaces would be more appropriate. Public water and private septic would service the site. The existing structure is 1,400 SF and there would be no proposed changes to the overall footprint of the building. Mr. Higgins asked if Mr. VanGuilder had a new drawing of the site plan. Mr. VanGuilder stated yes, however they have not submitted the new drawing as they are looking for direction from the Board as to whether the Board feels that the new plan is acceptable. Mr. Higgins asked if the only entrance would be in the back. Mr. VanGuilder stated yes. Mr. Higgins asked if the parking area would be paved. Mr. Michael Dudick, the applicant, stated that it is his intention to pave the parking lot just as soon as the weather permits.

Mr. Roberts made a motion to approve the Commercial Site Plan application for Dudick Chiropractic. Mr. Nadeau seconded. Motion carried.

**05.218 OB    Dubray's Autobody & Detailing, 211 Fellows Road – Addition to Site Plan**

Mr. Earl Dubray, the applicant, proposed an addition to site plan for his Dubray's Autobody & Detailing business located at 211 Fellows Road. *Mr. Dubray stated the following:* He appeared before the Board a few weeks ago to request permission to put a storage area behind his existing building. He has talked to his neighbor, Mr. Ken Gorcesky and Mr. Gorcesky said he did not have a problem but suggested that the existing fence be extended 80 FT. so no vehicle lights would be shining into his home. He has talked to the NYS Troopers and they stated that a lot of the time they recommend chained link or stockade fencing. He is proposing to do the fence with stockade fencing with a chained link gate. The Gorcesky's have requested that they would like the entire fencing done in white plastic PBC fencing. The white plastic PBC fencing would be almost triple the cost of other fencing. He would agree to install 80 FT. of the white plastic PBC fencing and the rest of the fencing with stockade or chained link. *Mr. Higgins stated the following:* He and Mr. Berkowitz are the committee for this project and they have met with Mr. Dubray. As far as the location behind the facility for the secured storage lot, they did not see a problem with this. Mr. Higgins asked if where the applicant proposes chained link fencing, if there would be barbed wire on top of the fence around the secured storage area. Mr. Dubray stated no. Mr. Higgins asked how high would the fence be. Mr. Dubray stated 6 FT. *Mr. Higgins stated the following:* He and Mr. Berkowitz looked at where the neighbors property was located and they did agree with the applicant that a fence would be appropriate to keep the lights from shining onto the neighbor's property at night. There currently is an existing stockade fence on the neighbor's property that is between their property and the Covell's property and the applicant has stated that he would use that same type of material for the fence along the neighbor's property line all the way to the corner. The applicant also mentioned that he was thinking about doing the same stockade type fence between his property and New Country along the front side to keep the view from the road and to dress up the appearance of lot. The applicant does keep his property well maintained and keeps the property looking good. Mr. Watts asked Mr. Williams if he had received a letter from Mr. and Mrs. Gorcesky. Mr. Williams stated that Mr. and Mrs. Gorcesky had sent a letter dated October 12, 2005. Mr. Watts stated that the letter paraphrases what the applicant had said about the cost of the fence and their desire for that type of fencing. Mr. Watts asked the applicant to explain the triple cost. *Mr. Dubray stated the following:* The difference was from \$3,000 to about \$7,500. There is 55 FT. to 65 FT. pine trees from the corner of the Gorcesky's home and he does not think that the Gorcesky's would see this area because of the pine trees. He does not have a problem paying for the 80 FT. but he feels that the plastic PBC fencing does look nice but it is not as strong and sturdy as chained link fencing. Mr. Higgins asked if the applicant would have the chained link fencing with stockade fencing on the outside of it. Mr. Dubray stated that he is proposing the stockade fence with a chained link gate in one area and then the plastic PBC fencing would continue down and then pick up with the stockade fencing which would match the Gorcesky's fencing. Mr. Nadeau asked if the only chained link fencing would be the gate. Mr. Dubray stated that was correct. Mr. Watts stated that in the past there were issues about people residing in an apartment on this site. Mr. Dubray stated there is an office, a fax machine and a desk located upstairs and there was no one living upstairs. Mr. Higgins stated that there were also issues regarding operating with a retail sales license at this location and the applicant has stated that he does not have a retail sales license and he is not operating

a business at this site. Mr. Dubray stated he only does body work and detailing and is now branching out into towing and recovery. Mr. Watts questioned if the applicant was stating that he does not do retail sales now and will not do it in the future. Mr. Dubray stated that was correct. *Mr. Dubray stated the following:* He only does auto body and detailing and he does have a dealership license and he does not sell any cars at this site. He has asked for a wholesale license from the State before and they gave him his dealer's license. He had previously stated to the Board that he has sold cars to family members and friends but since his statement he has not sold any cars from this site. His site is not used for a car lot and he does not buy, sell, advertise or display cars at this site. Mr. Higgins asked where Mr. Dubray displays his license, as legally by the State this license has to be displayed. Mr. Dubray stated that he is a registered repair shop with a license number, which is the same as a dealer's license, and the State inspector told him he was not required to post that on his building. Mr. Higgins stated he believes this statement is incorrect. Mr. Watts stated to Mr. Dubray that he cannot sell any cars from this site and no one was to occupy the apartment above the shop. Mr. Dubray stated yes. Mr. Polak asked for clarification on where the vehicles would be stored. Mr. Higgins stated that the applicant has offered as a courtesy to the neighbors to put the white vinyl fence in the 80 FT. area, pine trees would conceal the remainder, and the wooden stockade fence, similar to the existing neighbor's fence, would be on the front side of the building facing New Country. Mr. Dubray stated Mr. Higgins statement was correct. Mr. Williams stated he has spoke with the Gorcesky's and they would prefer the white vinyl fencing, as their main concern was they were worried about diminishing their property value. Mr. Nadeau asked how this site is zoned. Mr. Williams stated both sites were zoned Commercial. Mr. Chauvin stated that the Board's authority was to make sure that the area in question is developed in accordance with the community's general requirements and the site should be in compliance with the community's character. Mr. Watts asked for clarification regarding the actual site plan. Mr. Higgins stated that the proposed location is the location that that applicant always talked about and the plan is what he and Mr. Berkowitz reviewed. Mr. Williams stated the application before the Board is for a change of use whereas the applicant is asking to add towing to his current business at this site and there should also be a site plan approval for the exact type of fencing that would be used and the exact location of the fence. Mr. Chauvin stated that when the Board is approving a change of use on a property that is zoned Commercial, a site plan is required so the Board will know where that change of use is going to be located. Mr. Watts stated the applicant would need to submit a revised site plan to clearly delineate where the different fencing will be located along with where the cars will be parked at the site. Mr. Ruchlicki asked the applicant if he could provide photographs to the Board showing the area where the white fence would stop and the stockade fence would start so they can get an idea how dense the trees are. Mr. Dubray stated he would provide photographs and the Board was also welcome to stop at the site.

This item was tabled for applicant to submit a site plan.

### **New Business:**

#### **05.208 NB New York Long Term Care Brokers, Ltd., 11 Executive Park Drive – Addition to Site Plan**

Mr. Joe Bianchine, of ADB Engineering, is representing New York Long Term Care Brokers, Ltd. *Mr. Bianchine stated the following:* New York Long Term Brokers, Ltd. had a site plan that was approved in 1996 for building #11 Executive Park Drive. Their existing building is 5,500 SF. At the time of the site plan approval in 1996 the site plan showed a "future building" addition in the rear of the site and an area for some additional parking. At this time New York Long Term

Care Broker's wish to construct this building addition. The proposed one-story addition would be approximately 2,475 SF. They are proposing 24 additional parking spaces in the rear of the building, which would make 48 total parking spaces on-site. The parking calculations for the existing building, half basement and the proposed addition would require 46.5 parking spaces on-site. The property to the south of this site is in a residential zone so they are proposing a stockade fence along the property line to screen their building from the residential property. Mr. Donald Greene owns the property to the south and at this point the property is not used for residential purposes. Mr. Higgins asked what size the new parking spaces would be. Mr. Bianchine stated the new parking spaces in the rear would be 9 FT. x 20 FT., which will be used for employee parking. Mr. Ruchlicki asked if the half basement was used for office space. Mr. Bianchine stated yes. *Mr. Williams stated the following:* In 1996 the applicant was approved for the first part of this building and the site plan did show a future building addition on the 1996 site plan. The applicant returned in 2004 and asked to utilize the lower level for office space and this Board granted them an approval. Mr. Higgins asked how many customers do they normally receive at this site. Mr. Bianchine stated there were very few customers. Mr. Higgins stated that the Town regulations call for 10 FT. x 20 FT. parking spaces unless they are for employees or have very limited usage and the Board does not want to set a precedent of accepting less than 10 FT. x 20 FT. parking spaces. Mr. Bianchine stated that the front of the building has 10 FT. x 20 FT. parking spaces and they are proposing the new parking spaces of 9 FT. x 20 FT. in the rear of the building. Mr. Higgins asked what was the setback from the residential property line. Mr. Bianchine stated the setback was approximately 10 FT. from the parking area. Mr. Higgins asked what was the setback requirement for the buffer zone to residential property. Mr. Chauvin stated the original approved site plan would need to be reviewed to see what the setback requirements were for the commercial zoning in 1996. This item was tabled and referred to CHA.

Mr. Ruchlicki made a motion to adjourn the October 24, 2005 Planning Board Meeting at 8:53 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi  
Planning Board Secretary