

Town of Milton Planning Board Agenda June 9, 2010

Attendance: Keith Leal (Chair), Ben Zlotnick, Ron Lacey, John Frolish, Jim Staulters, John Whittel, Armand Scatena (Alternate), Wayne Howe (Zoning Official), Martin Pozefsky (Planning Attorney), Garry Robinson (Town Engineer), Frank Blaisdell (Town Board Liaison), Susan Talmadge (Secretary) Larry Woolbright was excused absent.

The meeting was opened with the Pledge to the Flag.

Chairman announced the Bolt subdivision public hearing would be postponed and republished with new date and time.

The cell tower public hearing would be postponed until the July 14th meeting as the applicant had just submitted additional information and the board would have to review it.

The minutes of May 12, 2010 were corrected as follows:

Pg 2 – 9th line 0 change word from fracture to factor.

Pg 2 – top of 2nd line – Howe asked for as-built – this conversation was precipitated by board discussion – the board was asking for height clarification of the tower.

Whittel made a motion to approve the minutes as corrected. Staulters made a second. All members voted in favor.

Review Palus subdivision on Stone Church Road

Terry Humiston, land surveyor, represented the application explaining they would like to divide a 50 acre parcel into 2 parcels. The map shows the new lot and history of the parcel – located approximately 3400 ft south of Route 29.

A letter from DEC has been submitted stating they are non-jurisdictional.

Board comments.

Whittel inquired about variations in grade and wetlands.

Humiston explained the property is relatively flat where the home is planned and is not more than 15 % in the immediate area and the wetlands are from DEC maps and not field work – DEC was contacted but did not want to visit the site.

Public hearing was scheduled for July 14, 2010 at 7:00 PM.

Review zoning change request for recommendation to Town Board from T&B for Carlton Hollow

Don Zee, Attorney for applicant represented the request indicating they would like to amend their existing approval for 68 Senior Condominiums with 17 – 4 unit buildings with attached garages to allow 50% aged restriction and Mixed Use.

- Zee submitted a document to the board for their review explaining why this project is not Spot Zoning and explained the following:
 1. There has been a change in the economy.
 2. There is a change in the way seniors think about their housing.
 3. There is little school impact – compare Lancaster Condominiums (formerly Hutchins Road apartments) 20 units – 17 have no school age children.
 4. Seniors want to live with other ages.
- Zee submitted a study on this.
- 5. Demographics – housing for the town of Milton show that affordable housing is needed.
- Zee submitted an article on this.
- 6. The plan itself initially had 17-4 unit buildings that were moderately priced – due to the economy and improvements required by the town the price was driven up from \$150,000 to over \$200,000.

This plan would have no change in the roadways.

Would combine buildings – for 13.

Detached garages.

Eliminate the extra expense for masonry.

Eliminate the extra expense for the double façade in rear of buildings.

2-8 units would be on existing roadways.
- 7. The property allows multi family.

The age restriction would be for ½ of the units.

Same restrictions as before – bedrooms, children limits.

No change in impact on school, traffic, water and sewer.

Berm on Northline Road.

Change is consistent with town Comprehensive Plan.

Utilities and roadways are adequate.

Restrictions could be placed on the Special Use Permit.

No impact on other regulations.

8. Comprehensive plan is addressed by the nature of this project.

Pozefsky inquired if the applicant had submitted an application for zoning change with the town board as no referral has come to the planning board from them for this project – the planning received a site plan application.

Zee indicated they are looking for a recommendation for amending the zoning to Mixed Use – at the town board there was discussion – the town board forwarded it to the planning board for their recommendation – Mr. Mancini conference called and indicated the town board is willing to entertain the zoning change – the planning board input is needed.

- Pozefsky advised the referral from the town board is needed.
- Zee indicated they would be willing to waive the 30 day time frame.
- Leal indicated that Saratoga County Planning is reviewing the referral from the planning board and their recommendations will be coming soon.

Zee indicated they are here for the recommendations on the zoning change – if the town board changes the zoning to MU then they would come back for Site Plan and Special Use Permit. Zee indicated the planning board has to decide if it makes good sense to change the zoning to 50% Senior Housing.

Board comments:

Frolish indicated he is troubled by this “Pandora’s Box” – senior housing has special acreage allowance in zoning – would every developer who has an approved PDD be enabled to come back for future zoning change requests.

Zee indicated the recommendation for this parcel should be Mixed Use – have already been approved for 68 units – it makes sense to make the Senior Housing 50% and no age restrictions on 50%- they are moderately priced – Lancaster Condos are the same – No precedence – have a good basis for it – nominal impact to town – the restrictions could be enforced in the HOA and in the SEQR.

Leal indicated he has concerns about Spot Zoning – Why it would not happen elsewhere in the town.

Zee indicated this follows the comprehensive plan.

Leal explained the comprehensive plan shows this property as R1 zoning.

Zee stated the comprehensive plan shows this as Senior Housing – are asking for Mixed Use with the same bulk standards – age restriction for 55 for 50% of the units.

Frolish stated under the Mixed Use the applicant would not have the acreage required that is a minimum of 50 acres – the senior housing is allowed the lower density.

Staulters explained the town worked very hard on creating the zoning and he does not believe this project would improve the town – the town approved Senior Housing because that is what they want and not Mixed Use.

Whittel indicated he has a concern about future children in the 50% - do not think there is enough space for kids to play – it needs to be looked at – compare KVA that has open areas, play, hiking, swimming and recreation buildings. There is nothing on this site but drainage areas in the back – the kids would play in the roadways – Whittel explained he believes this has not been thought through.

Zee indicated he has been involved with several other condominium projects and there are no problems with recreations areas in them.

Leal explained the board will decide if they feel this is the right place for this type of use.

Scatena indicated he agrees with the board members comments – there is a lot of work to be done – 68 senior units vs. ½ Single family is a lot different – in addition – parking shown would not be sufficient.

Zee explained they would come back for parking and site plan.

Gary Bordeau explained there is 62 ft to the building line – the same or more than R1 zoning – compared Lancaster Place as one child per bedroom and there are no kids there – town is looking for affordable housing at \$159900 – energy costs would be \$80 per month for heat and electric – this is what is happening in future – are trying to change to the better – 34 units would be non-age restriction – this is a concept for open arms and you will lose it.

Whittel explained he appreciates Mr. Bordeau's passion but the board wants to insure that the town is protected.

Bordeau explained it is good planning – it has heavy traffic with 3 roads surrounding the property – it is not the most desirable property and it has a cemetery across the street.

Whittel asked for and the board concurred that they will need the following:

- Town board referral letter.
- A copy of the PDD Carlton Hollow as it was approved.

The applicant indicated there were no objections to a workshop in future.

Other business:

Leal indicated that Robinson has found an independent consultant for the lighting request for the cell tower on Sodeman Rd.

Robinson indicated that Mr. Engles could do the evaluation without actually visiting the site. We would submit data to him. He will determine if lights are needed. We will need to ask the applicant for at least \$1000 to be put in escrow.

Staulters made a motion to authorize Robinson to secure the services of Mr. Engle at a cost to be reimbursed by the applicant. Frolish abstained, all members voted in favor of the motion.

Public comment:

Elaine Sherman of 1139 Middle Line Road inquired if the town had a plan in place for cell towers.

John Munter of 515 Sodeman Road indicated as owner of the land the cell tower is located on he leased the site with the understanding there would be no light on the tower and he took them for their word. They installed the light and neighbors are aggrieved and worried.

Tom Boghosian of Middle Line Rd commented.

Ray Ingles of Sodeman Rd commented.

Sara Gaba of Sodeman Rd commented.

Bruce Boghosian of Jockey Street commented – referred to Special Use Permit regulations.

John Munter of Sodeman Rd commented – the cell tower people should come forward with the reasons why they want a light and they should have consequences – do not believe it needs analyzing – they should come forward in good faith with information.

Leal thanked everyone for their comments.

The meeting was adjourned with a motion by Lacey, a second by Staulters and all members in favor.