

Town of Halfmoon Planning Board

Meeting Minutes – July 8, 2013

Those present at the July 8, 2013 Planning Board meeting were:

Planning Board Members: John Ouimet – Chairman
Don Roberts – Vice Chairman
Rich Berkowitz
Marcel Nadeau
Tom Ruchlicki
John Higgins
Lois Smith-Law

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Roy Casper
Planning Volunteer: Paul Marlow

Town Attorney: Lyn Murphy

Town Board Liaison: Walt Polak

CHA Representative: Mike Bianchino

Mr. Ouimet opened the July 8, 2013 Planning Board Meeting at 7:00 pm.

Introduction of new Planning Board Member: Lois Smith-Law

Mr. Ouimet stated the following: I would like to introduce our newest Planning Board Member Lois Smith-Law. Welcome Lois. Lois comes to us from the Zoning Board Appeals where she has been an Alternate Member of the ZBA since 2005.

Public Hearings:

13.071 PH Shear Styl'n, 9 Marcel Road – In-Home Occupation

Mr. Ouimet opened the Public Hearing at 7:04pm. Ms. Susan Mollnow, the applicant, stated the following: I'm proposing an In-Home hair salon business located at 9 Marcel Road. My business will consist of one chair and one styling station. The salon will have its own entrance and there is no stairwell to get into the salon. I have one more parking space than what is required for this application and I have a designated handicap parking space as well. Mr. Ouimet asked are you the only stylist? Ms. Mollnow stated yes. Mr. Ouimet asked what are your hours of operation? Ms. Mollnow stated my hours of operation will be 9:00am to 8:00pm Monday through Friday, 9:00am to 3:00pm on Saturday and closed on Sunday. At this time I am working a full-time job so my hours of operation right now would be 5:00pm to 9:00pm. Mr. Ouimet asked if anyone from the public wished to speak. Ms. Olga Delorey, 69 Orchardview Drive, stated the following: My property is

directly behind 9 Marcel Road. I have been a resident in the Town of Halfmoon for 7 years and when I received the public hearing notice, I thought it was something unusual. I didn't realize that the Town provided for in-home businesses and I've since learned otherwise. I called the Town and I had a nice conversation with the Planning Department. So, I've done some research on the internet and I see that the Town has approved in-home occupations from time to time. I went back to 2008 and 2009 and I think I counted less than 10 in-home businesses. One of those in-home businesses was for a hair salon business and I know the concern there was for retail sales, which was not allowed when that hair salon business was approved. I would like to say for the record that I'm not opposed to anyone establishing a business in their home as long as in the view of the Planning Board when you vote on it, that it doesn't violate Town regulations, establish a precedent that's not in the best interest of the Town and it doesn't have a negative impact on our property values and it maintains the esthetic of a residential neighborhood. The only comment that I have, and it's really more of a question, is on the notice. It said that the hours of operation would be 8:00am to 9:00pm weekdays and from 8:00am to 2:00pm on Saturday and I realize now that that has changed. So, that is a total of 71 hours over six days. I don't know if there would be any increased outside activity or noise. The reason I say that is the house at 9 Marcel Road is situated way to the rear. It's a big lot and it's quite far to the rear and near my back yard property. So, I don't know if there will be any increased noise with music or anything like that and if there would be customers waiting outside before they go in. It may not be an issue and I would just ask that I hope that there would be no noticeable difference in the neighborhood. Mr. Ouimet asked the applicant to respond to Ms. Delorey's statements. Ms. Mollnow stated the following: As far as the excessive noise or anything like that; I can't see that being an issue. I would just have one chair and it would just be myself as the stylist. There may be people back to back, in between and what have you, but I just don't do that because I want each of my clients to have everything and my undivided attention. As far as people being outside; I'm not seeing that there would be any more noise or loud noises outside because we will be inside in the salon. I'm not anticipating anybody being outside for any purpose, other than to come and go. I'm just starting and I did own a hair salon in Connecticut, which was really large. I just want to do something on the side, so I can afford to live and maintain my way of living right now. I have been doing people on the side paying rent somewhere else. So I said why not. I have the space, so go ahead and utilize that. Mr. Ouimet closed the public hearing at 7:09pm. Mr. Higgins asked is there sufficient parking on site? Mr. Casper stated yes. Mr. Nadeau asked would there be any on-street parking? Ms. Mollnow stated no. Mr. Higgins stated the following: I think what Ms. Delorey was talking about is if you have many customers, where customers are waiting outside in their cars, to come in if you haven't finished with the previous customer. So, that would be a scheduling type of thing. Ms. Mollnow stated there will definitely be scheduling and there is ample space for the public to come inside and wait. Mr. Higgins stated I know barbers have to get licensed by the State; do hairstylists have to be licensed also? Ms. Mollnow stated yes they do. Mr. Berkowitz asked would you just have one client at a time? Ms. Mollnow stated yes. Mr. Berkowitz asked are you going to have someone sitting in the chair waiting. Ms. Mollnow stated the following: I'm not foreseeing that. I don't like to do two clients at the same time because I just don't feel like I'm giving any client the proper attention. My client base isn't that large yet, where I would even have to do anything like that, where I would need to schedule them all together.

Mr. Roberts made a motion to approve the In-Home Occupation for Shear Styl'n. Mr. Nadeau seconded. All-Aye. Motion carried.

12.101 PH Victor's Farm Subdivision, Farm to Market Road/Smith Road – Major Subdivision

Mr. Ouimet opened the Public Hearing at 7:12pm. Mr. Jason Dell, of Lansing Engineering, stated the following: I'm here on behalf of the applicant for the Victor's Farm Residential Subdivision. The parcel is located along the southern side of Farm to Market Road. The property encompasses approximately 23.9-acres and is comprised of 2 parcels; one that creates the confluence of Cary Road, Smith Road and Farm to Market Road and the majority of the parcel is approximately 21.78-acres located on the south side of Farm to Market Road and that is the area slated for the development. The parcel is currently zoned Agricultural-Residential (A-R) that requires a 20,000 SF minimum lot size. The proposed project will involve the subdivision of the 21.78-acre parcel into 13 new lots; 12 new residences and 1 existing residence for the project. The allowable density for the property is significantly larger than that. When we look at the overall acreage and subtract the wetland area, subtract the slopes in excess of 15 percent, as well as removing the land preservation area that we're proposing, we wind up with approximately 9.8-acres of net useable area. So, when we divide that by a 20,000 SF minimum, the allowable density is approximately 21 lots. So, we are significantly less dense than what the underlying zoning allows. All of the new proposed lots will exceed the minimum lot size specified in the A-R zone. Vehicular access to the project will be via 2 shared driveways; one will extend off of Farm to Market Road and the other one will extend off of Smith Road and both will end in a hammerhead turnaround. Both driveways have been reviewed by the Emergency Services Coordinator and the Building Department who do not have any issues with the proposed access to the lots. Additionally, with that we will also be running a new water main throughout the project to service the new lots, which would also have fire hydrants along it that satisfied the concerns of Emergency Services. The shared driveways will also be Homeowner's Association (HOA) owned and maintained. Sanitary sewer would be provided to the lots by a connection to the force main that is located along Farm to Market Road and if possible, some of the lots along the Smith Road side would connect to the existing pump station if the elevations allow for it when we look into the actual design of it. Stormwater would be managed on-site via several practices that will be utilizing green infrastructure techniques on this project, which would include swales, rain gardens and smaller individual practices that would also be maintained by the HOA to have a mechanism to keep those in place. No additional off-site proposed development stormwater problems will originate by the proposed project. So, all stormwater would be mitigated on the site. The proposed development was designed in accordance with the Northern Halfmoon Generic Environmental Impact Statement (GEIS) findings. Mr. Bianchino, from CHA, agreed with us at the last meeting that the new revised layout does indeed adhere to the Statement of Findings. We are maintaining a permanent openspace area in the front of the lots and the new lots will now front on an internal street as opposed to fronting on Farm to Market Road. Additionally, greater than 20% of the property will be maintained as permanent openspace, which is 52-1/2 percent of the property that will remain as permanent openspace. A questions that came up from the Board at the last meeting was sight distance. Starting over on the Farm to Market Road side looking left, we have greater than 1,000 FT of sight distance and when you look right, we have approximately 605 FT. On Smith Road, approximately 50 FT from the intersection looking towards the right, we have greater than 700 FT of sight distance available. Mr. Ouimet asked if anyone from the public wished to speak. Mr. William Corp, 10 Cary Road, stated the following: I'd like to bring up an issue that some of the Board members talked about before, which I think relates this development. In two locations you have an entry off of Smith Road that is diagonal and you have to look over your shoulder or trucks have to pull to the right and then look left or right. I live nearby and we see these fender benders and near misses. There is also an extremely bad "S" turn and we addressed this with 2 or 3 Board members back in

1999, 2000 or 2001 and before development happens, we need to do something with 2 locations. The suggestion was that we "T" it right straight across so you end up with "T", a complete stop, you look right or left and you continue on. This development could blend in if the Town would consider going back to that original concept. I have talked to several people that indicated that they thought it was a good idea. I'm a certified director of safety with Penn State and I've been with the Thruway Authority for 34 years so, I have done a lot with sight traffic problems that have developed. Every winter there are cars going off the road and there is more traffic now because there are more houses in the vicinity. Has the developer done any numbers of the traffic increase since these new developments have gone in? If you have not, I believe you need to look at the amount of vehicles that travel on Cary Road. I did some numbers myself, and what is the vertical distance from this entry where you can see your very first car or vehicle? Mr. Dell stated looking to the right we have 605 FT. Mr. Corp stated the following: I did some calculations with my regular official measuring device and when you first see a vehicle, its closer to 300 FT. Everybody that comes up on this road is accelerating up. I know you have a 45 mph speed, but I believe having that entry that most cars are going to turn to the left, go down onto Route 9 to go to the business area. The speed limit is 45 mph and let's face it; they are going 48 to 50 mph. You're going to have a problem with people that are turning left onto Farm to Market heading down that way and then trying to speed up. The other one on the horizontal curve, I come up with about 400+ FT and you can't see the entire vehicle, but you do see part of the vehicle. Right now you have a tremendous amount of foliage in there and you cannot see down here. If there is a motorcycle going up through and you pull out, that guy is going to be on top of you before you know it. You can say that you can cut all of this down, but what about you putting in a berm or whatever and how high is that going to be because that is going to deteriorate the visibility of the site and that's my concern. Getting back to this one, this needs to be a "T", with all the traffic that we've had over the course of 10 years. I'm opposed to this development and I looked at the ravine and I don't know how you're going to put in that much fill because that ravine is straight down. That means when you come up to Farm to Market and no matter how much fill you put in, you're not going to get a horizontal. You may get horizontal to one car, but what about the other cars coming up? I tried to get the statistics off the internet and it had 3. so many per household and it used to be 2 something and now it is 3. Another concern that I had was back in 2000 we had flash flooding and the water came down through here and completely inundated this entire Farm to Market. There was at least 4 or 5 inches of water, traffic was stopped both ways, and my question is how are you going to mitigate because you're pushing this off so you're going to end up with wetlands and you have all of the other developments up above and that water has to go someplace. I believe you are going to have more problems down here and this culvert is not going to be able to handle it. My original request to the Town; you need to do something with this location and this location and by "T-ing" this across, you can eliminate this entrance and you can "T" these two so they come together or you can "T" something out to here so they meet. A line of sight both ways is then acceptable because you have plenty of room. I'm against this development for safety reasons. Mr. Dell stated the following: As far as the distances are concerned that Mr. Corp mentioned, I don't deny those distances. We had the surveyor on the project go out there and measure the sight distance on the property. So, we are very confident in the numbers that they did come back with and with the actual locations of the roads. As far as the vertical distance and the horizontal distance, I know that the way we typically measure it is per the standards that traffic engineers all use. As far as the traffic increase, we can certainly have a traffic engineer that we work with look at that and go out there and measure any traffic increases that may be there. Regarding drainage, we will be working with CHA much more once we get into the actual design. The project will have a project specific Stormwater Pollution Prevention Plan (SWPPP), which will

have a detailed existing conditions and proposed conditions analysis that goes along with it and each one of these culverts will be evaluated at that time to see if they are adequately sized and if not, we would recommend and implement any upsizing of the culverts. I think we had discussed this the last time that the current culvert that comes under the existing driveway is undersized, as Mr. Higgins had mentioned 2 weeks ago. As far as realigning the intersection; I would leave that up to the Town as to how to address that comment. Mr. Ouimet asked Mr. Polak if there was any conversation at the Town Board level regarding that intersection? Mr. Polak stated the following: When one of those big projects went in at Rolling Hills, they did discuss that and there were some other items that were done and those were not improved on. I've been working with Mr. John Pingelski, the Town's Highway Superintendent, how to best resolve those issues and the applicant has said that he'll give us whatever land we need to "T" that intersection whenever we need that to happen. You can't expect a small development of this size to pay for those types of infrastructure costs for improvements. There may be another project that's within a few miles of this that will certainly impact that road and we're going to try to work with that developer to get something done at that time. Right now this is in preliminary stages of coming to Town, but it will be coming shortly. Mrs. Murphy asked Mr. Dell to point out the parcel that is not part of this development that Mr. Polak is talking about that is also owned by the applicant. Mr. Dell stated the following: It is the entire triangular piece that is bordered by Cary Road, Smith Road and Farm to Market Road. That entire portion is owned by the applicant and is part of the property. Right now it's not factored into any one of these lots. So, as Mr. Polak indicated, the applicant is willing to work with the Town to offer any land and any assistance needed to rectify those intersections. Mr. Jim Brown, 5 Hidden Farm Lane, stated the following: My property is located right next to the wetland. I actually border the property and will be abutting the southern section of the proposed development. I would also like to reiterate the safety issues of where Smith Road and Farm to Market Road intersect. I have been at that residence now for 2-1/2 years. It's common practice coming down Farm to Market as you're heading east and to take a right onto Smith Road, you better watch your rearview mirrors as much as what is in front of you because it is common practice for the cars behind me, as I slow down to about 20-25 mph to cross the double yellow line and go to the opposite lane and go around me and also come really close if they don't decide to cross the double yellow line to get really close to my rear bumper. So, as it stands now, there is one residence with one driveway, which has not caused much of a concern. My concern is with the development, which adds another 5 houses along with the existing house, you are going to have traffic pulling out of here as well as all the residences on Farm to Market Road, Misty Meadow and the other residences off of Smith Road are trying to exit off of Farm to Market while not getting rear ended and all of sudden having to slam on our brakes as cars are coming out or perhaps there are 2 cars coming and one car is partially blocking Smith Road; it's a very dangerous intersection. I haven't seen any accidents there, but I've witnessed multiple misses by myself and all of my neighbors on Hidden Farm and Misty Meadow. Hidden Farm has about 30 to 40 house and Misty Meadow is about the same. So, we're talking about a significant amount traffic existing the Harvest Bend Development to the immediately south. So, that is my main concern to address to the Town and to put the Town on notice for any potential liability issues that may occur in the future by approving the said development without addressing the current traffic safety situation, which is definitely on-going and is very very disconcerting. Mr. Dell stated the following: Again, as part of the review with CHA, we can certainly have some traffic numbers worked up for the area to see what kind of an impact 12 new residences on this entire area would have. My guess is that it would be very minimal based upon historical projects that have been involved with 13 homes that would provide very minimal impact to the local traffic situation. Mr. Ouimet closed the public hearing at 7:58pm. Mr. Berkowitz stated to Mr. Dell; you didn't disagree with Mr. Corp's sight

distance because he had 300 and you had 600. Mr. Dell stated the following: I was not with Mr. Corp when he did the measurements. We typically do the measurements based upon coming back from the road approximately 14 FT at a height of vehicle looking at the way we would typically do it on every project. I don't know the methodology by which Mr. Corp used. Mr. Berkowitz asked what time of year did you do your measurements? Mr. Dell stated I can check with the project surveyor and find out when they did the measurements. Mr. Berkowitz stated because if it was in the fall or the winter, it would make a difference with the vegetation compared to now. Mr. Dell stated correct. Mr. Berkowitz asked has a traffic study ever been done there or just sight measurements? Mr. Dell stated just sight distance measurements; we have nothing on a traffic study. Mr. Higgins stated the following: With the existing house, you're showing the existing driveway further up Smith Road then where the driveway currently comes out because the driveway on the existing house now comes right off the house. So, is the existing house driveway going to be shifted further up Smith Road? Mr. Dell stated the following: The way it is shown on the map; yes, it would be shifted a little bit. Where it does come out onto Smith Road, it is in the same exact spot. You can see that culvert sign with the two lines coming across; that's the existing 12 inch culvert that is coming across there now. Mr. Higgins stated the following: Okay. So, the existing house driveway is going to go onto to the road also. Mr. Dell stated yes. Mr. Higgins asked is that going to be tied into the water and sewer also? Mr. Dell stated we would have to look into that, but yes, if it is available, I would assume that they would. Mr. Higgins stated where Farm to Market Road comes into the intersection of Cary and Angle there is so much foliage there that I know for a fact that you have to almost come to a complete stop just to watch for cars coming towards Route 9 and I can't tell you how many times I stopped and the cars, as the gentleman said, just slam on their brakes behind you because they come off over that little curve and they don't see you sitting there waiting. With all the foliage, it's almost impossible to see the cars coming the other way. So, you may have decent sight distance up here, but the problem is further down. Mr. Dell stated that is certainly something that we can look at. Mr. Berkowitz stated while you are also looking at that sight distance, the proposed mailboxes are either in the State right-of-way or the County right-of-way for the road, but it looks like they are also going to block the view of westbound traffic. Mr. Dell stated the mailboxes could certainly be pulled back within the right-of-way. Mr. Berkowitz stated yes, I think that they are going have to be pulled back and the same thing on Smith Road. Mr. Dell stated okay. Mr. Ruchlicki stated the following: With the elevation change at the southernmost entrance that you talked about with the mailboxes, just a suggestion; I understand you have a wetland problem down in the middle of the property that causes you to stop that hammerhead there. Why wouldn't you consider an exit at that point and clear that foliage and eliminate that entrance on that farther south exit point or entrance point? Mr. Dell stated so, what you're asking is to put the entrance point in another area? Mr. Ruchlicki stated the following: Or a little bit to the south because I don't understand how you're going to get off of Farm to Market down into that area with the elevation change. You already have a retaining wall proposed in one section of that road in there. That's just something to look at. Mr. Dell stated this is an area where the sight distance works best. Mr. Ruchlicki stated the following: I know that there is a sight distance issue there, but with the elevation problem, I still don't see how that is going to work. I have a problem with the elevation coming up out of there and if there was to be any realignment at that intersection, maybe you could incorporate that somehow with your entrance. Mr. Dell stated I know what we wouldn't want to do is to have intersections just slightly offset from each other. Mr. Ruchlicki stated the following: That was another discussion that we had on another project where we had no traffic regulating device whether it was a stop sign or a signal. The two entrances were directly across from each other where there could be two people looking at each other across the road and it is up to them to decide who is going to first and almost

all the time they both go at the same time. If you had them staggered, even if it's 100 FT, you're better off than having them directly across from each other. It's only a suggestion and maybe CHA could get with you on that. Mr. Dell stated I can talk to Mr. Bianchino about that and get his thoughts about it because I know we did, at a previous iteration of this plan, provide a grading plan showing how the road would work with respect to the existing grades on Farm to Market Road. Mr. Ruchlicki stated and maybe if you had elevation lines on the plan where I could get a ballpark idea of where you're at and where you're going to go to, but really when I drive by there, I don't see it happening. Mr. Dell stated we can provide a grading plan and I know working through that with CHA, that it would be required as part of the erosion control plan, the grading and drainage plan would all require detailed elevations. Mr. Higgins stated you're including the triangle as your total acreage for this development, correct? Mr. Dell stated yes for the allowable density. Mr. Higgins stated the following: Because as far as the previous development, the applicant as part of that approval had granted whatever property was necessary within the triangle. So, I just want to make sure that we're going on record that that offer is still going to be available to the Town to utilize whatever portion of the triangle that's required for the road improvements. Mr. Dell stated the following: That is correct. The acreage calculations are not included with the proposed lots. The proposed lots still far exceed the minimum allowable in the A-R zone even if we don't include the triangular parcel. So, yes that is still available to the Town should the Town need that land. Mr. Higgins stated because I know part of the very early discussions on that development, they were talking about actually going behind the existing house, but then they put the sewage pump station in and everything else so that kind of eliminated that possibility. Mr. Nadeau stated you said if elevation allows on the sewer portion of 1, 2, 3, 4, 5 and 6; what if it doesn't allow it and where are you going to tie that in? Mr. Dell stated if the elevations don't allow us to come down and go to the pump station; we would connect the grinder pumps into the force main on the other side. Mr. Ouimet asked is this clearly a conventional subdivision and not a Planned Development District (PDD)? Mr. Dell stated that is correct. Mr. Ouimet stated so there is no discussion going on with the Town Board about public benefit or anything of that nature? Mr. Dell stated no. Mr. Ouimet stated so the offer of the developer to provide land outside of the developed portion is an offer from the developer to the Town exclusive of the approval of the project, correct? Mr. Dell stated that is correct. Mr. Higgins stated that was part of the original PDD. Mr. Ouimet stated right and I understand that the original concept was a PDD. Mr. Higgins stated no, the original development, if you go back and check the meeting minutes on the original development approval, the applicant agreed to give whatever land was necessary within the triangle as part of that approval. Mr. Nadeau stated the following: I don't think that was part of the PDD. I think the applicant offered it, but I don't think it became part of the PDD legislation. Mr. Higgins stated okay, but I know it was offered. Mr. Nadeau stated yes, he did offer it. Mr. Ouimet stated before I close the public hearing, I would like to read into the record a letter from Rodney and Louise Priddle who reside at 1 Angle Lane in Mechanicville: (see attachment below)

Rodney & Louise Priddle

Town of Halfmoon Planning Board
2 Halfmoon Plaza
Halfmoon NY 12065

Re: Victor Subdivision
Smith & Farm to Market Roads

I will be out of town and unable to attend the public hearing scheduled for July 8, 2013. Accordingly I would like these comments read into the record.

I am personally familiar with the property and have the following concerns.

1. Given the topography of the land the I have concerns for the planned entrance/exit location on to Farm to Market road. The grade in question will result in a rather steep grade at the intersection with a major highway. The grade more than likely will cause drivers to have difficulty smoothly exiting the subdivision (from this exit) creating a potential hazard for both drivers exiting the subdivision and those traveling Farm to Market road.
2. I was advised that the current plan is to have the subdivision roads remain a private drive. This has several concerns. The first would be to require the developer to make the drive comply with town highway specifications, even though it is planned to remain private. The second concern is its design, which is not conducive to snow removal and turning around of large vehicles (such as snowplows). Third, history repeats itself often, it will only be a matter of time before the homeowners have issues over the roadway (from cost to maintain, timeliness or lack of repair or need for repairs or improvements). The disputes will ultimately result in the Town being petitioned to take over the subdivision road(s) "because they are paying highway taxes but do not get the services" in part the reason for the request to have the roads built to current road specifications.
3. While I have reservations about encroaching on wet lands, I believe it would be much more prudent have the two subdivision roads combined into one and exit the subdivision via a level exit on to Smith Road, which is less traveled and has a lower speed limit.

Thank You for allowing me this opportunity to submit these comments.

One Angle Lane
Mechanicville, NY 12118-3411
(518) 664-3509

Mr. Ouimet asked Mr. Dell if he had any response to the Priddle's letter? Mr. Dell stated the following: The road will be constructed to support emergency vehicles. It is not proposed to be a 32 FT wide Town Road. I don't think that would be fitting with the area, in such a small density of homes to have a 32 FT wide Town Road. I think it is the goal of the applicant to have more of a private kind of community's type of setting with shared driveways. With the topography at the entrances, I'm sure that CHA will review that very scrupulously and really hold our feet to the fire with the elevations that are proposed. Mr. Ouimet asked are the roads planned on being private or are they planned on being owned by some association? Mr. Dell stated it is going to be a HOA. Mr. Ouimet stated the following: Okay, so they're not going to be private and they would be owned by an HOA. So, the responsibility for repairs, upkeep, snowplowing and things of that nature will be the HOA? Mr. Dell stated that is correct. Mr. Ouimet stated I also want to point out that there is no highway tax in the Town of Halfmoon so that is not an issue either. Mr. Jim Brown, 5 Hidden Farm Lane, the property just abutting the south section of the development, stated the following: You mentioned mailboxes near the intersection and again, that ties in with traffic concerns. But also, I would be remiss to say, that you're having 5 families move in here who possibly could have children and they're going to want to go down here and if they just ride their bikes on the gravel on the side of the road where you have cars exiting Farm to Market and you have about 2 to 3 seconds reaction time. So, I just want to make that statement for the record as well. Mr. Roberts in light of Mr. Corp's comments and concerns; I'd like you to verify the sight distance on Farm to Market Road. Mr. Dell asked would you like us re-measure? Mr. Roberts stated yes. Mr. Dell stated okay, we can certainly do that. Mr. William Corp, 10 Cary Road, stated the following: I'm now concerned about the fact of school bus pickup. Will these children come out to here or will the bus come down through here and turn around because you're talking about a 35 to 40 FT bus? We're not talking about the regular size as we do in the other developments. So now I think it becomes an issue with school buses and would it accommodate school buses? Mr. Dell stated the following: The turnarounds would accommodate a fire truck and I would have to check with the school district because I'm not aware on whether or not school buses will go down a shared driveway. So I don't know if that would even be an issue. Mr. Ouimet stated this is an issue that you will follow up with CHA as you go back and review the comments from tonight from the public and from the Board. Mr. Dell stated correct. A woman from the public asked how wide the shared driveway was because you said it not's going to be 32 FT? Mr. Dell stated the following: Right now it is approximately 20 FT wide and at the fire hydrants there would be bump outs for fire trucks that would be at least 26 FT wide at those sections. That would all be worked through with CHA, the Town's Building Department and the Emergency Services Coordinator. Mr. Berkowitz asked has Emergency Services seen this plan yet? Mr. Dell stated yes, we have an email back from Mr. Steffen Buck indicating that he doesn't have any issue with the access to the project on either side. Mr. Ouimet closed the public hearing at 7:46pm. Mr. Nadeau asked Mr. Dell to identify a little better the driveway for the existing house. I know you mentioned it, but you're not showing it. Mr. Dell stated the following: That is the existing driveway location and right now it's just down a little bit from the existing house. The culvert that is shown on the plan is the culvert that is out there right now, so it's in the same exact spot. Mrs. Murphy stated I think that all of the other homes have below grade driveways that are indicative of where they're going to be.

This item was table and referred to CHA for further review.

13.027 PH Christopher J. & Phyllis Abele Subdivision, Lower Newtown Road – Minor Subdivision

Mr. Ouimet opened the Public Hearing at 7:50pm. Mr. Duane Rabideau from Gilbert VanGuilder Land Surveying and Associates stated the following: I'm representing Pastor Duke Hergatt in his request for a 4-lot subdivision located along the easterly line of the Clifton Temple Baptist Church. The proposal is to create 4-lots for residential uses. Lot #1 would be approximately 2-acres and Lots #2, #3 and #4 will follow the keyhole configuration. Each of the parcels would be on private well and septic. Lot #1 would have a driveway coming into the parcel. Lots #2, #3 and #4 will have a common ingress/egress common drive with a turnaround at the end with each individual drive coming off from it. We are proposing a duplex on Lot #1, which will be described at the public hearing following this public hearing for a Special Use Permit. This public hearing is just for the 4-lot subdivision. Mr. Ouimet asked if anyone from the public wishes to speak. Mr. Phillip Ytterberg stated the following: I'm moving to Halfmoon in relocation with my job to the Capital District. My wife and I have looked at towns and cities all around and we have chosen Halfmoon because we think it is a town with a lot of potential and that's if it's developed right. By way of background, I'm moving here from Eden Prairie, Minnesota, which is a nice suburb of Minneapolis. It's about 100 percent developed at this point and it touts itself as the number one city in the United States according to one of the magazines, I'm not sure which. One of the reasons that it is so nice is that the developments are well planned, they reflect community and they invite people to have neighborhood. There are developments that have very large homes and developments that have smaller homes; traditionally called single-family homes. There are other developments with condominiums and other types of communities. Halfmoon has examples like this and I have a friend who lives in the Farmview Development, which is just a beautiful development and I looked at that development as well. I'm buying a home at the end of the month and I would like to thank you for letting me speak because I'm not yet a resident of Halfmoon. At the end of this month we'll be buying a home, which is bounded on 2-sides by this proposed development and then Lower Newtown Road in the front. Mr. Ytterberg described to the Board where his property would be located in relationship to the 4-lot proposed development. It's a beautiful church and it's a lovely area. The site plan that I have shows a dry creek bed and it's described on the developer's map as a ditch. The ditch is the overflow channel for the pond and carries site runoff. This is not a very attractive description since this ravine or this dry creek bed actually runs through my property and I regard it as one of the beautiful features of my property and not a ditch. I think my home is shown on the map as a wood framed house with a gravel driveway and actually it is a full brick house with a paved driveway. On the previous map that was filed, there are multiple driveways crossing the ditch and I guess there is now one and it doesn't make a difference. I think that in the time that I lived in Eden Prairie, which has been quite a while, they haven't approved 10-acres with 3 private homes in the back and then a duplex out front to finance the project and that's what I think this says. Like I said, I think properly developed, Halfmoon is going to be a lovely area, but what this in sense is for somebody to buy 10, 11 or 12-acres, put 3 nice homes in the back and then throw a duplex out in the front. I don't object to duplexes, but this one is situated very close to the road so, basically it is its own advertising. I don't know if you permit "for rent" signs, but I hope you don't, but if you did, it sort of speaks for itself in listings and maybe other ways that that's available and it would always be highly visible. I think more so because whatever trees that were here, were recently cut down. I certainly don't object to people cutting down trees, but you should consider that as well. Now what we're doing is putting that out front to finance a larger development project and I just don't think that's in keeping with the way that I, as a soon to be resident of Halfmoon, would like to see the area developed with duplexes out front. There are no duplexes for a long way because I don't see any from the Town Hall down to here. I think you have to travel a

good distance east before you'll find the next one that has about a 20 to 25 FT setback so, it obviously has been there for a while and likely the kind of thing that would be grandfathered in. We do have those in Minnesota too, older communities with grandfathered properties. That strikes me as very incongruous with what's going on. I guess I should say that it may be that the comments that I'm making now pertain to the next hearing. If so, I would ask that you consider them as applicable to that hearing and maybe some of my comments are on this part of the hearing and I would like you to consider those to this part of the hearing. The flat areas that are being developed are quite small, obviously going from 3 driveways to 1 the so called keyhole does give everybody nominally generous acreage although the lots are not terribly large. I would be concerned about septic, well and so forth especially because there is a high amount of traffic on weekends here using water and septic and the other homes in the area. I'd like to see a better description of this proposal to cross the ditch. I'm very uncomfortable with what I'm seeing so far and I'd really like the Board to seriously consider whether the overall development is in keeping through the mission that you have for the Town and its future development. I oppose the plan and would welcome an opportunity to talk with the developers or others. Mr. Rabideau stated the following: The creek that Mr. Ytterberg is referring to is the outflow from the pond on the church parcel. In order for the driveway to be built, they're going to require a permit from the Army Corp of Engineers (ACOE) for properly sizing the pipe and things of that nature that the ACOE looks for. So, it basically minimizes the impact to the wetland corridor and going from 3 down to 1 driveway, then the ACOE would have no issue with the impact that the proposed drive would have on the stream. The ACOE is not in the business of stopping development and their focus is strictly on the stream corridor. Basically, we do numerous driveway permits and they do keep our feet to the fire on that to minimize the impacts, which we feel this does. As far as the issue of the keyhole lots with a buildable area in the back, the general buildout in the area, next to Mr. Ytterberg's proposed residence, farther east the configuration matches what was built and approved throughout the last 20 years or so. Ms. Lynne Guidos, 108 Lower Newtown Road, stated the following: I'm the current owner of this property and I would like to echo Mr. Ytterberg's concerns and I'd also like to see some kind of information about the impact on the water table. As Mr. Ytterberg mentioned, there is a lot of usage here with the church daily and not just on Sunday and also with the septic. Have there been any studies done on how this is going to impact the water table or water quality for the rest of the street who are all on wells? Mr. Rabideau stated the following: We meet the requirement for the wells and we feel there shouldn't be an issue with that because the wells are far apart. As far as the septic; the systems all have been designed by an engineer based on the soils. The gentleman had the map for that so, they have all been predesigned. Ms. Guidos asked have perk tests been done? Mr. Rabideau stated yes they have. Ms. Guidos stated the following: What will you be doing or what do you propose to do to protect the quality of this lot? As I stated at the last hearing, we had a huge financial investment here that has been pretty much destroyed by the lack of vegetation that now exists there. So, if you continue further back and then behind the house, there is a large pool here and a large investment there; what do you propose to do so that you're not devastating this property? Mr. Rabideau stated our clients did do a little clearing, but there is a tree row along the westerly line and we could put a no-cut buffer along that line to protect the trees. The intent is to leave the trees that are there now for the buffer. We can put a no-cut buffer so that does protect it. There is a spruce tree row along through the rear of this lot so, we can't touch it anyway and that basically screens everything that's going on in back of this house. So that would act as a natural buffer there and we can't do anything with that so, we feel what is there now by putting a no-cut buffer here, they control this and we feel the screening is acceptable. Ms. Guidos stated the following: Just to be clear, the tree line ends approximately here. So, this was all pasture for cleared land. So, there is nothing here a good ways back. Mr.

Rabideau stated the following: That is correct. The trees that are here and someplace in here; we can just put the buffer along where the trees are or extend one along the entire westerly line. Mr. Ouimet closed the public hearing at 8:02pm. Mr. Nadeau stated to Mr. Rabideau; can you clarify that the applicant shows Chris and Phyllis Abele, but who actually owns this property? Mr. Rabideau stated the following: Pastor Hergatt owns the property. It was just an issue of the record mapping showing it as Lot A when Mr. Chris Abele subdivided it and that's the confusion. Mr. Nadeau stated so it is the Pastor's property. Mr. Rabideau stated yes. Mr. Nadeau stated the second point I'd like to make is that this is just a subdivision and this is not an approval right now for a duplex and there is no guarantee that you would be allowed to have a duplex and that you are aware of that. Mr. Rabideau stated that is correct and yes, we understand that. Mr. Higgins asked did you look at the possibility of having the Lot #1 driveway come across and tie into the other driveway so that there is only a single curb cut for all 4 lots? Mr. Rabideau stated the following: That would be more impact, per say. I know what you're saying, but we feel this minimizes driveways because you would be adding about 125 FT of additional drive and we're trying to minimize that. Mr. Higgins stated the following: That question came up because it would be one less curb cut. Is the proposed driveway going to be 50 FT wide? Mr. Rabideau stated I believe it is 25 FT wide, which is the actual running surface of the common drive. Mr. Higgins stated so; the 50 FT is the total distance between the property lines. Mr. Rabideau stated yes, that is correct. Mr. Higgins stated okay, I see what you're talking about now. Also, you didn't show the wells or septs on the adjoining properties. Mr. Rabideau stated we showed them up here on the site plan because they are so far away that we couldn't put them on the actual plan themselves. Mr. Higgins stated okay, but it doesn't give us any measurements. Mr. Rabideau stated no, but just by knowing that this is 300 FT here, we're well beyond the 100 FT to any proposed septs or wells. Mr. Higgins stated it would be nice if it was shown somewhere with just a note saying the exact number of feet. Mr. Rabideau stated okay, we can do that. Mr. Berkowitz asked in that drainage corridor or the ACOE wetlands, is that dry or flowing? Mr. Rabideau stated it is flowing intermittently and it's really waters of the U.S. and it's not wetlands per say. So, the ACOE does regulate intermittent stream corridors and they only regulate from edge to edge. So, we would need a permit for probably less than 200 SF of disturbance. Mr. Berkowitz asked in the big circle, where do you propose to dump all the snow? Mr. Rabideau stated as they go around it would just be dumping off to the side and then push it toward the center. Mr. Berkowitz stated so the snow wouldn't be pushed toward the other properties on the map? Mr. Rabideau stated no. Mr. Berkowitz asked is there any screening for the property up against the circle? Mr. Rabideau stated they have an evergreen tree row in the back of their parcel that would block that. Mr. Berkowitz stated yes, but that tree row doesn't go that far because it looks like where the pool is; is going to be looking right at that circle and that is shown on the satellite overview. Mr. Rabideau stated that is why we want to minimize that because we would much prefer to have just the hammerhead turnaround for fire apparatus access. Mr. Berkowitz stated either way, they are going to be looking at that. Mr. Rabideau stated that is correct and there is nothing we can do about that. Mr. Berkowitz stated you could screen it. Mr. Rabideau stated yes, we can do that. Mr. Berkowitz stated yes, whatever it takes. Mr. Nadeau stated the following: Regarding the wetlands; are you saying that does not flow right now and where does it go on property "B", and does it just cross that? You have it deadheaded on your property on your subdivision. Mr. Rabideau stated it goes down through property "B" and it loops around and heads towards the back and it's more of a ravine. Mr. Nadeau asked is that flowing now? Mr. Rabideau stated it probably is just because of all the rain. Mr. Berkowitz asked has it ever flooded? Mr. Rabideau stated the following: No and I believe the ravine is 20 FT. The ravine is about 20 FT deep as it goes through this parcel and I know it gets deeper as it goes back towards the back. Mr. Berkowitz stated you're going to block

that off and put a culvert under the driveway, right? Mr. Rabideau stated we're not going to block it off. Mr. Berkowitz stated so, you're going over it and you're using a culvert for flow through access. Mr. Rabideau stated the following: That is correct. We're going to have to size the pipe to meet the anticipated flows plus the ACOE criteria of embedding the pipe 20 percent. So, the pipe would be adequate to take the flows and meet the ACOE criteria. Mr. Berkowitz stated I think you've seen what has happened in the Town with other culverts. Mr. Rabideau stated right. Mr. Berkowitz asked who is responsible for cleaning that culvert out? Mr. Rabideau stated it would be the people who own the parcels. Mr. Berkowitz asked what is their incentive to keep that clean if it doesn't overflow their property but may overflow behind them? Mr. Rabideau stated they're not going to be able to get out of their place and it would be in their best interest to maintain it and they have to because that is their only access in. Mr. Berkowitz stated they don't have to do anything if they don't want to. Mr. Rabideau stated we will size it to meet the criteria because the ACOE requires specific dimensions based on the stream corridor. Mr. Berkowitz stated I know, but if that gets blocked up, they're in trouble. Mr. Rabideau asked blocked up with what? Mr. Berkowitz stated debris or anything. Mr. Rabideau stated the following: Everything upstream is the pond and the pond is probably 200 FT north of that and there are no trees or things that can fall in and basically block the pipe. It's pretty much a clean shot from the pond through our parcel and then into the neighbors parcel. Mr. Berkowitz stated the owner of the adjoining property said that that has flooded at times. Mr. Rabideau stated not to where it would cause a problem. Mr. Berkowitz stated well, you wouldn't know that, would you? Mr. Rabideau stated well, what's flooding; because I don't see how it can. Mr. Berkowitz stated ask that person if it floods? Mr. Ouimet stated well, it's all a conversation because you're actually changing the property by adding 4 lots. Mr. Rabideau stated that is correct, but basically the only change that affects the stream corridor is driveway. Mr. Ouimet asked and not the 3 lots that may have drainage into the stream? Mr. Rabideau stated no, because this is far enough back that from here it drops way down so, more than likely the grading is going to go back. Mr. Ouimet asked does it drop down into the back of those proposed home sites and you're suggesting that everything is going to be graded away towards that drop off? Mr. Rabideau stated yes. Mr. Ouimet stated the driveway that you're proposing; that has been reviewed by Emergency Services, correct? Mr. Rabideau stated that is correct. Mr. Ouimet asked and it's constructed or designed at their request? Mr. Rabideau stated as per their request. Mr. Ouimet asked which includes the circle? Mr. Rabideau stated that is correct. Mr. Ouimet stated and they were not in favor of the hammerhead? Mr. Rabideau stated from what I heard this is the Waterford-Halfmoon Fire District and per Mr. Steffen Buck, Director of Code Enforcement and Chief of the Clifton Park Fire District doesn't agree with this. Mr. Ouimet stated that is what that fire protection district wants, correct? Mr. Rabideau stated that's what they want and here they prefer the hammerheads. Mr. Ouimet asked who is going to own that driveway? Mr. Rabideau stated there is going to be a driveway maintenance agreement and there is going to be an ingress/egress easement that basically they will all share in the cost of the maintenance. Mr. Ouimet stated the following: Who is going to own it prior to those 3 lots being developed, assuming they are created? Will it be Pastor Duke Hergatt? Mr. Rabideau stated that is correct. Mr. Ouimet stated so, Pastor Hergatt will own those 3 lots until all those lots are subdivided, sold and developed, correct? Mr. Rabideau stated the following: That is correct. The road will be built on the first house. So, Pastor Hergatt will have a 2/3rd vested interest in the drive until he sells the other 2 houses. Mr. Ouimet stated so; the road will be first before any houses are built. Mr. Rabideau stated that is correct; just to get the concrete trucks in and things like that for the first house. Mr. Ouimet stated so, if there are issues with the private road at that juncture, then it would be Pastor Duke Hergatt's problem, right? Mr. Rabideau stated the following: That is correct. Someone will always have the vested interest in it to maintain it and to fix issues that

potentially could come up. Mr. Nadeau asked Mr. Harris how many properties were sent the public notice? Mr. Harris stated I will have to check the file. (*Editor's Note: 8 public hearing notices were mailed to each of the adjoining landowners*). Mr. Higgins stated if you're telling us that the property drops off at the rear, why do you have the septic in front of all the houses instead of at the rear? Mr. Rabideau stated because that is where the best percolation rates were and that was a decision by the engineer that they hired to do the tests to make sure this would work for 4 houses. Mr. Ruchlicki stated the following: A couple of times we talked about the vegetation along that driveway and the neighbor's property. We talked about the screening that would be offered, but each time that we discussed that or it came up as a topic, you talked about the neighbor's vegetation as being the screening. The reason why I make that comment is because if the situation were reversed and the neighbor's property was the one that is being developed, then we would be discussing that vegetation on that property as screening for the other properties where you haven't shown that in reverse, which is really what we're looking at. My point is that when you offer the idea of screening, you're offering the adjoining properties vegetation as part of that screening and then it is not your responsibility. Mr. Rabideau stated the following: That's why this area was cleared and they did leave some trees for screening. Have you seen the site lately because there is vegetation that is growing back? Mr. Ruchlicki stated the following: I understand that and I know where you're going with that and I'm not sure I'm making myself clear. However, where the circle is in that area, with a lack of distance from the circle to the property line, you talked about the spruce trees that are there on the neighboring property as screening. Those are the neighbor's trees and that has nothing to do with your property and the screening that would be imparted around that circle area to offer them some type of a screening. Mr. Rabideau stated right and the discussion that Mr. Harris brought up was to actually put screening right here, and their pool is probably right about here, so that they don't see this. Mr. Berkowitz stated with that whole driveway you're going to have to a lot more screening because it is wide open. Mr. Rabideau asked have you seen that lately since they cleared it? Mr. Berkowitz stated we have seen pictures and some of that vegetation is going to have to be removed to put that driveway in also. Mr. Rabideau stated right, but the whole area is growing back up. Mr. Berkowitz stated whoever owns that property is not going to let a bunch of weeds and shrubs grow up. Mr. Rabideau stated that is why we are proposing a 25 FT wide buffer with a no clearing buffer because you have the existing spruce trees. Mr. Berkowitz stated but that has already been cut. Mr. Rabideau stated but they're growing up now. Mr. Berkowitz asked how long are you going to wait for those trees to grow? Mr. Rabideau stated next year those trees will be higher because they have already been growing. A woman from the public asked: What is that going to look like in the winter with all that stuff gone? Mr. Rabideau stated the following: The vegetation is there and they are deciduous trees that are growing up and because it is basically a driveway and this would be more of a visual impact, which was Mr. Harris' concern. So, if we put screening in there, that would take out that visual impact. This is just a driveway and it's not sticking up or anything. So, we feel with what's here now, with what's growing and some evergreen screening for this visual impact, it would also visually block these houses and we feel that would be acceptable. Mr. Higgins asked how tall are those trees that you're proposing to transplant? Mr. Rabideau stated they would be nursery stocked that are the standard 5 or 6 FT. Mr. Higgins stated so; it would take about 20 years for them to grow tall enough to block that area. Mr. Rabideau stated you're not really blocking the road because it's on the ground. Mr. Higgins stated yes, but those houses back there are higher than the existing house, correct? Mr. Rabideau asked higher than the vegetation? Mr. Higgins stated we have no elevations on this drawing. Mr. Rabideau stated the following: It's relatively flat back there once you cross the stream corridor and you're talking about a distance of 500 to 600 FT. It's not like we're packing everything in. There is only really one spot where they can possibly see one house

and the other house is at least 600 FT away and with the proposed screening along here, that will take care of that and you have to give the trees time to grow. Mr. Higgins stated well if those trees hadn't been cut to begin with, we wouldn't be having this discussion. Mr. Rabideau stated there were not trees back here, it was a meadow. Mr. Ouimet stated the following: If we were to send a Board subcommittee out to review this property, what would they be able to see right now? Is any of this staked out? Mr. Rabideau stated no. Mr. Ouimet asked could it be staked out? Mr. Rabideau stated yes and what would you want staked out? Mr. Ouimet stated we'd like to see where your road is going to go, we'd like to see what kind of buffer exists already and to look at the topography to see if the road would have to be elevated or depressed as it comes off of Lower Newtown Road. Mr. Rabideau stated the following: Yes, that is fair enough. We could stake the centerline of the drive and actual turnaround. Mr. Ouimet stated so, we could do a site visit is what you're saying? Mr. Rabideau stated that is correct. Mr. Ouimet stated the following: You have heard a significant number of comments tonight anyway and you may want to go back to Pastor Hergatt to determine what he is willing to do and what he is not willing to do. In the interim, we can send out a group of members from the Board to take a look at the property. Mr. Rabideau asked is this something where you would randomly go out or would you go out as a group? Mr. Ouimet stated the following: We wouldn't randomly go out there. We would go out as a group, we would make an appointment and arrangement to go out there and meet with whomever is going to be there whether it be a representative or the developer. I think that is what I'm leaning toward at this point in time, but I want to commence the public hearing on question of the Special Use Permit for this property. Mr. Rabideau stated the following: Okay. For clarification; the action for the subdivision has been tabled and the public hearing has been closed, right? Mr. Ouimet stated the following: The public hearing is closed on the application for the subdivision. We're going to table any decision on this application for the subdivision and we are going to open the public hearing on the request for a Special Use Permit to permit a duplex.

This item was tabled for further review. The applicant has agreed to stake out the property to determine the proposed placement of the driveway, cul-de-sac/turnaround and proper screening from adjacent properties. A Planning Board Committee will make a site visit to the property to access the proposed subdivision.

13.027 PH Christopher J. & Phyllis Abele Subdivision, Lower Newtown Road – Special Use Permit

Mr. Ouimet opened the Public Hearing at 8:25pm. Mr. Duane Rabideau from Gilbert VanGuilder Land Surveying and Associates stated the following: I'm representing Pastor Duke Hergatt in his request for a Special Use Permit for a proposed duplex on Lot #1. The Town requires a Special Use Permit for any duplex whether it is a detriment to the neighborhood or whether it fits in. We feel that the fact that we have the church complex nearby, a duplex would be appropriate since there is quite a bit of distance to the nearest house. Across from here there is a ravine that cannot be developed. The buildout in the neighborhood is a combination of single-family residential houses and duplexes. To the east of this there are 4 existing duplexes. So, we feel that this does fit the character of the neighborhood and because of the location of Lot #1 with the church that it would be a good transition from church to duplex to single-family. Mr. Ouimet asked if anyone from the public wished to speak. Mr. Phil Ytterberg stated the following: I'm the purchaser of the lot to the south and to the east. You just heard it described as church, duplex and single-family homes. There are some duplexes far to the east and not anywhere near this area. Unless my recollection is mistaken from earlier planned drawings that I've seen, this is a single residential home here. So, described as going from church parking lots to a duplex to my property is just not

accurate. There is a single home here, I don't know why it is not shown, it maybe that it would create some of the proximity issues if it were shown to be actually right here. It is certainly not this short distance from the road as it is shown here and the other one is setback quite nicely by the pond actually. Although I have comments about the trees that were here, which are of course on my land, providing my own screening for what's going on. I won't say any more about that. But, this is not in keeping with anything in this area and I'm not convinced that this is some undevelopable ditch or ravine on this side. Mr. Ouimet closed the public hearing at 8:27pm. Mr. Rabideau stated the following: This is undevelopable here as the ravine drops 50 to 60 FT on that side. Up here there is no single-family residence. There is a maintenance garage and I believe there is some kind of rec center and then the parking lot and the church. The single-family residence is Pastor Hergatt's on the other side. As far as duplexes; about 1,000 FT down the road is the first duplex and four duplexes before you go down over the hill. So, there is a mix of single-family residences and duplexes. Mr. Nadeau asked are they recent duplexes or have they been there? Mr. Rabideau stated I think a couple of them are recent and a couple of them are older that I would say maybe in the last 5 to 10 years is the newest duplex, which I believe is on the north side of the road. Mr. Higgins asked why is the proposed building location so close to the road on that one? Mr. Rabideau stated the following: They want a larger lawn area. It's better to be located here because the evergreen screening that does exists here and you can't see this from their house and they can only see this way. So, it's less of a visual impact. Mr. Higgins stated so, that location is taking into consideration the neighbors? Mr. Rabideau stated the following: Yes. From the center of the road we're probably 95 FT back. If we push it back further, it would look like a building out in the middle of nowhere. So, by having it closer, it actually fits the buildout in the area of the roads where the buildings are closer to the roads. So, this does meet the Town requirements, but the duplex buildings that are near the road are not right up to the building line and they are actually about 20 FT behind it. Plus by having it close to the road, we lessen the impact of the length of the driveway and things of that nature. Mr. Ouimet stated the following: I think the best way to handle this is to send a subcommittee of the Board out to look at the issue of the proposed subdivision and also the question of duplex and does the duplex fit the character of the community in that area. Our subcommittee will be: Mrs. Lois Smith-Law, Mr. John Higgins and Mr. Tom Ruchlicki. Mr. Rabideau could you coordinate with the Planning Department as to time and it would be helpful if you could stake out where this proposed driveway is going to go. Mr. Rabideau stated yes, no problem. Mr. Higgins stated and also stake the house location on Lot #1. Mr. Rabideau asked are you referring to the proposed duplex? Mr. Higgins stated yes.

This item was tabled for further review. A Planning Board Committee will make a site visit to the property to assess the proposed duplex.

New Business:

13.059 NB

**West Crescent Fire District, 1440 Crescent Road – Minor Subdivision
(Lot Line Adjustment)**

Mr. John Meehan stated the following: I'm representing the West Crescent Fire District. We are proposing a lot line adjustment with our neighbor to the west. We have discovered through a survey that our neighbor has a portion of his deck on the fire district's property that was built many years ago. We have come to an agreement with our neighbor to adjust the lot line by a couple of feet and that will make everybody happy. Mr. Ouimet stated has this project been referred to Saratoga County? Mr. Casper stated yes and the County has responded back to the Town with their decision of "No Significant County Wide or Inter Community Impact". Mr. Berkowitz asked has the neighbor been notified and did he provide a signed document agreeing that he wants to do

this? Mr. Meehan stated I received a verbal from him and I have not obtained a signed affidavit from him. Mrs. Murphy stated you will have to have something in writing prior to the public hearing. Mr. Ouimet stated we have to have a public hearing because it is a subdivision of lands. Mr. Meehan stated it would be up to him to provide something in writing. Mr. Roberts stated if we don't get something in writing from your neighbor, we can't have the public hearing. Mr. Berkowitz stated the Planning Department has tried to contact your neighbor and he hasn't responded. Mr. Meehan stated yes, I'm aware of that and he has other choices to get his deck off of the fire district's property. Mr. Roberts stated the following: You are involved in this and do you think it is worth the Board scheduling a public hearing? Are we going to get that signed piece of paper or no? Mr. Meehan stated I would assume so. Mr. Ouimet stated the following: What we could do; we could schedule the public hearing for 2 meetings from now and say that we need to have an "Owner Authorization" from the person who is going to receive this property within 2 weeks. If we don't get it within 2 weeks, then we will cancel the public hearing. Mr. Meehan stated okay. Mr. Ouimet stated this way the Planning Department will have enough time to put the notices out, assuming that we get the owner's consent. We really can't go forward with the request if the person who is receiving the property doesn't accept it. Mrs. Murphy stated based on what was just said; if the neighbor's deck is infringing on the fire district's property, you may want to send Code Enforcement out there to explain to the neighbor the realities of what his ramifications will be from a Town level and that doesn't mean that he has to agree with the fire district, but he will have to move the deck. Mr. Ouimet stated the following: The public hearing will be scheduled for August 12, 2013 and the owner of the deck needs to sign an "Owner Authorization" before our next meeting on July 22, 2013. I'm sure that you can pursue him as best as you can and our Planning Department will also work to do that and if they need to get Code Enforcement involved, they'll have to get them involved.

Mr. Berkowitz made a motion to set a public hearing for the August 12, 2013 Planning Board meeting. Mr. Roberts seconded. All-Aye. Motion carried.

13.074 NB Advance Auto Parts, 1695 Route 9 – Sign

Mr. Patrick Huyge from Site Enhancement Services stated the following: We are the acting sign agent for Advance Auto Parts. I'm here tonight to discuss a new sign that we are proposing to put in place for the existing Advance Auto Parts store in the shopping center on Route 9. After discussions with Mr. Casper from the Planning Department, we have come to determine that we are increasing the square footage by approximately 5 to 6 SF and we are making improvements to the sign and I have additional art work to pass out to the Board that will show our request a little better. On page 2 what we've done is called out the setback from the roadway and how far away it is setback, which kind of insures the necessary letter height for visibility issues. Page 3 shows existing and proposed where we are increasing the square footage by approximately 5 to 6 SF as I have said. We are also changing from open face neon elimination to closed LED lighting, which is definitely more efficient, a lot cleaner look and easier to read especially when those neon tubes expire and run out. Page 4 is showing what is existing on the premise in regards to other businesses in the area. As you will see, the furniture store's sign takes up approximately 6.6 percent of the façade area and our proposed sign would only take up 6.4 percent. Obviously, the furniture store does have a bigger store area than we do, but we are requesting just about the same percentage of façade area as they are. They also utilize a rear wall sign and we do not. The last couple pages are the schematics and things of that nature. In conclusion, we are making an overall improvement to the sign there. We are updating it from our past trademark colors and logo to our current trademark colors and logo where you will see that we changed from that red symbol

to a checkered flag. So, that is actually where the increase in square footage is seen there with the additional 4 SF for our logo now. Mr. Ouimet stated are the height of the letters 2 inches higher? Mr. Huyge stated yes, that is correct. Mr. Ouimet stated on the north side of the building, which is the side that faces Route 146, is there currently signage there? Mr. Huyge stated the following: No, there is not signage on the wall. I know there is a banner and that is something that we did not have anything to do with. I believe that is the store manager's and it's something to let patrons know driving along Route 146, that Advance Auto Parts is present there. Other than that, there is no wall sign there. Mr. Ouimet asked has that banner been approved? Mr. Roberts stated the following: No, it has not. We don't allow banners other than grand openings. Mr. Huyge stated I will definitely talk to the store manager and have them take that down because that wasn't something of our doing at Advance Auto Parts. Mr. Ouimet stated okay, thank you. Mr. Roberts stated I guess there's a problem here with the overall square footage of the plaza per Mr. Casper. Mr. Casper stated the following: Yes. When you consider the amount of square footage that is allowed for all the signs in that plaza, which would include Raymour & Flanigan and Advance Auto Parts, Raymour & Flanigan has a large total square foot area of signage on the front of the building above the doorway, as well as on the Sleep Center and also on the south side of the building. So, the plaza signage does exceed what's allowable by Town code at the present time. Mr. Huyge asked is there something we can do to make this work? Mr. Roberts stated I don't think we can approve signage that is going to put us over what is allowed, right? Mrs. Murphy stated the following: I think the question that is arising is that there seems be signs on the Raymour & Flanigan building that the Town didn't approve. So, I think some investigation has to be done as to how it is those are on the building and possibly I'm assuming that Raymour & Flanigan are your landlord and figure out between them and your lease. I'm not giving you legal advice here, but I'm sure your lease allows for signage and if their actions have made it impossible for you to utilize your rights pursuant to the lease, which would be something you would want to take up with them. That is something we could do a search on and see exactly where those signs came from because they're 2 pretty large signs that this Board does have any record of. Mr. Huyge stated I know when I talked with Mr. Casper last week, we were permitted for a sign that was approximately 133 SF back in 1999 and we didn't construct a sign that large and we actually constructed a sign that was only 83 or 84 SF. Mrs. Murphy stated the following: This Board understands that you need a sign and you need to be able to market your business, but there are limitations as to what the Board can do. I would ask that the Planning Department send me those minutes so I can determine how they came up with those calculations and then it may just be that they added signs without approval and that would have to come down anyways. Mr. Huyge asked is there any way we can make any conditions for this sign to be approved? Mr. Casper stated the following: I have contacted the real estate department with Raymour & Flanigan in Syracuse and they haven't gotten back to me yet. I wanted to get some information on the 2 other signs that we didn't have records in the file. We didn't have any applications or approvals on those signs. Mr. Higgins asked if the applicant changes his application to keep the signs the size as they are now and just change the lighting and the symbol, is that acceptable? Mrs. Murphy stated Mr. Huyge would be okay because then we're not really approving a new sign as they would just be replacing, but we would still have to find out about the signs at Raymour & Flanigan. Mr. Higgins stated so, if you don't ask for an increase in size, you can get approved this evening. Mr. Huyge stated either way we would have to construct a new sign, would that still be an issue? Mrs. Murphy stated no. Mr. Huyge stated okay. Mr. Higgins stated the new sign has to be the exact same size as the sign that you have now. Mr. Huyge asked would it have to be the exact same dimensions? Mr. Ouimet stated yes, it has to be the exact same square footage. Mr. Huyge asked could we have our 30 inch lettering as long as we got down to the same square footage? Mr. Casper stated I believe your existing sign is 81 SF.

Mr. Huyge stated I think we came up with 81 point something square feet. Mr. Casper stated so, as long it's the same as existing sign. Mr. Huyge stated okay. Mr. Ruchlicki stated realistically you'd be putting a checkered flag on and getting rid of that red thing; the same sign only different construct with the LED lighting. Mr. Ouimet stated the following: I think we need to do a couple of things. While you can do it that way; replace one for one, so to speak. We do need the banner sign removed and if you can't persuade the manager of the store to do it on his own, we can send Code Enforcement out there and that wouldn't be a great way to go. Mr. Huyge stated I'm sure that he won't have any problem with taking that down. We would also ask that you help us with Raymour & Flanigan and reach out to them and indicate to them that you had difficulty getting your replacement sign approved because of the square footage of signs and unapproved signs on the building. Mr. Huyge stated absolutely. Mr. Ouimet stated if you would do that for us, then I think we could work with you. Mr. Nadeau stated on the top it's actually shown that the sign is 88 SF and are you saying it is 81 SF? Mr. Casper stated the following: The existing sign is 81 SF and the proposed sign is 88 SF. Another issue to consider is the banner that Advance Auto wants to use during the time that they take down your current sign and replace it with the new sign. Mr. Huyge stated yes, just in the meantime when the existing sign comes down, because obviously there would be no sign on the wall at that time, could they have a banner that states "open during the remodel". It would be up just for that period of time where the one sign is down and the new sign is put up because it might take more than a couple of days. Mrs. Murphy stated the use for a banner sign is very limited in the Town. Mr. Roberts stated banner signs are only for grand openings. Mr. Casper stated also, there was no application submitted for the banner sign. Mrs. Murphy stated yes, they cannot do that. Mr. Huyge asked if we did happen to go with a second request with the same square footage of what's there, would we have to come back and present again and present a new application as well? Mr. Ouimet stated I'm not sure I understand. Mr. Huyge stated if we constructed a sign or proposed a sign that is the exact square footage as what is there now, would we have to come back in front of the Planning Board to present that sign as well or would that be part of the condition of this where as long as we do that, we can submit for permits and we're fine then? Mr. Ouimet stated the following: The only thing that we can approve is your request to replace in kind the sign that you have up now. So, it would have to be the exact square footage or one for one. Mr. Huyge stated so, if we do swap one for one, we can then submit for permits? Mr. Ouimet stated yes. Mrs. Murphy stated the following: Yes, assuming they are exactly the same size. No banner signs are allowed except for a grand opening because we just don't allow them other than a grand opening. Mr. Huyge asked so, the "open during remodeling" banner would not be permitted? Mrs. Murphy stated that is correct. Mr. Huyge stated okay. Mrs. Murphy stated you can leave your existing sign up until you take it down and put the new sign up. Mr. Huyge stated right. Mr. Higgins asked does the applicant want to amend the application tonight? Mr. Huyge stated I'd have to go back and talk with the realtor and landlord first to see exactly what would be allowed to do.

Mr. Nadeau made a motion to table the proposed Advance Auto Parts sign application for further review by the Planning Department. Mr. Ruchlicki seconded. All-Aye. Motion tabled.

13.059 NB Bowl New England, Inc. (Spare Time Bowl), 1668 Route 9 – Change of Use

Ms. Carol Judge from Bowl New England stated the following: We have applied for a change of use application. We are proposing to remove 8 bowling alley lanes and replace it with a larger game room and a laser tag area. We have tried to find a site plan with the parking and it doesn't exist. We went to our attorneys and we went everywhere. We don't have it, but what we did do is we

sketched it out and we are going to resurface the parking lot. Last year we had a lot of construction outside with the sewers so, when the project is done, we're going to resurface the lot and restripe it. We have area for 181 parking spaces if we use it correctly and if we restripe it correctly. However, for bowling you suggest 5 cars per lane and that is really a stretch because bowling isn't what it was 30 years ago. On any given night we don't have 5 people on any lane ever. It just doesn't exist anymore and we're doing this transition in order to become busier because bowling just isn't as busy as it used to be. We do have the City Sports Grille, which we estimate 10 percent of our revenue is from outside patrons only. Everything else is from the existing bowling customer. So, we really don't have an outside use very much for the City Sports Grille as far as parking being an issue. Mr. Higgins asked are those 181 parking spaces 10 FT x 20 FT? Ms. Judge stated yes. Mr. Higgins stated several years ago you had some kind of a parking arrangement with Prestige Auto and asked is that still in existence? Ms. Judge stated I do remember that there was some sort of an arrangement; however, this count on parking spaces does not include that arrangement. Mr. Higgins stated we would need to know whether or not that arrangement is still in effect and if it is, how many parking spots are included in that arrangement. Ms. Judge stated so, you meant an arrangement that Prestige Auto used some of our spots, if so, we do not. Mr. Roberts asked where you are planning on doing the laser tag, what lanes would you be taken out? Ms. Judge stated the following: The upper 8. Now we would have lanes 1 through 28 and lanes 29 through 36 would be replaced with the laser tag. Also, the existing game room, as you walk in the main entrance to the right, would be moved all the way to the end of the building. So, we have removed the rental space there and that is non-existent as well. Mr. Ruchlicki stated so; it would be the north end of the building, correct? Ms. Judge stated yes. Mrs. Smith-Law asked how many people could be seated in the restaurant to eat? Ms. Judge stated it seats approximately 60 people but again, the usage is from the inside of the bowling center; the bowlers as opposed to bringing in people from the outside. Mrs. Smith-Law asked do you intend to try to market that to the people on the outside? Ms. Judge stated we've been trying to do that for 2 years and we kind of realized that there is a lot of competition in Clifton Park. So, we have realized that the existing customers are the ones that use the restaurant. Mr. Ouimet asked the Planners what was needed for parking. Mr. Harris stated the following: As a bowling use based on the bowling calculation and the removal of the 8 lanes would necessitate 140 parking spaces based on the code for 28 lanes at 5 spaces per lane. The other uses, such as laser tag and arcade are not defined in our ordinance having a specific parking requirement allowing you the determination under the parking schedule for those uses. The restaurant, as mentioned by the applicant, is considered or marketed as ancillary to the use of the bowling. So, there is some flexibility in terms of how you allocate parking for laser tag and the arcade. I did do a count based on the existing striped parking and I came up with 142 striped spaces with a clear area behind the building that could be landbanked. The applicant did show me a sketch of a restriping of the parking lot that she discussed showing 181 parking spaces on the existing layout of pavement there that they plan to redo. Mr. Ouimet asked of the 181 parking spaces, how many spaces would be utilized for the bowling alley and the restaurant? Mr. Harris stated the following: The bowling area would be 140 parking spaces required under the code. The restaurant would depend on seating and whether you would consider that as a separate calculation. Mr. Ouimet asked which would leave how many spaces proposed for the laser tag? Ms. Judge stated that would leave 41 parking spaces. Mr. Ouimet asked 41 after you restriped the parking lot and everything? Ms. Judge stated the following: That is correct. The maximum laser tag admission is 24 and usually the average age of laser tag is 8½ through 17, which makes us believe that at least 2 or more travel together. Mr. Roberts stated I would suggest that we get an up-to-date site plan for this. Mr. Ouimet stated yes, I think we are going to have to insist on an up-to-date site plan assuming the Board is in

agreement with that. Ms. Judge stated the following: I can get one, but I don't have one yet. If we could I would like to make an agreement contingent upon that and we would surely get that site plan for you, if that is possible. The reason I ask that is that we're seasonal, as most of you know, and we really have a necessity to move forward before our regular league bowlers do come back in September and we would like to have most of the construction done if we could, but we would proceed immediately with your needs.

Mr. Berkowitz made a motion to approve the change of use application for Bowl New England, Inc. contingent upon the applicant providing an up-to-date site plan delineating the proposed parking spaces. Mr. Roberts seconded. All-Aye. Motion carried.

13.076 NB Searles Subdivision, Werner Road – Minor Subdivision

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveying and Associates stated the following: I'm here tonight representing Robert and Jennifer Searles for their proposed 2-lot minor subdivision. The parcel is located on the westerly side of Werner Road and about 250 FT north of the Kelly Lane of the Pipino Subdivision. We're requesting to subdivide a 1.36-acre parcel into 2 single-family residential lots. Lot #1 would be a little over 30,000 SF and Lot #2 would be just under 29,000 SF. The parcels would be tied into public water and public sewer. There is an existing wood framed building and that building is to be removed. Mr. Higgins asked is this the lot with the garage with the stock cars? Mr. Rabideau stated this is just south of that. Mr. Higgins stated okay so, this parcel is a little further south of the lot with the garage with the stock cars. Mr. Rabideau stated that is correct. Mr. Berkowitz asked are these going to be single-family lots? Mr. Rabideau stated yes.

Mr. Nadeau made a motion to set a public hearing for the July 22, 2013 Planning Board meeting. Mr. Higgins seconded. All-Aye. Motion carried.

Old Business:

13.058 OB Sprint (Co-location), 7 Vosburgh Road – Addition to Site Plan

Mr. Jay Suriano stated the following: I'm here tonight on behalf of Sprint. Sprint is looking to add 3 new antennas to their existing installation at 7 Vosburgh Road currently at a height of 131 FT on a 150 FT tower. They are looking to replace the existing cabinets that they have at the base of this tower, but not looking to expand the space that they take up at the base of that tower. Within a year Sprint is looking to then remove the current 6 antennas that are currently on the tower, leaving them with just 3 antennas on the tower. Mr. Higgins stated did you say that it would take a year just to replace the antennas? Mr. Suriano stated the following: It mostly likely is not going to take a year and what this upgrade is, is an upgrade to 4G technology. Sprint is looking to install the antennas for their new technology and have them up and running in markets before they take down the existing system. Sprint has requested that we ask for a year so that they have enough time to make sure that all of their sites can be completed in that time. It's likely that it will not take that long, but in the event, they would like to have that much time. Mr. Higgins stated so, for a year there is going to be a total of 9 antennas. Mr. Suriano stated yes, 9 antennas for up to a year. Mr. Ouimet asked would they all be used simultaneously with the 3G and the 4G at the same time? Mr. Suriano stated the following: Technically, yes. All the lines will exist to run all of them at the same time. Again, it's leaving the whole system up in place and running with the new technology. Mr. Ouimet stated the following: Is it just to test the new technology to make sure that the antennas are properly installed and are functioning properly? Or is it to supplement what is there already? Mr. Suriano stated it's to get 4G technology into the area, but to have a market defined

4G presents before taking their 3G or 2G technology off air. Mr. Ouimet stated so, it will run at the same time. Mr. Suriano stated yes, it will run. Mr. Ouimet stated the following: How long does it take them to do that? I know they have asked for a year, but a year seems like an awful long time. Mr. Suriano stated I know markets where it has been done in a month, I know markets where it has taken 6 months, it really depends on the market size and what area they're defining as their market. Mr. Ouimet stated so, Sprint is defining our market as being one that will take double what the normal markets do. Mr. Suriano stated the following: No, I don't know that. I just know that in other areas that it has taken up to 6 months and I have not seen it take a year. Mr. Ouimet stated okay, the ultimate intent is to remove the existing equipment, right? Mr. Ouimet asked all of it? Mr. Suriano stated all of it. Mr. Ouimet asked all the existing equipment including the cabinets at the base? Mr. Suriano stated the cabinets at the base will be removed and replaced with new cabinets. Mr. Ouimet stated but, in the interim there will be the old cabinets and the new cabinets there. Mr. Suriano stated no, the cabinets at the base will be replaced and there will only be 2 cabinets that will remain there. Mr. Ouimet stated now you're confusing me because the cabinets are needed to run the technology. Mr. Suriano stated the following: The cabinets will be connected to the co-ax that can run all 9 antennas. They only need the 2 cabinets to run all the antennas that are there. Mr. Berkowitz asked can the cabinets run the 3G and the 4G simultaneously. Mr. Suriano stated yes. Mr. Ouimet asked do you have any proposed sketches or pictures of what it will look like when all these antennas are there at the same time? Mr. Suriano stated I do not, other than the drawings that were presented to you. Mr. Harris stated the following: The drawings did not show them all combined on 1 tower. It did show the existing and then it showed the proposed final product. So, it didn't show them all combined at the same time. Unless I may have read that wrong. Mr. Suriano stated the following: A2 of the drawings will show the overhead view and it's not a sideways view of those antennas and you'll see the existing antennas and there are 6 CDMA antennas that are listed on the top view saying "existing conditions". The second drawing shows the interim, which shows 9 antennas and then the final, which just shows 3. Mr. Higgins stated there was also a question about the bond for this project. Mr. Suriano stated we can approve posting a bond with the Town for the removal of those antennas. Mrs. Murphy stated that would obviously be one of the conditions and our engineers have reached an amount that they think is reasonable based on the current economics added together with the reality of bringing in cranes, etc. Mr. Suriano stated okay. Mrs. Murphy asked if that information was provided to Sprint. Mr. Harris stated yes, I provided that to Audra Kohler and Jamie Abbgly. Mr. Ouimet stated it is my understanding that \$5,000 has been offered and our engineers are suggesting \$10,000. Mr. Harris stated that is correct. Mr. Ouimet asked is that acceptable to Sprint? Mr. Suriano stated yes, that was acceptable to Sprint.

Mr. Higgins made a motion to approve the addition to site plan application for the Sprint co-location with the following conditions: (1) existing equipment to be replaced must be removed by the applicant within 1-year of the stamping/signature of the plan by the Planning Board Chairman; and (2) the applicant must provide a \$10,000 performance bond/letter of credit to the Town related to the removal prior to stamping/signature. Mr. Nadeau seconded. All-Aye. Motion carried.

13.078 OB Sheldon Hills PDD – Phase 3, Route 146 – Revised Site Plan #2

Mr. Gavin Vuillaume, of the Environmental Design Partnership, stated the following: I'm here tonight representing the applicant, Mr. Chris Abele from A&M Holdings who is also with me this evening. This application was last in front of the Board last year when we made a proposed amendment to Phase 3 of Sheldon Hills. The Board approved the revised site plan at that time, which removed some of the multi-unit townhouses that we had proposed and substituted it for the

patio homes. The patio homes are now currently under construction and hopefully this will be our last revision to Phase 3 of Sheldon Hills. Again, back at that time the entire Phase 3 had 94 units with 60 patio homes, plus the 34 multi-units that were a mixture of 8 and 6-units buildings. We are now proposing to keep the 60 patio homes, but now replacing the 34 multi-unit buildings with 25 twin homes. This is a better product for the developer and they feel that this is one that has been consistent throughout the life of the project, which as you know, it's one of the premier subdivisions in the Capital District. Their success rate has been stellar and they foresee that these types of multi-unit buildings just are not going to sell in what has been developed as part of this project. So again, this is a very similar product to the patio homes. I have shown a rendering of one of the twin homes that is very similar in style and it may not be exactly like this, but this is essentially just like the patio homes, but they are put together as a twin home. All the roads would remain the same, the utilities are all the same and we will utilize a lot of the existing infrastructure that went in when this was graded and the utilities were brought into that area. Stormwater would all stay the same. I think if you add up all of the impervious area, there actually may be a slight increase in the impervious area but not enough to change anything. We hope this will be our last request for the change of the units. Again, you foresee some things when you start a project and the market changes and you end up with something else. This is a reduction in the number of the units overall and again, we lost some units with our first revision to the site plan and with this current proposed revision to site plan we will be eliminating 9-units so there is a net decrease in the number of units for the overall project. Mr. Ouimet asked Mrs. Murphy if this was within the allowable number of units for the Planned Development District (PDD)? Mrs. Murphy stated the following: It is. The Planning Board has the authority to modify the number of units downward and they just can't exceed what the PDD permitted. Mr. Ouimet asked a question about the subdivision and asked Mr. Vuillaume if the subdivision map had been filed. Mr. Vuillaume stated the following: We did when we did the revised site plan for Phase 3 the first time. So again, we're going to have to file another map and it is sometimes considered a site plan. I think it is really referred to as a site plan, but it does get filed with the County Clerk because the units that are being sold are the actual footprint of the building. So, those will need to be filed with the County Clerk. So, this map will be re-filed with the County Clerk. Mr. Nadeau asked is this something that CHA needs to review? Mrs. Murphy stated because the roads haven't changed and just the density has decreased, you typically don't do that, but obviously it is within your purview. Mr. Higgins stated the 8-units obviously are going to be strictly rentals, correct? Mr. Vuillaume stated the following: No, they were all going to be condo's that are sold. The 8-unit buildings and the 6-unit buildings would have been sold as condo units. Mr. Higgins asked are these going to be sold like a townhouse with a common wall in the middle? Mr. Vuillaume stated yes. Mrs. Murphy stated which is actually better for the Town. Mr. Higgins stated the following: Yes, I agree. I just wanted to make sure because I think at one time we had talked about you maintaining the land and just selling the buildings and I don't know if that ever did come about. Mr. Vuillaume stated yes and the Homeowner's Association (HOA) would be maintaining all the property around it. Mr. Chris Abele, from Abele Builders, stated the following: The problem with doing the 34-units as a Condo Association; the requirements for the filing in New York State were excessive and the financing is a tough animal to do. We thought from a development viewpoint it would be better and this twin home unit, although smaller than the existing units in Sheldon Hills, is more similar to what is already there. Having a Condo Association, which would have been separate from the HOA, was a whole another application and we choose not to go down that road. Mr. Higgins asked do we need to refer this to CHA or don't we need to? Mr. Harris stated I did speak Mr. Bianchino about this and similar to his recommendation last year in April 2012; since the road and infrastructure are not changing he did not see a need to revisit it.

Mr. Berkowitz made a motion to approve the revision to the site plan application for Sheldon Hills Phase 3. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the July 8, 2013 Planning Board Meeting at 9:17pm. Mrs. Smith-Law seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary