

Town of Halfmoon Planning Board

March 23, 2009 Minutes

Those present at the March 23, 2009 Planning Board meeting were:

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

Alternate

Planning Board Member: Jerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

CHA Representative: Mike Bianchino
EDP Representative: Mike McNamara

Mr. Watts opened the March 23, 2009 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the March 9, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the March 9, 2009 Planning Board Minutes. Mr. Higgins seconded. Motion carried.

Mr. Leonard sat in for Mr. Nadeau in his absence.

Public Hearings:

07.105 PH Verizon Wireless, 15 Route 236 (Woods Plaza) – Commercial Site Plan (Cell Tower)

Mr. Bianchino, of Clough Harbour & Associates LLP (CHA), recused himself from this item and Mr. Mike McNamara, of Environmental Design Partnership (EDP) sat in for him. Mr. Watts opened the Public Hearing at 7:03 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Watts stated the following: This application has been before the Planning Board a number of times over a couple of years. The proposal has been worked on and we do work within the restraints of the Federal Guidelines relative to cell towers and the approval process. We have worked hard to raise concerns that the Planning Board had and these concerns have been answered by the applicant, some to our satisfaction and some not. This meeting will give the public a chance to speak. Mr. Michael Cusack, Attorney of Young-Summer, stated the following: I work for Verizon Wireless and with me tonight is Mr. Rick Andras, a Radio Frequency (RF) engineer with Verizon Wireless, and Ms. Christine Howell, who is a Real Estate specialist who helps Verizon Wireless find their properties. One matter I would like to address is in regards to the Planning Board meeting on March 9, 2009 where we were asked to take another look at the plans and address 2 items; (1) to show the likely utility course on the drawings and (2) to add in a strip of additional landscaping along the edge of the

parking area. Those changes have been addressed and the utility walk was only completed this morning, so I will hand out the plans to the Board tonight. As a result of adding in the landscaping buffer and taking into account all the other design criteria, the location of the tower itself shifted somewhat so there is a little bit different setback ratio provided now for the site but it does have the additional landscaping that was requested. Another change that has been included on these plans is the wooden type stockade fence as opposed to the chain link fence that was in the original drawings. I think we have addressed the comments as they were addressed to us at the March 9, 2009 Planning Board meeting. Verizon Wireless is a public utility under State Law and a provider of personal wireless services under the Federal Telecommunications Act of 1996 and other Regulatory Law. What we provide in the community and throughout upstate New York is wireless services over two frequency bands that we are operating now and a third frequency band that we just acquired. The thumbnail sketch of it is cellular technology, which is an 800-megahertz 2-way radio duplex communication service for the traditional cell phones that have been around since introduction in the 1985/1986-time period in our part of the State. We are also operating a personal communication service or a PCS Network, which is a slightly higher frequency, but again 2-way radio. In the auctions in March 2008 we were the successful bidder for a nationwide license in the 700-megahertz part of the spectrum, which we are starting to work on deployment right now. The reason for this particular facility is the growth that has happened in the industry, the demand for the services and the new types of the communication devices that people seek to use these days. What we are doing is both addressing some of the deficiencies in our network that exists in this area and also planning for the future. When the technology was launched in 1985/1986, you may remember if you were an early user, that you had a very high powered telephone unit, a 3-watt handset that was typically screwed into the floor of your car with an external antenna and it was all an analog 1-call per channel technology and our cell sites or networks were spread out over a wide area running at very high power with 500-watts or more of power coming from the cell site. The way the technology works is that there is an uplink and a downlink and if you don't have both ends of the communication, you don't have a call or you don't have service. So if you had the uplink from your handset being 3-watts to the antennas and then coming down 500-watts or so of power, it was very reliable setup. What we found was that at 1-call per channel in the analog world, the system got busied out very quickly. So we were running 45 to 50 channels per cell tower with 1-call per channel. What that meant was if 45 to 50 people were on that system at that given point in time and you went to make a call, you got no service, you were busied out or some other message and you could not get on the system. So we had to find a way to become more creative and expand the network. The way they did that was that they took the equivalent of a channel and converted it to digital so that they could get or the equivalent of roughly 10 calls per channel. This helped us and gave us a little bit more capacity because you are multiplying everything by 10. The problem being when that happened, for digital to work properly, the power levels went way down low. So as a result we were faced with a situation where our sites just were not covering the geographic area that they used to cover. If you were a user around that time period and you were told the system is converting to digital and it is going to be great and to look at all these new features. Then when you got your phone and you were in the outlying areas on the network, you would say it worked better before when it was analog. That is a fact and the only way we can get around it as an industry to go out and spend real dollars and put new facilities in the ground and try to improve this service so that people get what they want and what they expect in terms of good quality Verizon service. So when this facility is constructed, it is going to improve our network in the Town of Halfmoon near Crescent and in particular we're trying to improve areas along State Route 9, State Route 236, County Route 91, which is Grooms Road and County Route 94, which is Guideboard Road as well as numerous local roads for businesses and homes in the area. From our standpoint the facility also needs to function within a network.

What I mean by that is that it also has to inter-relate with the surrounding sites in the system. So if I build a site and it is at the edge of the system but it doesn't connect to anything, that really doesn't serve any function because as you are traveling throughout the system there are gaps, your on the system and you drop the call and you have to restart when you are back in service. Time has proven that is not a sensible way to develop a network. You also want it to relate well to the surrounding sites. We have any number of sites in the area and these are all detailed in the submission that is before the Town and I would be happy to go through that in detail but suffice it to say we have here and in the application materials coverage plots that show the areas of town where we have unreliable service and how that will be compensated for if this site is approved. We also have coverage plots here this evening, which I am willing to discuss, for the various alternatives that we considered initially and then the additional alternatives that the Town asked us to consider after their review. The application was filed in September of 2007. The Town's engineer looked at it and came up with alternative sites that they wanted us to consider seeing if we could put this somewhere else in the community. We took several months looking at those alternatives and evaluating them and provided a written response in May of 2008 to the Town. The Town then went one step further to hire a radio frequency engineer that works for the Town and not for us to review that work and that review was completed in the fall of 2008 and the report was issued just around the end of 2008. There has been a lot of review on alternative sites and if you want me to walk through the alternative sites, then please ask the question. The question that most frequently comes up on these project is "what is it going to look like and where is it going to be visible from". There are two parts to answering this that I would like to touch on before turning it over to questioning. First of all the Town law requires that we design for a minimum tower height that works for us but it also has a competing interest that we make the tower sufficiently strong and with some height on it to accommodate additional use by other wireless carriers. In our industry that principle is called co-location, which means shared use of a common tower facility. So you have these competing interests of making it small but not so small that it only works for Verizon Wireless, it has to work for a couple of other additional users. That is one thing that has been looked at and we have committed to design this to accommodate ourselves and two other commercial users. The second thing that is important to the review that has occurred is that the Town's law is very stringent on the design of the facility in that it allows the Town to require that the facility be camouflaged or built as a stealth facility. In this particular type of environment, the stealth facility type that was evaluated by local Planning Officials was to camouflage it to look like a tree. On the easel board I have shown 3 different viewpoints. The first is a photograph of the balloons in the air. We flew 2 balloons at the height of the tower so that you could get a reading on the approximate height. The second photograph shows the regular steel monopole tower that we originally proposed. The third photograph shows what that facility would look like if it is camouflaged to look like a tree. There are tradeoffs with each structure type. When we build a facility that is designed to look like a tree, there is some additional height that gets incorporated into it. We need a little additional height beyond the top of the tower so it doesn't just cutoff flat at the top. The design shown on the easel board is a 5 FT treetop on the top of the tower, which we call a cap. We can vary the height of that and we can make it up to 10 FT tall to give it more of a tapered look but that has not been decided yet. When we do that, the structure is a little bit taller and that is what gives it its appearance. From a technical standpoint, after our review and the review with the Town's engineers we think we have established that a facility here is necessary and that there aren't any existing towers or other tall structures that would work for us to fulfill the need that we are shooting for. We are already operating on many of the existing structures that are in the area. There is very little that we haven't tried in the community already. From our standpoint we have looked at a reasonable range of alternative sites and the Town's civil engineer as well as the Town's radio frequency engineer have reviewed these alternative sites. We would like to know as a carrier, if

the project is to go forward, whether the guidance here is for a traditional steel tower or a tree tower each of which will meet the requirements of a shared use. Verizon Wireless has committed to either design type so there is no issue or objection from us going either way on which way. Mr. Watts asked if anyone from the public wished to speak. Mrs. Dawn Napolitano, 41 Commons Blvd., stated the following: I want to make sure that I am understanding this correctly and asked is the need for the tower because it is a so called dead zone? Mr. Cusack stated we are trying to address dead zones in the area as well as plan for our future needs and yes, we have multiple dead zones in the area. Mrs. Napolitano stated the following: I have lived here for 11 years and I have had Verizon for 11 years and my husband has Nextel and we have never lost a call. We never lost a call on Grooms Road, on Route 236 or Guideboard Road. I'm not so sure where that information came from but as a resident, I have never lost a call or have had any problems at all with my cell service. Mr. Phil Napolitano, 41 Commons Blvd., stated the following: What Mrs. Napolitano is saying is that we have never had a problem with any type of dropped coverage. We can talk from our driveway, from the kitchen, driving through the intersection of Route 236, where the tower would be, and we have never had a problem. I don't think there is any need for a tower because we have never had problem with cell phone coverage in that area. We live on Commons Blvd. and it says it would not be visible from that location, however, that is when there is vegetation on the trees. If you go there now, I can see the Mobil sign from my backyard, I can see the stop light change colors from red, amber and green. Six months out of the year this tower would be totally visible and there are 7 homes in my area and our backyards are fully exposed to it. I don't know exactly what the distance would be from my house, but from what I can see on the drawings it looks like it is going to be very close. Lastly, with the possibility of co-location the tower would expand so there probably would be more of an eyesore to look at. Is the proposed height going to be 90 FT? Mr. Cusack stated the steel tower is 90 FT tall and the tree would be 99 FT of steel plus the 5 FT tree canopy on the top. Mr. Napolitano stated the last point that I would like to bring up is I know there was supposed to be a balloon test that was going to occur and I don't know if that happened or not. I can tell you for sure that we will be able to see it six months out of the year. I may not be able to see it through the vegetation in the summer but if you go there now you can see all the way through that intersection, to the Stewart's and to include any cars on Route 236 or Guideboard Road. Mrs. Napolitano stated you may say or people might think well all right, big deal, get used to it, it's in your yard. But what happens in a few years or 10 to 20 years when I go to sell my house? I know as a homebuyer, I am not going to look at a house that has a nasty looking cell tower in the background. I know that I am not supposed to bring up any emissions that might be a problem, but let's face it, it would definitely inhibit my wanting a house if there was a cell tower in the backyard. I have great concerns about the value of our homes in our neighborhood and that would be all the homes in the neighborhood not just the ones that could see it because it is there and I think it would decrease the value of the homes. Mr. Cusack stated the following: We have pockets of reliability and pockets of no reliability in our network and that is all very well documented in our coverage plots which have also been reviewed by the Town's RF expert. One of the things to remember is that we are trying to build something that works fairly well across the board throughout the community. There may be areas where you go at a certain time of the day or a certain time of the year where the systems function fine and then you go back there at a different time or you are at a different location, even slightly, and there are service issues. This is touched on in our report and it is touched on in your experts report as well. For example: the leaves being off the trees. When the leaves are down there is less vegetative interference. Our sites do tend to cover a little bit further out then they do when the leaves are on the trees. This creates tremendous reliability problems for us as a service provider to try to generalize and say "okay my phone works fine when I'm outside on such and such road". We as the carrier are very much aware of our other customer issues that are experienced in buildings and outside

on the roads and in other areas of Halfmoon. So, we know we've tried everything we can on the existing sites that we have. On the towers that we are operating on in Town, the Town is aware that we have come in and changed antennas wherever possible. We've tried upgrading all the surrounding sites to the extent that we possibly could before coming in with this application. It's very much an important network planning issue for us. Mr. Napolitano stated the following: In rebuttal to that, we have lived here for 11 years, as my wife stated, in the summer, spring, fall, winter, day and night it doesn't matter because we have never had any problem with service in that area. Nor have we ever had a dropped call, a lost call or any type of problem. Thunderstorms, clear weather, vegetation, summer, winter; it doesn't matter because we have not experienced any loss in service on a cell phone signal in that area. Mrs. Napolitano stated I am really curious where you get this information from and how do you know it is a dead zone? Mr. Rick Andras stated the following: We have switch statistics, which monitors every single cell site in the network every hour, every day, day after day, month after month. Each site serves three sectors so it provides 360 degree coverage and every single sector within the network needs to operate at Verizon standards any where in the country within certain operating parameters. We have other maps where the failures are plotted on the maps and there is a consolidated number of failures in this area that we are trying to serve. The threshold that we are trying to meet is because everything that you do with a mobile device is based on power and you have to have power to achieve high data speeds. Just to make a simple phone call these days isn't really that big of a deal. Granted you could hold a call through this area, but if you are a strong data user trying to download movies, email or to surf the internet this requires a lot of power and in this particular area that amount of power isn't available consistently all day long, 24 hours a day. You might find pockets in the afternoon when it isn't busy, but during rush hour when the system is very busy, all our available capacity gets sucked up and the data rates drop significantly. For instance; you are surfing the internet and all of the sudden your data rates are terrible. Maybe you are experiencing landline quality speeds verses DSL or Roadrunner. We are trying to make it consistent nationwide anywhere you go no matter what service you have whether it is a mobile phone or a high speed data card you are going to see your advertised top-of-the-line reliability and performance and that is what we are really trying to do. Mrs. Napolitano asked are people complaining or is this just a bunch of mumble jumble? Mr. Watts stated the Town hired a radio frequency engineer from a private consulting firm to look at the work that these people provided plus we had our engineer from EDP look at it as well. So we just didn't take the word of the applicant because a lot of that is anecdotal. Mr. McNamara stated I concur with what Mr. Watts stated. We did hire an independent RF engineer and he went through all the data that was submitted and came to the same conclusions that there was a demonstrated need for coverage. A report was generated and it is on file with the Town. Mr. Gerard Zachmann, 3000 Hayner Heights Drive, asked would there be aviation warning lights or a strobe on the top? Mr. Cusack stated the facility in either configuration does not require FAA marking or lighting. Mr. Larry Famulare and Mrs. Theresa Calderelli-Famulare stated they live adjacent to Woods Plaza. Mr. Famulare stated the following: My son is getting married and he intends to build a house there. Looking at what is going on there it doesn't look like it is going to be a very attractive. It would also affect the resale value of his home and asked the square footage of the base of the tower. Mr. Cusack stated it would be a 360 SF un-manned equipment shelter. Mr. Famulare stated the following: So there would be this 360 SF building on the parameter of land. They mentioned putting in shrubs and landscaping on one side but on the other side they said they would just leave the trees there. The trees they are referring to are probably our trees and asked what if we want to cut those trees down? We have had people in the past that want to buy the land and if our son does not want to build under these circumstances, what would a realtor want with a piece of land that has this cell tower on it? We are also really concerned with the radiation. I don't understand why the Northway wouldn't be a better spot for it. Mr. Cusack stated the following:

We didn't show any additional landscaping across the back because we didn't want to cut down any existing trees to plant our own landscaping. We are perfectly agreeable to additional landscaping across the backside of the fenced in area if that is determined to be necessary because some trees are removed next door. This is not something that we are against, we just didn't want to disturb anything beyond what we needed to clear for our own facility on the backside of that lot. In terms of the radiation issue; even though the municipality is restrained from regulating us on the basis of radio frequency emissions, we did submit a report that is done by a licensed professional engineer in New York explaining to you why this facility does in fact comply with safety standards that exists at the FCC level. The FCC does have safety standards for radio frequency emissions and we are well below those standards. We are approximately 1 percent of the standard. So, we are complying by a wide margin. There is a report in the application package, which addresses that. The property values question has come up before and there really isn't any substantial evidence that we are aware of that these facilities do in fact have an adverse affect on property values. Much of it is anecdotal but when we go back and look at things historically there is no trend or anything adverse to the sale or non-sale of property based upon location or proximity to these types of facilities. Your Northway question is an interesting question. This is one that the Town asked us to look at in a fair amount of detail in both rounds of project comments. We are operating on a facility in Halfmoon that is very close to Exit 8 with a 180 or 190 FT tall that was built back in the middle 90's and that is a Verizon Wireless facility. Moving further north to Exit 9 we are on an additional facility on a hotel sign right at Exit 9 and in Halfmoon there is an additional tall tower in the Solar Town Industrial Park off of Route 146 that we are operating from there. As we go all around the Northway and the corridor there are any number of sites that we have operating in that area and these sites cannot project the reliable service that we are seeking here this far off of the Northway. The Northway has been looked at. The question has been asked and we looked at it ourselves. If we could of found a way to make this work from one of those facilities out there on Interstate 87, we wouldn't be here right now. We're not seeking to spend a large amount of company funds to build a facility that isn't necessary. We wouldn't be here tonight if there wasn't a genuine need. Mrs. Famulare asked so you are saying that the existing towers do not help this area. Mr. Cusack stated the following: That is correct and they are a fair number of miles away; you are talking existing facilities that are 2.2 to 4.5 miles away from this particular spot. The one I mentioned at Exit 8 is 2.3 miles to the west and the facility in Solar Town Industrial Park is about the same distance. The Exit 9 location is 2.7 miles to the north and we have 2 other facilities across the river in Cohoes that is approximately 4 to 4.5 miles away. No matter how we slice it we can't shoot in from a remote area in another Town or on the border of the Town or out on the interstate. Mr. Famulare asked if they examined the dump or landfill on the other side? Mr. Cusack stated yes, that is an existing Sprint tower in the Town of Colonie, which is a short facility that is approximately 60 FT tall and that is even farther out and is not something that would help here. Mr. Famulare asked if this tower would serve the internet. Mr. Cusack stated everything now is data whether you are making a voice call or whether it is a web page or a mapping function or a navigation function or a text message; it is all ones and zeros and is all boiled down to data at this point in time. Your voice is not your voice when it travels over the airwaves; it is broken down into and encrypted into digital transmissions and reassembled on the other side to sound like your voice. It will serve all of the functions but everything is data. The landline division of Verizon does provide hardwire internet service throughout the State in various spots. I am not sure it here in Halfmoon. Mrs. Famulare stated you say that the radiation is within the limits prescribed by the authority and then you read in the newspaper that they're not within the limits. They are even talking about the cell phones by your ear can give you cancer if you use them too often. Mr. Cusack stated the following: There is a reason why they took this to a Federal level and didn't leave it to State and Local government because it is a technical issue. Cellular channels used to

be channels 86 through 88 or 90 on your UHF television set. They were reserved for education TV use back in the 60's in the 70's. When cable TV took off at the rate that it took off there was enough content on cable but the Federal Government decided okay we'll take this limited section of channels that was used for television and we will dedicate it to wireless telephone use. The technology itself is 2-way radio that is duplexed; meaning if you think back to a walkie-talkie or a police radio where a button is pushed to talk, where one party says what they saying and they take their hand off the microphone so they can hear the response of the other party; that is not duplexed. What I mean by duplexed is when you are on a telephone and talking to another party you both can hear yourselves at the same time. It is 2-way type of communication. You have a low power 2-way radio link and as I mentioned before it used to operate at high power levels but that 3-watt handset level that I referenced earlier now is down to .2 or .3 of a watt, which is a substantial reduction. The downlink on the antennas that was 500-watts or more is now down in the 20 to 35-watt range. Light bulbs that we stand under everyday, computer screens that we sit in front of and all kinds of electronic devices that are all around us operate at higher power levels than this. What I am trying to say is that it is a low power setup. Mr. Famulare asked what is the power on a cell phone? Mr. Cusack stated the following: On the handset the power is typically between .2 of a watt and .3 of a watt on the uplink. On a downlink from the antennas to your handset, which is a 2-way communication; that range is between 20 watts and 35 watts. There are some handsets that go as low as .1 of a watt but I'm trying to give a good typical range as .2 to .3 of a watt. If you are next to the tower and you are in the path of the antennas you are getting a certain power level that is variable within the ranges that I said.

NOTE At this point, the Tape Recording malfunctioned...the following is from the Planning Department's, Mr. Williams', handwritten notes on the Verizon Public Hearing – March 23, 2009.

Mr. Cusack explained that the emissions from the tower are below the FCC mandated thresholds and pose no health risks. Mr. & Mrs. Geleta, 23 Route 236, stated that their property touches the site at their southwest corner. There is stand of trees on their property and if they removed the trees they would have a direct view of the proposed tower. Mr. Cusack stated that they could not be responsible for third party actions. Mrs. Geleta asked how long would it take to construct the site? Mr. Cusack stated that additional regulatory work is required under our FCC licensing and could take up to a two-month period to complete and then probably another two-month period to erect the tower. Mr. John Paone, 9 Commons Blvd., stated that there is another area in Town where you drive by two cell towers before entering into a development that has \$700,000 plus homes. Mr. Paone asked the Board to ask themselves on what type of picture do you want to paint as you enter into the Town. Mr. Paone stated this site is on one of the busiest intersections in Town. Mr. Paone stated the Town's Planning Board has done a good job at their tasks throughout the Town and stated that this Tower will be there forever and asked the Board to get a good feel of exactly what statement this Tower will send as people enter the Town. Mr. Cusack stated that is a tough thing to respond to, as there are differing emotions of what is tolerable and not tolerable. Mr. Watts stated the following: We appreciate what Mr. Paone has stated. The Planning Board is not overly enthused on this site but the Board needs to adhere to its cell tower ordinance and the federal telecommunications act. We have had our engineers look over the submitted information and have furthered the review by hiring a radio frequency expert to look over the technical data to determine if there is a need for this Tower. Keep in mind, during this time, the Board had another proposed cell tower site at the McDonald's site on Route 9 that was also under review. The Town's stance was that the McDonald's site and this Wood's Plaza site would cover both of the applicant's intended gaps and that one tower site will be used to do so,

not two tower sites in the same immediate area. After review from our engineer and the radio frequency engineer it was determined that there was a coverage gap and a need to service that gap. Our consultants looked at other existing tall structures in the area and other alternative sites for a tower. It was determined that there were no tall structures and that the alternative sites identified either did not work at all or did not completely cover the intended gap. If the intended gap was not completely covered, a second tower site could be proposed to cover the rest of the gap meaning there would be two towers. We even looked at the Town property for an alternative site but it did not work. Mr. Watts stated that the Town did go through the research for a need of a tower to cover a gap very diligently but no matter what was suggested, the information kept returning that this site was the best location. Ms. Denise Ragone, 3 Commons Blvd., asked why not place a tower on the Town property. Mr. Cusack stated that they did look at the Town Hall as an alternative site. No matter what height the Tower was to be at the Town Hall it did not cover the intended gap. Mr. Richard Smith, 13 Commons Blvd. that this site is on a very busy street and is very visible and asked about the Rome Plaza site. Mr. Cusack stated that they looked at several sites as an alternate site for a cell tower to cover their intended coverage gap. These sites included the Route 9 McDonald's site, Rome Plaza, Medick's Nursery, Weaver Petroleum site, the Town Hall and the American Legion on Grooms Rd. Mr. Cusack stated that some of these sites did not work due to line of interference or did not completely cover the intended gap.

*****NOTE***** *At this point, the tape began recording again on Tape #1 – Side B*

As was mentioned earlier, we also looked at the Grooms Road America Legion facility, which was too far west to serve the area that we had targeted. We also looked at Grooms Road east of Interstate 87 and again moving too far west and south and last, but not least was the Halfmoon Town Hall. These were sites that the Town and the Town's experts asked us to look at in addition to the sites that we looked at that are described in our original application which included (1) the National Grid Stone Quarry Road site, which had structural issues and as Mr. Watt's mentioned National Grid has in fact terminated much of its shared use program and we did have a denial letter from them that we did apply to try and use that facility and they said it would not be leaseable to us. There are 8 other existing towers and these are all detailed in the report. Many of them I have mentioned already as our existing facilities. There were two other private properties, one owned by Hoffman's and the other property is owned by Vasilakos. There were ground space limitations at the Hoffman property and Vasilakos was unwilling to enter into a long-term lease with us and a very thorough investigation was done on the alternative sites. We have the coverage plots available if anyone wants to ask questions on those. *(A woman identified herself as living behind the Stewart's Property)* stated our backyard is quite wet and asked if there was any issue with groundwater and would this make it wetter and is there going to be any concern of that nature? Mr. Cusack stated the following: No, we do have to put a concrete foundation in and the shape of the foundation has not been decided yet. It might be a round tubular shape. An unidentified woman asked if they would try to grade away from it? Mr. Cusack stated we are going to grade, but we have to preserve the existing drainage and we are not going to add to drainage problems in the area. Mr. Watts asked Mr. McNamara to make sure that you look at that for the drainage issues. Mr. McNamara stated yes, I will look at that. Mr. Stuart Kaplan, of 23 Commons Blvd., stated some of those alternate sites are viable but they don't give the optimum amount of coverage and asked if that was correct? Mr. Cusack stated the coverage deficiencies of the alternative sites are as described on the coverage plots. We are down to differences that are material and significant and in some cases resulting in substantial network interference. Mr. Kaplan asked if it was possible to build 2 facilities in areas that are not as enveloped in the community that would give you better coverage and would satisfy the people esthetically? Mr. Cusack stated that is the

design that we are down to now and instead of proposing larger taller towers, we are cutting the towers down to half of the height that we were building less than 10 years ago. Mr. Kaplan stated but still there were very few 10-story buildings around here and if your tower is 100 FT high that is equivalent to a 10-story building and asked if that was correct. Mr. Cusack stated with far less of a profile and with trees in the area. Mr. Kaplan stated the following: But it is something that sticks out with far less of a profile and it is also far less than anything else around it. It doesn't take the shape of anything so it sticks out like a sore thumb. Mr. Cusack stated I see the point that you are trying to make but I disagree with the characterization. Mr. Kaplan stated of course you do because you are on the other side of the fence. Mr. Cusack stated no because we have to consider the context and the context here is that we are in an area that has dense mature vegetation and that vegetation is anywhere from a minimum of 60 FT to 70 or 75 FT or more in the surrounding area. That vegetation interferes with our signals and we need to have our antennas above that vegetation for it to function properly. In addition to it being a network design constraint that we have to work with, that vegetation is also a component that contributes to the screening of this facility unlike the situation of a 10-story building. Mr. Kaplan asked did you say that a 5 FT tree was going to be put on the top this thing? Mr. Cusack stated the following: There is a camouflage component to every tree tower. On the top of the steel pole that is underneath the camouflage, we put something that is pointed and is shaped like a tree and it gives it a more natural appearance and a more tree like appearance. If you look back at some of the earlier examples of the tree towers in the mid 90's they looked a lot like bottle brushes because at the top of the tower where the steel component ended, it was just cut off flat. Mr. Cusack showed the public a picture of the pine tree cell tower. Mr. Cusack stated looking at this photograph here, which is simulation #7, the pointed part at the top, which is approximately 5 FT tall, if I put my thumb over it, that is what an old tree used to look like so it would be flat at the top. This is a simulation of the tower right at that location based upon an existing facility that we have constructed elsewhere in the Capital District. Step #1 of the simulation test was to fly balloons and get a baseline for height and this gives the engineers an idea of where the thing would fit in visually and with the multiple balloons it allows them to compensate for drift. The first simulation is a traditional steel tower, slightly shorter because there is no camouflage on it and moving to the third photograph is the full camouflage facility. Mr. Kaplan asked if any of these exist now? Mr. Cusack stated not in Halfmoon at this property but there are some in other places in the Capital District. Mr. Kaplan asked what is the response from the people in those areas. Mr. Cusack stated very favorable. Mr. Watts stated a couple of our Planning Board Members went and looked at sites in other locations and asked for their assessment. Mr. Higgins stated the following: I looked at the one down on Whitehall Road in Albany, which is about a 70 to 75 FT tower with a single location so there were only antennas at the top. It is shorter than this proposed tower and in my opinion looks better than just a standard monopole type tower. Mr. Kaplan asked could you still tell that it is a tower or do you have to look at it to see what it is? Mr. Higgins stated I used to live in that area and I go down there quite often because I still own property there and I never knew the tower was there until Mr. Cusack told us and then I made it a point to go look at it. Mr. Kaplan asked if the Board felt that the area around the tower and where this proposed tower is going to be would blend in the same kind of way esthetically? Mr. Cusack stated the following: We are at a developed strip-mall property and there are trees on the north property line going across and coming down the east property line. Our plans is not to disturb any of the vegetation along the edge of the property but to keep our development activities confined to the area shown on the plans. One of the comments that came back from the Planning Department review was to change the fence to a wooden fence that would screen the ground equipment a little better. They also asked us to add some landscaping along the parking lot with the theory being that as you are driving near here and you are looking across the open parking lot, we should plan for some future growth of vegetation for screening on that side.

Mr. Napolitano stated the following: I know we touched on the co-location and they mentioned that there were 8 existing towers. Could any of those existing towers be used if they added another 50 FT to them to get the proper coverage that they are looking for in this area? Mr. Cusack stated the following: It is not a function any more of height as I mentioned and that I was trying to emphasize earlier. We're down to power levels, we're down due to interference from vegetation and we're down to having to put facilities more in the local areas that we are trying to serve. The days of going up on the highest mountain and building the biggest towers feasible are over. That no longer works because even if the antennas have enough power to reach the user, the user does not have enough power to make it back up to the antennas. You have to have the uplink and downlink for this to function properly. Mr. Napolitano asked where the closest existing tower was located. Mr. Cusack stated the following: The closest tower is either the Gray's Corners tower in Halfmoon near exit 8, which is a large 180 to 190 FT steel tower adjacent to the Northway or going north which is about the same distance from here is the Halfmoon tower in the Solar Town Industrial Park adjacent to the residential development that we were talking about earlier. They are about the same distance from here, which is about 2.2 or 2.3-miles from this site. Mr. Napolitano asked if there was a Town ordinance that mandates co-location if it is possible or is it preferable to construct a new tower? Mrs. Murphy stated the following: There is a Town ordinance that does encourage the applicants to co-locate thereby reducing the number of towers. I believe this applicant is saying and what our engineers and the RF engineers have said to the Planning Board is that co-location isn't feasible to address the issue that they are talking about. Through the 2-years process that this Board has been going through with this applicant, the Board has said that they have to make it so that somebody can co-locate so they won't have to build another tower a block away. Mr. Cusack stated the following: A point that I would like to add to Mrs. Murphy's comment is that originally there were 2 applications, the McDonald's site which failed for a number of reasons and the applicant, T-Mobile, that operates locally under the Omnipoint name is agreeable to coming on this facility without extending the height. So if they do come back into Town, they have indicated that the next available spot on either of these proposed alternatives would be suitable for their use. So we are planning for that and that is included in part of the commitment that we have to make if we were to get an approval. Mr. Zachmann asked if they would consider maybe a parcel of land directly behind the Sheriff's Building in Halfmoon, which I think, is vacant now. Mr. Watts stated the following: We did look at that site and as Mr. Cusack has stated it wouldn't work. Mr. Watts stated they would be putting a wooden stockade fence around the building and landscaping. Mr. Cusack stated the following: We are agreeable to putting trees along the north side of the fence. I didn't show any on the plans because we didn't want to take down trees to plant trees. It is going to have to be balanced out at the time of construction. We will take it as a condition of an approval if it is required. Mr. Famulare stated you didn't mention about putting a stockade fence on our side of the property. Mr. Cusack stated I meant to mention it is around the entire building compound. Mr. Famulare asked how high the fence would be. Mr. Cusack stated 8 FT with landscaping around it. Mr. Famulare asked how high the building would be. Mr. Cusack stated it is typically around 9 or 10 FT tall. I believe it is 10 FT at the top of the roofline. Mr. Watts asked if anyone else wished to speak. No one responded. Mr. Watts closed the Public Hearing at 8:21 PM. Mr. Watts asked the Board for comment. Mr. Higgins stated looking at the circumference for the break it shows that you need an area variance on the north side for approximately 12 FT. Mr. Cusack stated the following: Yes. What we tried to show is that when we added in the landscaping strip with the wooden fence, we had to move the tower back slightly. We don't know what type of tower foundation is ultimately going to be required here because at the time we apply for a building permit once we have an approval, we would do some borings in the property to look at the soils. The most we would need there on the variance or waiver is going to be 12 FT. Here is how it would play out; if the foundation is a sonotube round shape

foundation, we can move it pretty close to the existing fence line. If the soils are heavy in bedrock and other things, we would use a mat foundation, which is a large rectangular pouring of concrete that is typically 5 or 6 FT below grade. To get in that rectangular shape we have to back off the circle from the pavement. The most we feel that we'll be over on the requirement for the setback is 12 FT for the tree and that counts the branching at the top. Mrs. Murphy stated the following: It says area-requiring variance and they don't require an area variance to put up the pole. If it were to go to a stealth and the Board were to approve it, part of the incentive of utilizing a stealth structure permits the Planning Board to determine that there is an alternative means to accomplish the same goal; that being, a break built into the structure in and of itself. If they did a traditional pole; a non-stealth pole, they wouldn't need that extra area so it wouldn't apply. Mr. Watts stated that the Board would not take any action tonight to allow the applicant and the Town to review comment and respond to any questions that need be.

This item was tabled for the applicant to respond to the public concerns.

09.019 PH Halfmoon Heritage Apartments, Fellows Road – Major Subdivision

Mr. Watts opened the Public Hearing at 8:30 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, stated the following: I am representing Mr. Bruce Tanski in the subdivision of the Halfmoon Heritage Apartments, a 176-unit apartment complex, on the easterly side of Fellows Road. The subdivision is being done only for financing purposes. The functioning of the multi-family PDD would not change in any way. Covenants and restrictions have been offered that will restrict separate sale of the 2 lots. The 2 lots consist of 132 completed units, which are within Lot #2 and 44 units in Lot #1. The purpose of the subdivision is under the new Federal mandates with the lending regulations. The lender for this project cannot finance all of the units under one mortgage and it has to be broken out separately. This is the only reason this subdivision is before the Planning Board. Mr. Watts asked if anyone from the public wished to speak. Mrs. Nancy Hickok, 43 Fellows Road, stated. I want to be assured that if this ever gets sold off it has to be sold off as an entire unit as Halfmoon Heritage Apartments. Mr. VanGuilder stated yes. Mrs. Hickok asked so it can never be sold off part here, part here or part any place else? Mr. VanGuilder stated that is correct, as covenants and restrictions have been offered. Mrs. Murphy stated the following: I have reviewed the covenants and restrictions and it cannot be sold independently. If it was a foreclosure proceeding on one or the other, then that could occur but there are also easements in place to make sure that it always functions as one entity. Mrs. Hickok asked if he builds apartments across from us, which I know is the last item on tonight's agenda, and that is not pertaining to what we are talking about right now would it all still all be Halfmoon Heritage Apartments? Mrs. Murphy stated we are just talking about this subdivision. Mrs. Hickok asked so we don't know what is going on with that yet as far as anything across the street from our home. Mrs. Murphy stated correct. Mr. Williams stated the proposed apartments across the street would be on its own separate parcel. Mrs. Hickok asked if the proposed apartments across the street would be part of the Halfmoon Heritage Apartments. Mrs. Murphy stated no. Mr. Watts closed the Public Hearing at 8:35 pm. Mr. Higgins stated for clarification purposes; is this all part of the same Planned Development District (PDD) but the applicant is just breaking up this parcel for financing reasons and it all remains as part of the PDD? Mrs. Murphy stated the PDD isn't changing and this does not affect the parcel that Mrs. Hickok is referring to. Mrs. Hickok stated I understand.

Mr. Berkowitz made a motion to approve the major subdivision application for Halfmoon Heritage Apartments contingent upon the restrictive deed language is in place to ensure that the parcels cannot be sold separately. Mr. Ouimet seconded. Motion carried.

New Business:**09.021 NB Matt's Cape House, 1663 Route 9 – Change of Tenant & Sign**

Mr. Daniel Sweeney, the applicant, stated the following: I am the owner of Matt's Cape House located at 1663 Route 9. I am the new tenant and I am before the Board for an approval. There is an existing sign that all I did was change the oval part of it from the old "Ocean Blue" to "Matt's Cape House". Mr. Watts stated the following: The Sweeney's own Matt's Cape House and the Sweeney's are the new tenants replacing the previous tenant who ran the Ocean Blue Restaurant at the this address. They would be maintaining the same type of operation with the same hours. We are okay with parking and there have never been any issues at this site. Mr. Roberts stated the sign is the same size and is in the same location as the Ocean Blue sign. Mr. Watts stated we are glad to have you in Halfmoon; people love the place and please continue to use Halfmoon in your advertising.

Mr. Roberts made a motion to approve the change of tenant and sign application for Matt's Cape House. Mr. Leonard seconded. Motion carried.

09.022 NB Fronczek Subdivision, 66 Ushers Road – Minor Subdivision

Mr. Stanely Fronczek, the applicant, stated the following: I am requesting this minor subdivision application because I would like to sell off a couple acres of my land. Mr. Watts stated the applicant wishes to subdivide a 1.89-acre lot from the 6.39-acre parcel. The new parcel would contain 2 existing 1-story metal garage-type structures. Mr. Watt asked what type of business would be going on the 1.89-parcel. Mr. Fronczek stated a lawn sprinkler business.

Mr. Higgins made a motion to set a public hearing for the April 13, 2009 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

09.023 NB Wal-Mart (Outdoor Sales), 1549 Route 9 – Change of Use

Mr. Gregory Piszczek, of Wal-Mart, stated the following: We are looking to do the same thing we did last year with our outdoor sales for our Lawn and Garden Department. Mr. Watts stated the following: For your outdoor display use, the property is in compliance during the year with all of our codes, rules and regulations. Wal-Mart keeps the property in very good shape. It is fine with us for Wal-Mart to do their outdoor sales. On Plant Road there seems to be a few of the trees on the berm that may need to be replaced and we would like you to take a look at that. Mr. Berkowitz stated there are about 4 or 5 of the trees that have either died or have been taken away. Mr. Piszczek stated okay I will do that.

Mr. Roberts made a motion to approve the change of use application for Wal-Mart (Outdoor Sales) from this point forward and ending on September 7, 2009 and the Board asked Mr. Piszczek to replace the dead evergreens along the Plant Road berm. Mr. Berkowitz seconded. Motion carried.

09.024 NB Halfmoon Village & Yacht Club, 2 Beach Road – Multi-Family PDD

Mr. John Montagne, of Chazen Companies, stated the following: We are here tonight representing Mrs. Gail Krause for a project that has been before this Town previously. We have gone to the Town Board last month requesting a Planned Development District (PDD) approval for this project. We are here tonight to talk to the Board about what our vision is for the property and to request that the Board look at our preliminary development plan and to pass this along with an approval on principle so that we can make formal application to you. We have a proposed project that would be on the site that the Krause's Restaurant currently

resides. We are proposing to do a condominium development in a series of 6 buildings. We intend to make this a showcase project for the Town of high caliber. The intent is to create a community type facility where the buildings themselves are clustered around common green spaces with amenities and other facilities on the property. The site is about 26.1-acres of land that is above water. Mrs. Krause has purchased additional lands that the Canal Corporation had owned previously, which are now incorporated in that. The total area of the site including the land that is below water is about 30-acres. There is a riparian wetlands buffer that goes around the entire property. That buffer has been delineated and that mapping has been passed along to the Army Corp. of Engineers (ACOE) for jurisdictional determination, which is about 1.5/1.6-acres of area that leaves us a site area that meets the buildable land requirement under the PDD Legislation of about 24.5-acres. Based on that we put together a site development plan that is clustered in 6 buildings around the property. Those 6 buildings vary from 4-stories, 3-stories and 2-stories over parking. The reason we did this over parking is to minimize the footprint on the site and to get our parking down below the building so that we have covered parking, which is an amenity that we know that the market is really looking for. It would reduce our impact of pavement on the property and gives us a very marketable site. As I have mentioned, the buildings are a combination of 2, 3 and 4-stories. Most of the units are in the 1,400 SF range and there would be about 118 of those units. There are units that would be 1,600 SF, 1,800 SF and 2,200 SF all varying from 2 bedroom and 3 bedroom units. We would meet the parking requirements for the PDD legislation. We have started the process with the ACOE and the New York State Department of Environmental Conservation (NYSDEC) for evaluating, dredging and other facilities on the site. We have done archeological investigations and we have two sites on this property; one a historic site and one a potential archeological sensitive area. Those are before the State Historic Preservation Office (SHPO) at this time for review. We have a meeting with them on Wednesday, March 25, 2009 to discuss that and our design avoids those areas entirely so we have no impacts. Again, we are before the Board to ask for an approval in principle of the plans so we can make a formal PDD application to the Board and to start the State Environment Quality Review (SEQR) process. Mr. Higgins stated at the beginning of your presentation you mentioned two different figures; one was the number of acres. Was one figure with water and the second figure was without water? Mr. Montagne stated the following: Everything that you see that is above the waterline here is 26.1-acres in areas. Then there is lands below water that are part of the old Canal Corporation purchase that is about an additional 10-acres, which equals a 30-acre piece. The buildable land that we are looking at is the 26.1-acres and then there is a wetland's buffer all the way around the edge of the river. That wetland buffer totals about 1.6-acres. When you take that 1.6-acres away from the 26.1-acres, we get to 24.5-acres of land that meets the buildable area requirement of the PDD legislation. Mr. Higgins asked why would you even tell us how many acres there are under water. Mr. Montagne stated because if you were to look at the subdivision maps for this, you would see that the total land area is 36.5-acres that is owned. Mr. Higgins stated yes, but it is still under water. Mr. Montagne stated it is still lands that are the lagoon area and other areas that the Canal Corp. transferred to Mrs. Krause when they sold the property to her. Mr. Higgins asked, so based on your density, you would be looking at strictly the buildable area. Mr. Montagne stated our density is based on 24.5-acres. Mr. Berkowitz asked how often does that flood? Mr. Montagne stated portions of the site flood periodically when the river backs up. Since the dams have been in here, there are times when Mrs. Krause will tell you that the water does get up to the area around the back of the restaurant. *Mr. Montagne showed the Board the area that floods on the site.* Mr. Berkowitz asked how often does that happen. Mr. Montagne stated the following: I don't believe it has happened this year and I believe it has been quite a while since it has flooded. The most important thing to note is that any development that we do has to comply with flood plain regulations. Our habitable areas have to be at least a foot above that flood area. We cannot modify the site without accommodating

flood storage. That will all be part of what we evaluate during the SEQR review process and I am sure we would get a quality review from your Town engineer on that. It is a 100-year flood elevation and then you have to be a foot above that elevation for habitable space to meet Federal Emergency Management Agency (FEMA) regulations. Mr. Andy Rymph, Project Manager of Chazen Companies, stated the following: The flood level is 195 FT as a baseline parameter. The preliminary grading has most of the finished floor elevations to the first habitable zone at roughly 6 FT above the flood elevation so that the base elevation of the garages are approximately at the flood elevation or would be slightly below the flood elevation. Mr. Berkowitz asked would the garages be below? Mr. Rymph stated the following: Yes and they would obviously be not fully encapsulated garages because that would be a confined space. The garages would be an open pathway so if water did build up within the garage basement level, there would be pathways out. Mr. Roberts stated the following: I am concerned about the density of this project for a number of reasons. One reason in particular, is that Canal Road is not really capable of handling all this traffic. Mr. Montagne stated the following: Our plan is built on 2, 3 and 4-story portions of the site. The building footprint we feel is very well fixed right now. We want to make sure that all of those building configurations and site configurations work in character, which it tends to right now. As we get to the SEQR review process, we will be getting through all of the impacts that you would like us to evaluate. We know that one of them would be a Traffic Impact Study. We have done background traffic counts already on all of the major intersections in the area. Mr. Watts asked what is your definition of a design analysis? Mr. Montagne stated the following: It would be a full analysis of the site. There are at least 3 different ways to get out of this area. You can go up Clamsteam Road, you can go out Canal Road and you can also go up Beach Road. In this area at the end of the road the only real development that you would have is the Klamsteam Tavern at one end and there are 3 residences at the end of Beach Road. As you go down the road further on Canal Road there are more residences. The nice thing about this is that that traffic can distribute in 3 different ways. As far as traffic volumes with the 244-units it is unlikely that we are going to exceed thresholds. Obviously there would be a change in character because you would have more cars. But, if you think about the events that are held here every summer for clambakes and everything else, there are clearly more than 240 people that come to that property for those events when you have large gatherings. So as far as the traffic volumes, we would have to finish our study and then hopefully there would be enough information to give you what you need to make a determination on that. As far as the density; there are a few things that we have here that we believe are clearly in character with what the intent of the PDD legislation for the Town is. We are proposing a benefit back to the Town. There is a 1.5-acre area on the eastern side of the site that we are proposing as a public access to the river and that is one thing that doesn't exist down here right now. As part of that public access we are planning on building a small parking area that would hold up to 8 cars including a handicap accessible space. There would be a walkway path that would come down to small canoe/kayak boat launch. Off of the canoe/kayak launch we are proposing a public fishing pier, which could also function as a place where the boats on the river would come to drop somebody off or pick somebody up. That also links and is right across the street from where the extension of the Crescent Trail would be. So it extends back into the greater trail network that links all way through Halfmoon and up underneath the highway into Clifton Park. We believe that that is a nice amenity to this and is consistent with the PDD language for trying to get that public access. Beyond that we are definitely open to conditional conversations about public benefits as the Town Board sees fit. Mr. Watts stated the following: The Town of Halfmoon Planning Board generally asks questions when we get the conceptual review. Mr. Roberts has asked you about the density and traffic. At this point the Planning Board will ask some questions which might evidence some thoughts or concerns, positives or negatives. We don't just pass this along to CHA without the Board having said something. I believe you are being a bit dismissive

of the questions. This is the time here where we do say that we have some concerns so that you hear what the concerns of the people might be. Mr. Montagne stated the following: I respect that and I didn't mean to come across as being dismissive in any way. I know that we have a long time where we would be discussing all the merits of this project and all the Board's concerns. Mr. Higgins stated you still haven't answered the questions regarding the Board having concerns regarding the density and traffic for this proposed project. What elevation is the main road coming in on the site? Mr. Montagne stated this main road is clearly well above flood elevation. Mr. Higgins stated is it above the flood elevation that you are discussing that the buildings are being built on. We all know that a few years ago the area down there flooded extensively. Mr. Montagne stated it is above the existing flood elevation and above 195 FT. Mr. Higgins stated the following: There are concerns about being able to get the residents out and about emergency vehicles being able to get in there. I understand what the design constraints are and I also understand what reality is, we all know that area flooded extensively a few years ago and people couldn't get in that area for days on end. It was because of ice build up and a lot of different constraints but you are going to have 200 plus residents there that are going to have to find some place else to live if they can't get into their homes. Mr. Montagne stated the following: I think we will have to study that for you and show you information on what the flooding conditions would be, what those flood elevations are and what our design parameters are. We would have meetings with the emergency services and fire department. We have been in contact with the fire department to talk with them about circulation and access for vehicles and apparatus, which will be part of what we have to provide to you as we go further along in the design. As far as the density goes; the density obviously is one of the things that we are going to have to work through with this Board. This project has a lot of very unique characteristics to the site that we believe are much more unique than any other part of the Town. There are very few places in the Town that have access to the riverfront like this and there are very few places in the Town that have a trail system that we can tie into. There are very few places in the Town that we can provide access to the riverfront as a public benefit. At the same token you have brought up some very good points. It is a very expensive site to try to develop. We have a river that has for many years silted in and we have a lot of water chestnut growth in there. So our dredging plan has to have a management plan for that also. There are existing issues, as you have mentioned, with the fact that we are along the riverfront and there are floodplain issues that we have to address as part of the design of the structures that people will live in, which is not something that you would have in normal development outside of a riverfront environment. It is a very unique piece of property and there is a very strong market demand for it. It would be a very high-end, very good quality looking project. We have an architect that we have brought in that has done projects of this type nationally and we believe they are going to bring very good quality architecture to this project. In order to do that there are certain parameters and economics that work into that. We have a very expensive sewer line that we are going to have to install in order to service this project. But conversely, with a site like this, 12 residential homes on 25-acres is not an ideal situation either. We believe what we have here is going to be more beneficial in the long run. For the school district we will know what kind of residents we would have here. There have been market studies and evaluations for that. Very few, if any, school age children will be here and yet it would have a very strong positive tax impact back to the school district. We believe there are some really good benefits here that we would like to discuss with the Town. We are proposing a density but we would be listening to you and trying to work with you to come up with something that is mutually agreeable and still economically viable for our client. Mr. Higgins asked if there would be any restrictions on the age of the residents? Mr. Montagne stated no there wouldn't be any restrictions on age. Mr. Berkowitz asked how far is it from the end of that cul-de-sac to the entrance? Mr. Montagne stated it is probably about 600 FT. Mr. Berkowitz asked how about from the tip of the second cul-de-sac? Mr. Montagne stated it is

probably another 150 FT within the cul-de-sac itself. Mr. Higgins asked if it would all be a single entrance. Mr. Montagne stated the following: There would be a divided boulevard at the entrance and then it is a 2-way road that comes through the site. The intent is for the road to look like a streetscape environment, with street lighting, parallel parking along the roads for visitors, sidewalks and other site amenities that would make it look like a regular Town road. Mr. Berkowitz asked how tall are the walkway connections to the road. Mr. Montagne stated in this particular case, these are both 4-story buildings and the connections are up above on the third story so there would be no issue with access underneath for fire apparatus. This is something that our architect has said would be a nice feature so that people can get from this building back down to the river without going outside. But if it is determined by the fire department that they would rather not see that, that is not something that we are steadfastly considering that needs to be in the project. Mr. Ouimet asked if this project was designed to be a gated community? Mr. Montagne stated no it is not. Mr. Ouimet asked if there would be 2 public entrances? Mr. Montagne stated one of the entrances is just so you can get in and get to that little parking area. Mr. Ouimet asked would the public also be able to enter from the other entrance as well. Mr. Montagne stated if the public were to come in at the boulevard entrance there is really no way for them to get to the public boat launch without going through the whole community. Mr. Ouimet asked what would stop them from going in the main entrance. Mr. Montagne stated nothing because it would be just like a regular subdivision community where anybody can go in and drive around and drive out. Mr. Watts asked who would own and maintain the roads? Mr. Montagne stated the following: There would be a condominium homeowner's association (HOA) and this would be a private road. Mr. Higgins asked who would maintain the marina slips? Mr. Montagne stated the slips themselves; we've done an evaluation on how many slips the community would be able to support and I don't have the specifics on that but I know that we looked at about 75 slips. Mr. Rymph stated the following: In the initial plans there was up to 1 slip per unit. Then once we did some of our own external marketing surveys we tried to figure out what the demand really is for the mooring facilities. When the data came back we found out that approximately a third or so of the units would be interested in a slip. That was based on the 250 plus or minus people that we surveyed to see if they were interested in buying a unit, what would they like in the unit and what would they expect as an amenity. That is where a lot of the vision came through with the community clubhouse and any of the potential amenities that would be in the clubhouse that would be driven by community member resident's needs and desires. Mr. Berkowitz asked if this would be a full-service marina with fuel and service. Mr. Montagne stated the following: No it is not. There is no dumping facility and there is no fueling facility here. Mr. Berkowitz asked how the boats would get in and out of there. Mr. Montagne stated the following: In most cases, the boats would be launched at one of the other marina facilities or launching facilities and then stored here. This is not a launching site. Mr. Berkowitz asked if the boats would be stored on-site. Mr. Montagne stated the following: No they would not. In the wintertime the boats would be winterized and stored at another marina facility. Mr. Ouimet asked do you have to own a unit to own a slip or to use a slip? Mr. Montagne stated the following: We have not made a full determination on that but chances are it is not going to be that way. If we have capacity for additional slip space once we build it out, we probably would lease those slips to certain individuals. Mr. Ouimet stated I would suggest that if you are going to do that, you might take a look at your parking availability to see if you got enough parking there for day users or overnighters on their boats. Mr. Montagne stated very good point. Mr. Higgins stated you should also look at sanitary facilities for the people staying on their boats. Mr. Montagne stated the following: The intent here is not to have anybody be able to stay overnight. So, if there were a provision for somebody else to have a slip, this is not like a marina where you could stay and have a dumping facility. You would have the community clubhouse that would have bathroom facilities in it and services for those in the boats. Again,

the intent is not to have people staying in their boats here, that is what the condominiums are for. Mr. Watts asked what is the intended use of the community clubhouse? Mr. Montagne stated the following: The community clubhouse is as you would have in most communities like this where if you had a family that wanted to get a gathering together of family members, they could use the space for that. As I said, it is going to have bathroom facilities because of the slips that are here. Whoever manages the facility would probably have an office in that building for management of the property and mooring spaces. Other than that, there really is no program for that space right now. Mr. Berkowitz asked if they would run catering services out of there. Mr. Montagne stated there would be no catering services and none of the operations that currently take place at the property would continue. Mr. Ouimet asked who would own the slips? Mr. Montagne stated the slips would be owned by the condominium association and leased back in most cases. They would be leased back to a unit holder or if there is extra capacity, there might be the provision to have some that are leased to residents outside of the community. Mr. Ouimet asked is that the way you intend to enforce the rules about no overnight stays in the boats. Mr. Montagne stated correct. Mr. Ouimet asked if there would be any pump-out facilities. Mr. Montagne stated there would be no pump-out facility and no fueling facility. Mr. Ouimet asked would you be hiring an independent contractor to manage the marina in the summertime? Mr. Montagne stated the following: I would tell you that we are probably a little premature on that decision yet. We haven't gone through that part because we are still working through the details. Any condominium facility of this kind would have a maintenance staff and a maintenance requirement. How that is all handled still needs to be worked out over time. We are very early in the design phases here. Mr. Ouimet stated the following: I would like to echo what Mr. Roberts stated about the density, the concerns that Mr. Higgins raised about one-way in and one-way out of this facility and the pressure that places on public protection and the ability of ambulances to move in and around the single entry configuration such as what is being proposed right now. I know it is preliminary and I know things are going to change but those are still my concerns. I know there are other people on this Board that share my concerns. I wanted to raise these concerns as early as I can so you can consider them as you look at other iterations of what your project is going to look like. Mr. Montagne stated I appreciate that. Mr. Higgins stated the following: I would like to echo what Mr. Ouimet just said. We've had numerous PDD's and developments in the Town over the last few years and one thing that we've always been very concerned about is the safety of the residents and accessibility. That many units with a single entrance and there really isn't even any place you could feasibly put an emergency access. You basically have water around 80 percent of your area. I was looking to see if there were some way to put in an emergency access in from the public parking area or something like that but you have wetlands to deal with and everything else and that is a real concern. Mr. Roberts stated Mr. Higgins spoke about public safety and speaking of that is the fire company equipped to handle a 5-story building? Mr. Watts stated I am sure that somewhere in the process, as with the hospital proposal on Route 146, you would find out what equipment the fire department has or might require that could be an issue. I know that this project is located in the West Crescent Fire District and the fire department has written to Mr. Rymph relative to concerns that they have, which we would expect the fire company to bring to us at the Planning Board meetings when we have our public information meeting. There would be the concerns with any of the rescue companies that you would have to address. These are 4-story buildings with a garage underneath and asked Mr. Montagne the height of the buildings. Mr. Montagne stated the following: On the residential units it would probably be 12 FT between plate and plate and the garage units would be lower than that because it only needs an 8 FT clear, so it would be 60 FT maximum. One of the reasons why we have started dialogue with the West Crescent Fire Department already is so we can get them thinking about it before we get too far in our design. Mr. Ruchlicki stated from a safety standpoint I think that a slip in a marina area is going to present other safety conditions

that our emergency people may not be trained for because it is on a waterway. Mr. Montagne stated the following: Immediately adjacent to us is the Crescent Marina and that has been around forever so the emergency people have already been responding to things there. I think that we would ask them to make sure that whatever we are doing is consistent with what is there so that we don't ask them to do something new. Mr. Ruchlicki stated the following: My real concern was what it is relative to the development itself and not necessarily a marina as you have stated. It is almost like having your own dock at your apartment and I think it is going to be a different situation than you would have in a public marina. Mr. Montagne stated it is still early in the planning stage and we would be glad to work that through. Mr. Ruchlicki stated the following: I just didn't want to overlook some type of safety issues that may exist at that type of a facility where you are storing boats. Even though you are saying that you are not going to have people staying overnight, I am assuming that each one of those slips would have at least 110 power so they can charge their battery on the boat if they wanted to. In doing that if the boat has a sleeper and they want to stay on their boat overnight, how are you going to stop them? Mr. Montagne stated the following: I guess the bigger thing that we are talking about here is in a marina where you have slips where people are designated to be allowed to stay overnight you would have to provide sanitary facilities, pump out facilities, there has to be water control as well as electric. You also have to have safety measures if you are doing any type of fueling at a marina and there are other requirements that regulate that. Those are the kinds of services that we are not proposing for this development and this is not meant to be that kind of a marina so it would not be that kind of a use. Mr. Watts stated then you are looking at the major issue of sewage and how to get it out of there and who else you might work with along the way with other developers. Mr. Montagne stated the following: Correct. Right now we have looked at 3 alternate routes for doing the sewer. The one route that seems to make the most sense is a little bit longer then we would like it to be but it makes the most sense from the regulations that are binding for the Town right now and for the County. We have had preliminary discussions with the County and Mr. Bianchino was there from CHA with the Town on those routes just to start the dialogue so that we could start to look at what it is that we will have to do for improvements. Once we get beyond the stage here where we are actually working with you on the development plans and we can get more into the engineering on that, the intent for our project is to do a single line that runs out and services our facility. If the Town would like us to discuss combined services with other developments that are being proposed right now, we are more than willing to talk to other engineering and development proposals about combining the systems if it seems to make sense to do that. Mr. Watts stated I think it would behoove you to look at it as we have discussed before. Mr. Montagne stated the following: Right now we have identified a number of other projects along the way that are in discussion with the Town. We just don't want to overstep our bounds. If you want us to do that, we would be more than happy to. Mr. Watts stated we always tell developers to work together with somebody else to jointly provide that information to us. Mr. Montagne stated we will do that. Mr. Berkowitz asked how much dredging to you plan on doing? Mr. Rymph stated the following: This site area is roughly about 38,000 square yards of area and that is how the DEC Division of Water wants to qualify for doing the sediment sampling analysis plan. What it equates to in cubic yards based on our potential dredge depth is approximately 25,000 to 30,000 cubic yards depending on the tapers and whatnot. The original dredged areas that were shown in a lot of the other plans were much closer to 80,000 square yards or more. Mr. Berkowitz asked what do you do with the material that you are dredging. Mr. Rymph stated the following: Right now we have done testing with the Division of Water and most of all of the material came back with parameters for Class B management which allows for potential reuse on-site. So what we are hoping to do is to be able to take the material out of here and put it on-site, dewater it, have clean water return. That is what will have to be included in a joint permit application that we are now preparing and negotiating with the ACOE along with any

potential wetland disturbances along the waters edge. Mr. Ruchlicki asked so will the dredging to take place in the area of slips. *Mr. Rymph showed the Board where the main dredge line would be on the plans.* Mr. Rymph stated the following: Early on in the design process we were looking at potentially dredging all the way through the backside of the property to get to the back lagoon area but we've decided to concentrate and focus the docks out on the front of the water where it is most appropriate for the use. We are also proposing water chestnut harvesting for the ACOE to potentially try to hand harvest and get rid of some of the water chestnut mix growing in the area so you could get a pristine waterfront. Mr. Ruchlicki asked regarding that piece of water that runs up into the property, is that water from the river that backs up into that or is there a tributary at the end of that that comes in and dumps into the river that creates that little creek? Mr. Montagne stated the following: The primary thing that you will notice when you look at some of the old historical mapping before the dam was put in, this whole area was actually an agriculture field. This just happens to be a low area that when the dam went in and the water filled up it backed up into here. There is a drainage pipe that comes underneath the road right now that brings run-off from the hill and there is no real tributary stream or anything that goes to it. The water that you see in there is primarily water that comes down the river and just backs up into here. Mr. Ruchlicki stated I am more concerned with that area where you are going to put the launch for the canoes and kayaks with that strip of water that runs up in there and asked is that river water that backs up in there and there is no headwaters to that that comes into the river. Mr. Montagne stated no and what we have proposed to the ACOE is that as the river fluctuates during the year, we would like the ability to put a channel through here so that when we get a high flow, we can get some water to flush back out of here as the river flows to keep this cleaner and to flush that water through periodically during the year when we get a high flow in the river. Mr. Berkowitz asked if the canal was there right now. Mr. Montagne stated it would be manmade and it is not there now. Mr. Berkowitz asked if they were going to use that to separate the public from the private? Mr. Montagne stated the first thing that we thought about was that we really wanted a way to make sure that we get better flow coming out of the lagoon because right now when the river gets low, this area doesn't have a lot of movement in it and so you would get stagnant water in here. What we would like to do is periodically when we get a high flow to flush that water out of there. This is part of our discussions with the ACOE. If the ACOE is interested in that, then we'll be able to do it. Otherwise, it would really be up to them on whether they allow us to do that through the site as part of our individual permit with them. As far as the amenity on the site; we were originally looking to see if we needed to make this an island and as we were looking at this it made more sense because this is the tightest part here with the least amount of ACOE wetlands to be able to get through here. What this does for us is it does give us a separation between the fully open public area and the condominium community itself. Mr. Berkowitz asked what the mosquitoes are like back there now where the stagnant water is. Mr. Montagne stated if you look at the use of the facility right now, the area that we are talking about is where all the clam steams and where all the cabins and camps were on the site and it is not that much different than what we are proposing now. Mr. Watts stated you have heard the concerns of the Planning Board and we will pass this along to CHA for their review. Mr. Montagne stated I appreciate that and we will do our best to answer your questions.

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

09.025 NB Falcon Trace of Halfmoon, Fellows Road – Multi-Family PDD

Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight for the Falcon Trace of Halfmoon Planned Development District (PDD). I would like to introduce the project to the Board and our goals tonight are questions and comments from the Board and hopefully a referral to CHA for a review. The aerial photo is a great indication of the site

location. The project is located on the easterly side of the most eastern leg of Fellows Road. The overall project includes 2 parcels; one parcel to the north and one parcel to the south. The parcel to the north is approximately 29.65-acres and the parcel to the south is 30.36-acres. There is another parcel that would connect the 2 parcels for access, which I will explain later in the presentation. The wetlands on the parcel have been delineated. There are mixture of both Federal and NYSDEC wetlands on the parcels. There are DEC wetlands on the parcel to the south and Federal wetlands on the northern parcel. The aerial photo is a great indication of the vegetation on the parcels. The topography is rolling to moderate topography with the McDonald Creek along the back portion of the parcel and moderate topography going down to that area. For the PDD the applicant did take a look at the parcels, the zoning for the parcels and what he felt was a community need within in the Town. The applicant found that there is a shortage of affordable housing within the Town for seniors age 55 and older. The applicant has developed a PDD that focuses primarily on senior housing for seniors who are age 55 and older. The applicant is proposing a PDD that encompasses 296 residential units and 2 commercial lots. Within the PDD there would be 3 primary uses; the senior housing, luxury apartments and 2 commercial lots; one on the north and one on the south portion of parcel. As far as the senior housing which would be on the northern parcel, the applicant is proposing 153-units. There would be two types of senior housing within that; one congregant living facility and three detached apartment buildings. For the 120-unit congregant living apartment building there would be 4 wings and each would have 3-stories, 10 units per floor so that would be 30-units per wing for a total of 120-units total within that facility. There would be a community center in the center portion of that and the 4 wings would be connected to that community center area. Within the community center the applicant is proposing a central entrance reception room, several gathering rooms of various sizes, a kitchenette, a recreation room, a library, exercise room, mailboxes, restrooms and administrative offices. Also the applicant is proposing outdoor amenities for the parcels, which would be a bus stop at the entrance, shuffleboard, walking trails, several outdoor gathering areas with benches and tables, a putting green and garden areas. The senior housing would be 3 apartment buildings with 11-units per building for a total 33-units per building. So, there would be 120-units in the congregant living and another 33-units for a total of 153 senior housing units. The second use proposed for the parcel would be luxury apartments. The luxury apartments would be proposed on the southern parcel for a total of 143-units. Most of those units would have attached garages and they would be similar in style and character to the Halfmoon Heritage Apartments. The applicant is also proposing 2 commercial lots, one lot would be the southern portion of the parcel on approximately 5.53-acres and another lot would be on the northern portion of the overall parcel, which is approximately 3.57-acres. Those commercial lots would be proposed for future use and they would be per the Commercial (C-1) zoning requirements for both use and area requirements. For the infrastructure for the project as far as driveways and access for the PDD, we are proposing 2 access points, one on Route 236 and another one on Fellows Road providing access to all of the units within the project as far as service and emergency access. We feel that this is beneficial with direct access out onto Route 236 and semi-direct access to Route 236 on the northern parcel. As far as the trip generation we feel the luxury apartments would have a higher trip generation than the senior housing and thus the access point out to Route 236 would be a logical access point for the luxury apartments. We are proposing 1.25 parking spaces per unit for the congregant living facility and the balance of all of the apartment units would be 2 parking spaces per unit in accordance with the Town Code. There would be public water available from the waterline on Upper Newtown Road that would be extended in to service all of the project. We would be conveying all of sanitary sewer to the central pump station on the Town Park property and that would go to the 18-inch force main on Route 236 and Route 146. Stormwater would be managed on-site. We are proposing several stormwater management areas conceptually on the parcel that would be designed at a later date. We are

proposing 82 percent of the overall parcel as open space. We tried to coincide the open space with both the wetlands, which would make a nice buffer from Route 236, Fellows Road and Route 146 areas. We do feel that the proposed residential uses are buffered very nicely from the roadways and would create a very private setting within the project. As far as the community benefits, the applicant does feel that there is a need for luxury apartment housing. The applicant does have the Halfmoon Heritage Apartments, which has been a very successful product and there have been a very high demand for that type of housing. The applicant is also proposing a trail system extending from Upper Newtown Road, along Fellows Road and would traverse through the project and then connect back out to the Town Park. This project would provide a linkage that I believe has been identified in studies by the Town from the Town Park to the Upper Newtown Road corridor. Improvements to Fellows Road are also proposed from Route 236 up to the entrance to the project. This has been identified as a narrow roadway and the intersection is in need of some improvements and that is something that would be identified by the traffic impact study and those improvements would be made by the applicant. The applicant does feel that affordable senior housing is a need within the community and the applicant is committed to work to make the units as affordable as possible. At this time we are estimating \$250 to \$300 per month less than the typical market rate for lease rates. The primary goal for the proposed PDD is to provide affordable senior housing. We feel that it does promote life-long residents within the Town by providing affordable senior housing for residents that are aging that would have to look to other communities for a potential place of residence. We are working on boundary and topo for the parcel and we received those files today. The applicant has started an archeological investigation of the parcel and a traffic study as well, which we would be working on in the next couple of weeks. We are here tonight for questions and comments from the Planning Board and we are hoping for a possible referral to CHA. Mr. Leonard stated in the assisted living facility, would you have a central kitchen in that and any kind of medical facility? Mr. Bruce Tanski, the applicant, stated the following: It is not going to be an assisted living facility. We would have something like a small café. This is designed so people can live on their own with no assistance at all. Mr. Berkowitz asked if it would be like Coburg Village. Mr. Tanski stated no, Coburg Village is an assisted living facility and they have a central cafeteria. This proposal would have individual apartments and our goal is to build them and rent them below market rent. We are trying to get grants from my lender, Community Preservation Corporation, which is a consortium of 50 banks in New York State. This may be a great time because of the stimulus money that is going to be available and we might be able to get a large amount of grants per unit, which we are currently working on. We are going to be talking to the Town to try and do a pilot program for taxes. If I can keep these rents down to half of what we would normally get, that's what I'd like to do. Mr. Watts asked for more of a description on the 120-units and who would be the cliental. Mr. Tanski stated the following: It would be 120-units with 10 units per floor and there probably would be 2 elevators in the building. It would have a central area where people would be able to congregate and meet, there would be meeting rooms and maybe a card room but we haven't got to that point yet. Basically everybody would have their own apartment and their own parking space. Mr. Watts asked if they would be apartments. Mr. Tanski stated the following: Correct. These are rentals that we are trying to make affordable for people over 55 years old to be able to live. I constantly have people coming into my units who say they can't afford to live here. They would like to but they say they have to go to surrounding areas because they are older and they are on fixed incomes and this is what we are trying to change. Mr. Berkowitz asked because you are applying for grant money would there be a certain number of apartments set aside. Mr. Tanski stated this grant money would come directly to us as the builder. Mr. Berkowitz asked if the apartment rent would be based on incomes. Mr. Tanski stated the following: This is not like what they have with HUD or a section 8 type thing and would not be like Bishop Hubbard. These grants come directly to me as the builder to try

and build them less expensive than it would normally be so that I can get the financing from the bank. Instead of X amount of dollars, it would be that much less. Mr. Watts asked Mr. Tanski if there was a similar project like this in New York State. Mr. Pete Amato, Financial Consultant for the Amato Group, stated the following: There are projects of this nature in Cohoes, in East Greenbush and I have been involved in one in the Hudson area. These have all been relatively successful and the seniors value the community space and they see that as their living space in addition to their apartments. These are generally very lively communities and there is great reception. Mr. Berkowitz asked the size of the apartments. Mr. Tanski stated the following: It is our intent to put 1 and 2 bedrooms in there. If you have a husband and wife, they obviously would want a 2 bedroom and if you have widowed or single people they would want the 1 bedroom. Mr. Berkowitz asked if everything would be handicap accessible. Mr. Amato stated the following: When there is an elevator in the building every unit in the 120-unit has to be handicap accessible. What this would provide is a place where they can stay in their community and they don't have to search for alternatives outside of Halfmoon and they do see it as a thriving community. The ones that I have been involved in have had café's, libraries and a beautician. So this would provide almost a whole community for the seniors. Mr. Watts stated relative to that what would your proposed commercial space be and are you planning on some kind of business that might allow people to not have to drive to get their groceries? Mr. Tanski stated the following: I think the intent now is while we are going through the process to get them zoned Commercial. I think one already is zoned C-1 and one isn't or maybe neither of them are. Down the road we might be able to put a medical facility in there, a mini-market or something like that. Obviously, we would have to come back to this Board for that. Right now there is no interest in doing anything like that because obviously you want to get the people in there to see what their needs are first. Mr. Watts stated the following: It could be part of a total package. If it is a PDD, you are going to accomplish the zoning. I would think that what we don't have is the community kind of living area, which you seem to be attempting here where people might not be able to drive a car or may not want to drive a car to travel to Route 9 and Route 146 to get some groceries or whatever. This is just a thought that you might want to look into to have some kind of amenities for the seniors. Mr. Tanski stated the following: I do agree with Mr. Watts but my only concern is how do we limit ourselves to what we are going to do? Obviously, we don't want to put a hotel there but we want to be able to do something that is going to align ourselves with the people who are going to be living there; whether it be a super market or medical facility or that type of thing and I don't know how to do that yet. Mr. Amato stated the following: Some of the senior housing that I have been involved in have rotating doctors who would come in and a certain space would be set aside for medical and they would be rotating on a periodic basis. Mrs. Murphy stated the following: We would have to work on the language and limit the area for that commercial use because the PDD is not all going to be a commercial designation. It would be limited to an area and specific uses. Mr. Amato stated the uses would be strictly for the building itself. Mr. Watts stated no, it would be for the whole property. Mr. Tanski stated right; the property would be open to anybody. Mr. Ouimet stated the following: One thing that struck me as a little unusual is for senior housing to be 3-stories and asked why they wouldn't limit it to 2-stories. Mr. Tanski stated the following: A lot of the research that we have done shows them to be 3, 4 and 5-stories. We don't want to go more than 3-stories because then the fire departments would have a problem. With the 3-stories there is enough commonality there where we can build these things and try to keep the rents down as low as possible. Mr. Ouimet asked how many units there would be on each floor. Mr. Tanski stated there are 40 units per floor. Mr. Ouimet asked do you think 2 elevators servicing the third floor would be enough? Mr. Tanski stated yes according to our research. Mr. Ouimet stated there are going to older people living there and it would be hard for them to get up those stairs. Mr. Tanski stated we have to provide stairs for emergency access also. In the elevator it says in case of a fire, you can't use the elevator and you have to

use the stairs. Mr. Ouimet stated I understand the economics but it just strikes me peculiar that senior housing would be more than 2-stories high. Mr. Tanski stated most of the housing that we looked at, like in Cohoes; the buildings are 6 to 7 stories. Mr. Amato stated there is center in Colonie that has approximately 6-stories and there are 2 elevators so they are kind of split to cover distances. Mr. Higgins stated the following: I have concerns regarding the traffic. Fellows Road is a Town road but it is an older Town road and the access out onto Route 236 is directly adjacent to the Town and the Jehovah Witness Church and it seems like a lot of traffic for that little area. Mr. Watts stated that was evidenced at the Town Board meeting. Mr. Lansing stated the following: The applicant has retained a traffic consultant to do a traffic study for the project. Based off the number of trips going out there, they likely would recommend improvements to Fellows Road and the applicant is proposing to do those improvements; both to the roadway and to whatever intersection that is required. Mr. Ruchlicki stated knowing the topography on the lower parcel, as you are coming down the road and you look off, it drops off, but yet where you have the units I'm assuming that is the high part of the piece of property. Mr. Lansing stated correct. Mr. Ruchlicki stated all of that greenspace that is going to be left along the road in front, how much higher are those buildings going to be from where you are as you are going down the road. Mr. Lansing stated the following: I believe the topography goes down about 10 or 20 FT and then comes back up about 10 or 20 FT. I believe this plain is very similar to the plain of Route 236. Mr. Tanski stated the following: For the Board's information; when I met with Mr. Williams, he kind of wanted to bring the trails over that way across from the Town Park and the road across from the Town Park and this is why we designed it that way. Mr. Berkowitz asked how close is that entrance to the Town Park entrance? Mr. Lansing stated we have plotted the Town Park entrance on the plans, which I think is about 170 FT. Mr. Berkowitz asked if that would cause any problems when there is a lot of usage at the Town Park. Mr. Lansing stated that is something that the traffic consultants would analyze and they would do that in conjunction with the New York State Department of Transportation (NYSDOT) as well.

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

09.026 NB Plant Road Retail Plaza, 1525 Route 9 – Addition to Site Plan

Mr. Zareh Altoonian, Land Surveyor & Engineer, stated the following: This project was approved 5 years ago. Recently there was a potential buyer and they intended to put an Urgent Care Center in this facility. The owner of the property spoke with Mr. Williams, Sr. Planner, and Mr. Williams advise him that they would need 9 more parking spaces. We did add 10 more parking spaces to the site. The greenspace is 23% on the site so it meets the 20% required by the Town. There are no other changes except taking some of the greenspace to add the additional parking. Mr. Roberts asked at what point are you going to knock down the existing office on that site. Mr. Altoonian stated I would have to ask one of the owners because I don't know. The applicant stated that building would be coming down as soon as the site plan starts where we are going to finishing the parking lot and the greenspace. I don't know exactly when it would be taken down. The biggest concern for the buyer was that they needed more parking spaces. Originally there were 50 parking spaces and now we have 60 parking spaces. Once we get an approval from this Board, we will notify the buyer that 59 or 60 parking spaces are available and then we would make the agreement and then move on from there. Mr. Berkowitz asked if anyone was living there right now. The applicant stated one person lives there and the rest of it is vacant. Mr. Watts stated the following: So, your hope at this point is to get the parking addition, tear the existing building down and then sell the new building. Hopefully this would give you the opportunity to finish that plaza building and sell it. Is the buyer planning to use the entire building for an Urgent Care Center? The applicant stated that is correct because I believe the buyer has talked with the Planning Department about the

Urgent Care Center. Mr. Williams stated I spoke with the perspective buyer and I explained to him about the parking and the requirement per the square footage of the building. I also explained to the buyer the difference between having retail spaces and having the Urgent Care Center. Mr. Higgins stated the following: When this application originally came before the Board; because of the location, we were concerned about traffic and people trying to get in and out of the site. At that time it was portrayed as retail and a relatively low use. Depending on the nature of the occupancy and how successful the Urgent Care Center is, the traffic could be fairly substantial and I am concerned about the volume of traffic in that area because it is already fairly congested. Mr. Watts stated the following: The applicant would have to come back before the Board for the use of the property. In the past we had discussed this particular site with the applicants. At that time we had talked about the type of use because of the nature and location of the site, that we would not approve a high intensity use for this site.

Mr. Roberts made a motion to approve the addition to site plan application for the Plant Road Retail Plaza. Mr. Higgins seconded. Motion carried.

09.027 NB Midtown Auto Sales, LLC, 1638 Route 9 – Change of Tenant & Sign

Mr. Michael Nicholas, the applicant, stated the following: I am before the Board to receive an approval for a change of tenant and sign change for the former VJB Auto business located at 1638 Route 9. The existing sign would remain and all we would do is change the lettering on the upper portion of the sign. The building would remain as a used car dealership with approximately 12 cars for display. We would display the cars along the side and on Route 9. There would be no test-driving on the side streets where the neighbors are. Mr. Watts asked if the former owner of this auto sales business was still at the site. Mr. Nicholas stated VJB Auto Sales is still there and he is operating with us at this time. Once we have the Board's approval, we would be operating the business on our own under the Midtown Auto Group name. Mr. Watts asked if the property is still owned by Arthur Boyajian. Mr. Nicholas stated yes. Mr. Watt stated in 2004 this application was approved for VJB Auto Sales for a maximum display of 12 vehicles, 2 customer spaces and 1 employee space and no cars are to be parked in the Route 9 New York State right-of-way. There are no structural or site plan changes proposed and asked would you be running your auto sales operation the same was as VJB Auto Sales? Mr. Nicholas stated that is correct. Mr. Higgins stated I want to make sure that the applicant realizes that there is limitation on the number of vehicles that can be parked on the lot. Mr. Nicholas stated I am fully aware of that. Mr. Roberts stated make sure the floodlights do not shine out onto Route 9.

Mr. Berkowitz made a motion to approve the change of tenant and sign application for Midtown Auto Sales, LLC contingent on a maximum of 12 display vehicles, display vehicles stored away from Route 9 to increase visibility for Oak Hill Drive/Route 9 intersection and no test driving vehicles on Oak Hill Drive. Mr. Ruchlicki seconded. Motion carried.

Old Business:

08.020 OB Brookfield Place PDD, Guideboard Road & Harris Road – Major Subdivision/PDD

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: This application is before the Planning Board for a preliminary and final approval. This proposal is for a residential Planned Development District (PDD), which was subsequent to a positive recommendation by the Planning Board and was approved by the Town Board for active legislation. There are approximately 73-acres of property, which fronts on Guideboard Road and Harris Road. There would be 2 accesses; one off of Guideboard Road and the other on Harris Road. We are proposing 81 single-family residential lots. The minimum lot size would be 15,000 SF and the

average lot size is 22,000 SF. There would be a common open space, which is also identified as restricted property for the purpose of land preservation that would be undeveloped land in the future. The stormwater management would be located in 3 areas; one would be located at the intersection of Guideboard Road, one would be located at the end of Milford Drive and the other one would be located near the intersection of Harris Road. The stormwater management system is designed to comply with Town standards and the State requirements. The water supply would be extended from the existing water mains on Harris Road and Guideboard Road. Sanitary sewer would be connected to the existing sewer lines on Guideboard Road and Harris Road. At the present time the project application was submitted for permits to the New York State Department of Conservation (NYSDEC). The NYSDEC made a determination that the wetlands permit application is complete. We also submitted an application to the Army Corp. of Engineers (ACOE). Also we have submitted plans for review to the Saratoga County Sewer District. Plans were also submitted to the Town's engineer, which have been reviewed. I am before the Board tonight to ask for consideration to schedule a public hearing for this project. Mr. Watts asked Mr. Bianchino if the applicant has responded to all of CHA comments. Mr. Bianchino stated yes, we went through a couple of iterations of review on the preliminary plans and there are a couple of minor outstanding comments that we hope to have addressed at the public hearing. Mr. Higgins asked if the access on Harris Road has moved. Mr. Zdrahal stated no, it did not move. Mr. Higgins stated I remember that the homeowner of property right next to that had real concerns. Mr. Zdrahal stated the following: Yes that was Mr. Douglas. I have worked with Mr. Douglas quite closely and we have addressed in detail the drainage issues, which Mr. Douglas was concerned about. All of that was submitted for review. We also addressed Mr. Douglas' concern about the intersection and the impact on his property and so on. So yes, we do have an agreement with Mr. Douglas. Mr. Ruchlicki inquired about the 3 paper streets on the access to the other piece of vacant land. Would those 3 paper streets be unpaved and when the roads are turned over to the Town would those pieces of existing connection be turned over? Mr. Zdrahal stated yes it would be Town property.

Mr. Roberts made a motion to set a public hearing for the April 13, 2009 Planning Board Meeting. Mr. Berkowitz seconded. Motion carried.

08.071 OB Parkford Square II, Freeman Lane & Route 146 – Commercial Site Plan

Mr. Watts asked Mr. Bianchino if all of the issues had been adequately addressed for this project. Mr. Bianchino stated yes. Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: This proposed site plan was last presented back in July 2008. We presented a conceptual plan and the site plan was reviewed by the Board at that time. There were several comments and we have prepared the detailed site plan based on those comment. We have forwarded those plans to CHA and the New York State Department of Transportation (NYSDOT). The detailed plan follows exactly the same layout that we proposed back July 2008 where we have a single 12,000 SF single-story office building set-up almost identical to the existing building next to it. Parkford Development recently has constructed that 15,000 SF office building off of Crew Road and it was a very successful project. This proposed building is set-up almost identical to that building. There would be 60 parking spaces as we discussed at the conceptual review meeting. Out of those 60 parking spaces I believe 36 of the parking spaces would be the standard 10 FT x 20 FT and approximately 21 of parking spaces would be a smaller dimension as we are trying to conserve on some of the pavement. Mr. Watts stated that worked fine in the existing building and asked if the proposed building would have the same tenant mix. Mr. Vuillaume stated the following: Yes and that is even a little bit more than what we have now. We have single access off of Freeman Lane and we would be widening Freeman Lane as part our project. The intersection with Route 146 would also be

modified and enlarged a little to help the snow plows get around that corner. Again, those plans have all been reviewed by the State and we have received their comments and addressed them. We are here tonight seeking final site plan approval. Mr. Watts asked Mr. Bianchino if all of CHA comments have been addressed. Mr. Bianchino stated yes, we went through the preliminary plans and all of our comments have been addressed. Mr. Watts asked who owned Freeman's Lane. Mr. Vuillaume stated Freeman's Lane is a Town Road. Mr. Watts stated and it would be fixed to Town standards. Mr. Vuillaume stated yes.

Mr. Berkowitz made a motion to approve the commercial site plan for Parkford Square II contingent upon the applicant gaining a work permit from the New York State Department of Transportation (NYSDOT). Mr. Roberts seconded. Motion carried.

08.088 OB Fellows Road PDD, Fellows Road – Amendment to PDD

Mr. Roberts recused himself from this item. Mr. Scott Lansing, of Lansing Engineering, stated the following: This is the Fellows Road PDD Amendment and I believe the Board is familiar with the site plan portion of this amendment. This was a conversion of a portion of the Fellows Road PDD from townhouse to apartments. We have worked on the site plan engineering for this for water, stormwater management, sewer, grading, drainage and things of that nature. We have worked with CHA and we have received a sign-off from CHA as well for this. We are here tonight for questions and comments from the Board and consideration of the Board for final approval of the project. Mr. Watts asked what changed from the last time you were before this Board? Mr. Lansing stated the following: Essentially nothing. We did toy with the idea of shifting the roadway around and it was something that was not looked upon favorably by CHA so we did shift the roadway back. The road has not changed and the number of units has not changed. Stormwater, water, sewer and anything of that nature have not changed. Everything is the same since the last time the Planning Board saw this. Mr. Watts asked if the building configurations have changed. Mr. Lansing stated no it did not. Mr. Bruce Tanski, the applicant, stated we added some more fencing. Mr. Higgins asked if the fencing also had been agreed to across the road behind a couple of residences. Mr. Lansing stated yes, the applicant is proposing a 6 FT high white vinyl fence to be installed in a location acceptable to that owner across the street. Mr. Higgins stated there were 2 owners; it was the house and then the garage. Mr. Tanski stated that was on the existing site plan for the apartments that are already under construction. Mr. Higgins stated okay because it wasn't on the site plan. Mr. Tanski stated the following: Correct. It is not part of the site plan. They came in and said something about it and I said I would put it on and the Board has my word that we will put it up but it really has nothing to do with this. Mr. Higgins stated I understand that but it was at this hearing when those residents were here and that is why I brought it up. Mr. Watts stated the following: We are back where we were before and a public informational meeting was held for this proposal. Mr. Williams stated the following: Yes, a public informational meeting was held then it was referred back to the Town Board. The amendment was drawn up and passed and now we are back in front of this Board for final site plan approval. Mr. Tanski stated the following: Regarding the Fellows Road re-alignment; I thought it was brought up that we wouldn't get any more than 2 Certificates of Occupancy (C.O.'s). Also, it is my understanding that CHA has the plans on the road re-alignment and once they approve them, we are going to start immediately. I have already been in negotiations with New York State Electric & Gas on the poles and the work will begin as soon as we get the go ahead. Mrs. Murphy stated according to my recollection, there was a meeting before the Town Board where there were concerns that were raised by the members of Town Board; Mr. Hayner and Mrs. Parker about the Fellows Road re-alignment, timing, etc. That meeting was adjourned and then this project came back before the Town Board to address their concerns and issues and at that time the Town Board limited this project to 2 C.O.'s prior to the Fellows Road re-alignment. Mr. Tanski

stated the following: That is correct. Mr. Lansing and myself have met with CHA and hopefully satisfied all of their concerns. Mrs. Murphy stated at that point the Town Board approved the amendment to the PDD and referred the project back to the Planning Board for final site plan approval. Mr. Higgins stated for clarification it is C.O.'s for 2 buildings of the 5 buildings. Mrs. Murphy stated that is correct. Mr. Higgins stated for clarification; when we talk about the new Town Road, that is the one that goes over by the Town Highway Garage and at that point the other 2 accesses onto Route 146 are going to be closed and asked if that was correct. Mr. Tanski stated correct. Mr. Higgins stated at the point where the Town accepts that road, you are free to apply for C.O.'s for the remaining 3 buildings. Mr. Tanski stated correct. Mr. Higgins stated and at this point there still is no warrant by NYSDOT for a traffic light at that intersection because the volume isn't there. Mr. Tanski stated correct.

Mr. Higgins made a motion to approve the amendment to the Fellows Road PDD conditioned on only two Certificates of Occupancies can be issued until the Fellows Road re-alignment is in place. Mr. Ruchlicki seconded. Motion carried.

Mr. Higgins made a motion to adjourn the March 23, 2009 Planning Board Meeting at 10:26 pm. Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary