

**MINUTES MEETING
Town of Halfmoon Planning Board
January 9, 2017**

Those present at the January 9, 2017 Planning Board meeting were:

Planning Board Members: Don Roberts –Chairman
Marcel Nadeau- Vice Chairman
John Ouimet-absent
Tom Ruchlicki -absent
John Higgins
Tom Koval
Richard Berkowitz-absent

Planning Board Alternates: Cory Custer
Mike Ziobrowski
Thomas Warner

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski
Jeremy Connors

Chairman Don Roberts opened the Planning Board Meeting at 7:02 pm

Don Roberts welcomed everyone back for the New Year and he welcomed new alternate Thomas Werner

John Higgins made a motion to Approve the Minutes from the December 12, 2016 meeting. Tom Koval seconded. Motion Carried.

New Business:

16.192 Right Trac Financial Group Inc., 440 Route 146- Sign

Richard Herman: Richard Herman, businesses address 440 Route 146 Halfmoon NY and Im here applying for a sign for a tenant Right Trac Financial Group LLC, and that’s the sign they want to attach to my existing sign. Anything else you need?

Don Roberts: No that’s good, in fact I never saw a sign in that configuration before but that’s good ya know. Any questions?

Tom Koval: No changing of the lighting or anything else, standard? Spot lights on it?

Richard Herman: Yes.

Tom Koval: Thank you.

Don Roberts: Can I have a motion.

Marcel Nadeau made a motion to Approve Right Trac Financial's Sign application. Cory Custer seconded. Motion Carried.

Richard Herman: Thank you.

Don Roberts: You're Welcome

16.193 The Klam'r, 32 Clamsteam Road - Change of Use/Tenant

Nicole Laneau: Hi I'm Nicole Laneau owner of 32 Clamsteam Road LLC, this is my husband Paul Dubec we live at 42 Clamsteam Road and the business address for it is 32 Clamsteam road and we are applying for a tenant change/use application approval.

Don Roberts: You are going to continue the same use as before?

Nicole Laneau: Yes

Don Roberts: Which was?

Nicole Laneau: A bar/tavern, marina, well not really a marina though is it? Bar/ tavern/marina

Richard Harris: Yea they have had traditionally boat slips there that have been part of that use, and part of that restaurant.

Don Roberts: Now you gonna have bands and music?

Nicole Laneau: Yes, yes

Don Roberts: Inside?

Nicole Laneau: Yes, yes

Tom Koval: What are your proposed hours?

Nicole Laneau: We are proposing, 3-11 on...

Paul Dubec: Wednesday-Friday, Saturday and Sunday 11-11 if we do have activities on the weekend we are looking to stay an extra hour or two later.

Nicole Laneau: Maybe on Fridays and Saturdays being open until midnight, I don't even remember what I put on the application did I put midnight?

Richard Harris: We had a typo on the application its 11 am to 12am, midnight.

Nicole Laneau: Yes, yes

Tom Koval: You've got to understand any changes that you do to the structure afterwards your going to have to come back in front of us?

Nicole Laneaue: Yes

Don Roberts: And if you want a sign also.

Nicole Laneaue: Yes we are, we're not ready for that yet.

Paul Dubec: The sign and those changes will probably be at that next meeting that we come to.

Nicole Laneaue: The sign at least yea, we'll put in I'm hoping to maybe the January 23rd meeting to have a sign application in for that.

Richard Harris: Yea they have been in quite a few times not only just talking to planning but building dept. with the renovations they are going through so we had advised them to kind of break up the project into what they are doing tonight so that when they do those renovations they can open/operate, obviously the sign but then the expansion that they are discussing of the building and patio would be something that would have to be reviewed by the zoning board of appeals , I've explained that to them we'll again work with them when they are ready for that , but we decided , we advised them dont wait till then cause that might take a couple of months , come get this taken care of while your doing your renovations so you can open up as soon as possible.

Mike Ziobrowski: Let me ask the question is smoking allowed inside this building?

Nicole Laneaue: No

Mike Ziobrowski: ok

Tom Koval: That's a New York State regulation.

Mike Ziobrowski: ok I just want to make sure.

Nicole Laneaue: That would depend on the Health Dept.

John Higgins: Are there smoke detectors I assume the code enforcement people are working with you on that but there are no sprinklers correct?

Paul Dubec: No sprinkler systems there.

John Higgins: Ok , I got two other questions, as far as the deck I think when the previous tenant was in we talked about outside music and loud music I think that we are restricted to music inside the building , correct, do you remember?

Richard Harris: I believe so I dont know for sure.

John Higgins: Yea so just to let you know that the music has to be inside the building so you dont disturb the neighbors.

Don Roberts: Even though you are one of the neighbors.

John Higgins: And then secondly as far as the marina, I think that is on a year to year basis where you have to deal with the town board as far as renting the slips from the town of Halfmoon are you aware of that?

Nicole Laneau: Yes we are aware of that. Yes.

Don Roberts: Now Rich is the Canal Corporation involved in that too or no?

Nicole Laneau: Yes it is

Richard Harris: Yea they apply with the Canal Corporation and the Town, they have an annual permit with the Town.

Don Roberts: So you are aware of all of that?

Nicole Laneau: Yes

John Higgins: Ok

Don Roberts: Anything else?

Tom Koval made a motion to Approve The Klam's Change of Use/Tenant application. Cory Custer seconded. Motion Carried.

Don Roberts: Thank you, good luck.

Old Business:

16.190 Arborcare Landscape Services & Products, LLC Hudson River Road - Site Plan

Richard Harris: Just to let you know Arborcare is not here , they received the email I dont know why they are not here , so were good to go.

14.090 Van Wert Subdivision (fmr. Angle Road Subdivision), Angle Road - Major Subdivision

Joe Dannible: Good evening , Joe Dannible with Environmental Design Partnership here on behalf of Kenneth Van Wert and his application for a 21 lot subdivision on lands of approximately 21 acres located off of Angle Avenue in the town of Halfmoon, Lane?, sorry , Road?

Don Roberts: We know where it is dont worry.

Joe Dannible: this project was last presented I believe in probably March, April of 2016 as a concept review at which time the proposal was for 23 lots ,22 new building lots and the existing house to remain. We went through a series of engineering review comments from Clough Harbor and what we are currently proposing is a 21 lot subdivision, 20 new building lots and the existing house to remain. By reducing the project from 23 to 21 lots there is substantial benefits both to the environment and to the town with this new configuration. Ill just highlight a few of them, obviously 1) we're down to 2 single family lots , the deed restriction area has increased from 6.2 acres to 7.6 acres, nearly an acre increase in the deed restricted open space for the site. The road length has been significantly reduced from 1900 linear feet to 1370 linear feet. 530 linear foot reduction in the road which results in a decrease in impervious area from 2.6 acres to 2.2 acres lessening the strain on storm water management facilities on the site.

Also our area of disturbance has significantly decreased from approximately 13.1 acres to 11.7 acres or nearly an acre and a half reduction in the area disturbance on this site. So as we've gone through with Clough Harbor and reviewed these plans and amended them we've made substantial changes, again as I think they are a benefit to the town. The biggest change you'll notice the plan on the board right there is what we are currently proposing. Its a single road connecting to a subdivision Rolling Hills, the road is intended to ultimately be a through street to what is formerly known as the Klersy Subdivision , we have been in contact with the engineer that is currently pursuing modifications to the Klersy Subdivision and we're confirming that we have the road placements accurately depicted where they have done it and again that subdivision I anticipate coming in front of the board relatively soon for some subdivision modifications so ultimately the cul de sac your looking there on the left hand side of the screen will be a through street and that cul de sac will be abandoned by the town and a single family lot will be developed on that parcel. The most substantial change that we made to the plans is coming up to the , we'll go to the bottom of the page , bottom center of the page is the road coming in off of the Rolling Hills PDD, I believe it is Ridge Wood Dr. On our plan that was presented at concept it did propose similar alignment in the road but we had a cul de sac coming off of the right hand side. We have since eliminated that 570 feet of cul de sac, removed 2 lots now we're proposing rather than 1 flag lot 3 flag lots in that area, again this results in a substantial increase to the open space, and substantial decrease in impervious area and road length. We're here tonight looking for any comments the board may have and to schedule a public hearing. Thank you.

Don Roberts: Ok, Joe first of all when you market these houses for sale your gonna tell these people buying these houses these cul de sacs are going away right?

Joe Dannible: Yes

Don Roberts: Cause we don't want them to come back to the town later on when it happens and blaming us.

Joe Dannible: It is gonna be marketed as a through street and the only lot it impacts at this point in time is lot # 1, and its going to be reflected on that deed that it is going to be a through street connecting into that subdivision.

Don Roberts: Cause you know what I mean right?

Joe Dannible: Yea I understand the town doesnt want the owners of half a dozen lots to come in and say I thought we had a nice dead end road and now we have a through street. Fortunately I dont see this as a through street where the people from Rolling Hills PDD are going to use this as a short cut to get out to Farm to Market road and vice versa for the people within the Klearsy Subdivision to find a short cut out to Liebich Lane.

Don Roberts: Alright but you'll make sure they are made aware of it,

Joe Dannible: yes

Don Roberts: ok thank you.

John Higgins: Yea I've got a couple, where northern Halfmoon GEIS requires 20% quality green space the green space that I see I assume is the stormwater management area and the backs of those lots is that what you're portraying as quality green space?

Joe Dannible: Yea the quality green spaces we have 3 acres of constrained land and 4 and 1/4 acres of what is considered buildable land 4 and 1/4 acres does exceed the minimum requirement of 20 % , the open space required, the open space we're providing is a no cut buffer all along the backs of these lots adjacent to the existing lots with in the Rolling Hills PDD along with Ridgewood drive this constitutes close to 2 acres of land that we are preserving as a no cut buffer that will again we believe its an important feature to help buffer the rear yard of the existing residents

with in that area. The remaining land with in the restricted area occurs down here in the rear of these lots will be in here. Within the northern Halfmoon GEIS the way that reads is the open space needs to be on constrained land and preferably adjacent to a public roadway , unfortunately in this scenario we are not adjacent to a public roadway so we are providing buffers in the areas where we believe it will benefit and provide buffers to adjacent properties.

Don Roberts: How wide is the buffer?

Joe Dannible: The buffer is 30 feet.

John Higgins: And obviously the people on the northern side are adjoining an active quarry they will know that up front so you dont have a problem later on with people ya know saying they , complaining about noise and things like that, cause they are in that quarry at 5 in the morning with back up alarms and everything else.

Joe Dannible: Correct, that would be noted we could make that a note on the plans and make it part of it as we did with the fact that we are going to have a through street here and not a cul de sac we'll also make sure that is represented in the marketing.

John Higgins: Now are you going to have a homeowners association?

Joe Dannible: There is no proposed home owners association

John Higgins: Ok so who is going to enforce the no cut buffer?

Joe Dannible: No cut buffer will be part of Deed restricted and the we restrict covenants associated with that deed restricted open space.

John Higgins: unfortunately this board has seen a lot of experience where the no cut buffers are just totally ignored; unfortunately that's the reality of life.

Joe Dannible: In this scenario the most substantial area of the no cut buffer and the most prominent one is adjacent to close to 10 residential lots that are not part of this sub division their in the Rolling Hills PDD I'm sure those home owners if they start seeing trees coming down and disturbance to that area they are going to be the first ones to report to the town that there's an issue.

John Higgins: Ok , if you could just make sure in the deed, deeds that its in bold letters so its very obvious to those homeowners that they are not supposed to go in and clear cut right to the property lines, please. That's all I had Don.

Don Roberts: Anyone else?

Marcel Nadeau: On the homes that your saying should the road to Klersy's be continuous, how many homes are left on the, I guess the western end?

Joe Dannible: Not following, In Klersy?

Marcel Nadeau: Well no off of Angle road, in other words if you make that crossing what's left beyond that?

Joe Dannible: There's Angle Road stops in this location the last house that accesses Angle road is one of the lots the existing house in the subdivision.

John Higgins: Alright, so there will be no more homes crossing that.

Joe Dannible: Correct, it doesn't form and intersection with Angle road.

John Higgins: Another question I just happen to notice, there's 2 houses on a common driveway lots 11 and 12 has the local fire chief looked at that cause they are probably going to require that that driveway is built to standards to be able to have a fire truck go down and there's gonna be you need provisions for an area for the fire truck to turn around.

Joe Dannible: We, as far as NYS fire code we are less than the minimum requirements.

John Higgins: I don't care, the local fire chief has jurisdiction in this town and he asked to review that and that's been the requirement recently.

Richard Harris: I dont know John if it's his jurisdiction or it refers to the fire chief and asks for his opinion but they do not have power over state building code.

John Higgins: No but we recently followed the recommendations of the fire chief to make sure that the equipment can get down the driveway.

Richard Harris: Yea but I just want it clear for the record that the Fire Chief does not have jurisdiction to require more than what the state building code, you have that requirement you can I mean thats part of the subdivision plan but I wouldn't say that .

John Higgins: ok, I apologize, I miss spoke, but you might want to check with the local Fire Chief to find out what the requirements are going to be for those 2 driveways on the, that are going to serve those 3 lots.

Joe Dannible: And we certainly could eliminate the shared driveway access.

John Higgins: Well even with out the shared driveway I think on some of the longer driveways they've also had comments on them.

Joe Dannible: We will certainly follow up with the local fire chief

Don Roberts: That hasn't been done yet

Joe Dannible: They were notified as part of the subdivision process, is my understanding, and they haven't seen any comments to date on this.

Don Roberts: Did you hear back Rick at all?

Richard Harris: I think its Hillcrest, no I haven't we haven't, but we will reach out to them again. But it's like year gaps between this project appearing before the Board and they have a new chief there so we may want his input on this.

John Higgins: I dont think its Hillcrest I think it's, Yea I thought it was Clifton Park.

Richard Harris: Its Art Huntsinger, so actually I'll be seeing him this week I can talk to him then.

Joe Dannible: Please do; let me know if you need me to be involved in any of those conversations.

Richard Harris: Ok, he does a pretty quick turnaround.

Don Roberts: Ok, thank you.

Thomas Werner: What is the proposed cross section for the roadway? Is it curbed or...

Joe Dannible: Public road?

Thomas Werner: yes

Joe Dannible: It's the standard Town of Halfmoon road cross section.

Thomas Werner: Ok, I'm not familiar with what the standard is, but it's not curbed then?

Joe Romano: Standard road construction? 32-ft back of wing to back of wing with 28-ft drive lane.

Thomas Werner: Ok and the water drainage is, how is the drainage handled.

Joe Dannible: It's in a series of catch basins.

Thomas Warner: Catch basins ok.

Joe Dannible: collected along the wing edge and discharged to our storm water management area located at the bottom of the hill.

Thomas Werner: It's not a curbed section?

Joe Dannible: It's not curbed, its wing wedged.

Thomas Werner: Ok, thank you.

Don Roberts: Anyone else? Ok I guess we will set a public hearing, Joe you ok with that? Ok we will have it for our next meeting which is January 23, 2017.

John Higgins: And can we do expanded notice?

Don Roberts: Expanded notice, can I have a motion to that effect?

Cory Custer made a motion to set an expanded notice Public Hearing for the Van Wert Subdivision on January 23, 2017, John Higgins seconded. Motion Carried.

Don Roberts: See you on the 23rd Joe. I guess Arborcare is not here, motion to adjourn.

Cory Custer made a motion to Adjourn the Town Board Meeting at 7:25 pm. John Higgins seconded. Meeting Adjourned.