

## **Town of Halfmoon Planning Board**

### **June 8, 2009 Minutes**

Those present at the June 8, 2009 Planning Board meeting were:

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

***Alternate***  
**Planning Board Member:** Jerry Leonard

**Senior Planner:** Jeff Williams  
**Planner:** Lindsay Zepko

**Deputy Town Attorney:** Matt Chauvin

**Town Board Liaisons:** Paul Hotaling  
Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the June 8, 2009 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the May 26, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the May 26, 2009 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

#### **Public Informational Meetings:**

##### **08.038 PIM      Swatling Falls PDD, 162 Upper Newtown Road – Major Subdivision/PDD**

Mr. Watts opened the Public Informational Meeting at 7:00 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight for the Swatling Falls PDD. I would like to go through the existing conditions, the proposed conditions, the proposed project amenities and community benefits and the developments that we have had over the past several months and then what we anticipate for a potential next step on the project. The project is located on 162 Upper Newtown Road and it is approximately 94.79-acres. The current zoning of the parcel is Agricultural-Residential (A-R), which does have a minimum lot size of 20,000 SF. The aerial photo is a great representation of the surrounding uses of the parcel primarily agricultural activities as you can see to the north, the northeast, the west and also to the south and over towards the western area there are some scattered single-family homes as well. The aerial photo also shows the vegetation on the parcel. There are agricultural fields and some wooded areas scattered throughout the parcel. The parcel has a rolling

topography and drainage is generally from the north and northeast down towards the southwest, which does connect in with the McDonald Creek. The parcel does have a lot of nice attributes on it; the forested areas, existing vegetation and there is a very nice specimen tree in the lower field on the bottom portion of the project and there are several hillsides to the project. The McDonald Creek is also in the back portion of the parcel with a waterfall that is a very nice natural feature; thus the name of the project Swatling Falls. The applicant is proposing as a part of the Planned Development District (PDD) four different types of residential uses. The project would have twin homes, carriage homes, traditional homes and there would be an estate lot. The proposal is for 20 twin home units with 10 great lots in the upper area of the parcel and those would be 20,000 SF in size with a minimum frontage of 125 FT for each lot. In the central portion of the parcel there would be 32 carriage lots and those lots would be 10,000 SF minimum and as shown the average lot size is about 11,500 SF that would have 60 FT for frontage. There would be 47 traditional lots that would be 10,000 SF in size minimum and the average lot size would be 14,000 SF and those would have 80 FT of frontage. The estate lot would be a minimum of 5-acres in size as shown and we are currently showing the estate lot as 6-acres. This is a lot that the existing homeowner wishes to retain to build a house on and he would live on the property that he has farmed for many years. Overall there would be 100 lots total for the project, which is approximately 1.05 units per gross acre or 2.16-acres per net acres. There would be 2 curb cuts on Upper Newtown Road with a potential access to an adjacent project, which is pending with the Planning Board and a potential connection to the east as well. The roadways would follow the higher most consistent grades and all the roadways would be designed and constructed to Town standards. Water would be served from Upper Newtown Road; there is currently a water main along Upper Newtown Road and those lines would be extended into the roadways to serve all the units within the project for both domestic and fire flow. The applicant is proposing a gravity line to collect all the sanitary sewer to a central location on the lower portion of the project and then convey that sanitary sewer to the Saratoga County Sewer District (SCSD). Stormwater would be mitigated on-site and we are showing various stormwater management pond locations on the parcel to mitigate the stormwater and a full stormwater pollution prevention plan would be developed for the site. We have developed a base allowable density of 92-units and that does include some additional quality green space that the applicant is offering. So the 92-units is something that we have established as a base density and the applicant is proposing 100-units as a part of the PDD. With the proposal of the 8 additional units, the applicant is proposing some community benefits. Those community benefits would be 43-acres of the site would be preserved as permanent open space, which would be approximately 45 percent of the overall parcel. We are trying to maintain the natural features on the parcel to the greatest extent possible. The specimen tree on the lower field is something that would be retained in between the homes in a park like setting with a trail going through that area. The waterfall would be retained on the back portion of the parcel and there would be Town land surrounding that waterfall and it would be something that would be open to the public for public access and public enjoyment. In the front portion of the public Town land the applicant is proposing a trailhead where vehicles could park and utilize the trails that the applicant is proposing to build throughout the project. The trails would be quite extensive and would go back from the waterfall throughout the project. The trails would link adjacent projects and link to the Upper Newtown Road area. So it would not only provide a way for residents within the project to access these areas but also would provide a way for the public and adjoining parcels to link together and enjoy that area. Over the course of the past few months we have worked extensively with CHA and with the Planning Board to develop the layout of the plan, the density of the plan and basically come up with what is shown here today. We do feel the overall objectives of the PDD parallel the zoning and we are here tonight for questions and comments from the Planning Board and the public. We are trying to work toward hopefully a referral from the Planning Board to the Town Board as a part of the PDD process. Mr. Watts asked if anyone from the public

wished to speak. Mr. Scott Fischer, 174 Upper Newtown Road, stated the following: I am an adjacent landowner to the north of the property and overall I think this is a great plan and I support the project. Being an adjacent landowner I have some questions regarding one of the curb cuts, which is a few feet away from my property. I am wondering if any screening has been addressed with cars turning in this area at night with their lights shining and things like that. I am not sure if there is any lighting going on that would be happening through the project along the streets. Another concern I had was with the drainage as I looked at the topo map when I came in and it looked like there is a depression in one area where there is a culvert pipe that comes from underneath the road and my driveway right down to the stream going underneath and there looks like there is going to be a road going in over there and I was wondering where that drainage was going to. Mr. Lansing stated as following: As far as the screening in this area, we can take a look at that and we do have some street trees shown along the edge of the roadway and we could add some additional plantings in this area. This is actually an area where a unit is not proposed so I feel we can work with the Board and the adjoining property owner to address that. As far as the drainage issues in this area; there is a depression in one location where water does come down and then hits a drainage way all the way to the McDonald Creek. We would likely just be culverting that and letting the existing drainage pass through and that would not be something that we would be taking into our system or treat in our stormwater management area. That would pass through but the impervious areas we would take and bring into our stormwater management area, treat and then bring down. This would be addressed in the Stormwater Pollution Prevention Plan, which would be submitted to the Town Engineer and would be designed in accordance with the New York State Department of Environmental Conservation (NYSDEC) Standards. Ms. Alicia Foti, 125 Upper Newtown, stated the following: I am concerned about sewer seeing that this is such a big development. We are not on sewer; we are all on septic and you mentioned something about that it is just going to be draining down to the south and I would like some more information on the sewer. Mr. Lansing stated the following: As far as sanitary sewer, all the homes would be connected to public sewer and there would not be any septic systems or waste water disposal systems and they would collect down to a central pump station and from that central pump station it would pump to the SCSD. Right now we have a couple options; one would be a pump back out up to Upper Newtown Road and another one would be to go across the back portion of the parcel to Betts Lane. We are working with the applicant's for the project adjacent to us in trying to share a sewer route and to share a pump station so that there is one pump station or a more efficient route. The entire project would have public sewer. Mr. Damian Foti, 125 Upper Newtown Road, asked do you have plans to possibly bring the sewer through Upper Newtown Road and connect that in? Mr. Lansing stated the following: If it does go up Upper Newtown Road, it would be a force main and it would not be a gravity main so if somebody along that route were able to connect, it would be with a grinder pump to connect to that route. I am assuming the pressures would be all right but you would have to look at that on a case-by-case basis. Ms. Heather Fischer, 174 Upper Newtown Road, stated the following: I have a question regarding traffic and the speed on the road. Temporarily we have a traffic light at the end of the road because of the detour and I know that this is a County issue but I don't know if there could be referral made regarding the speed limit and also with the traffic light. I had submitted a letter a year or two ago requesting reducing the speed. I think the speed limit right now is 55 mph and now it is 45 mph due to the detour. With the increase of the residential area it would be nice to have a decrease in the speed limit. On Routes 4 & 32 the speed limit is 45 mph and on the other side on Route 236 it is 45 mph. Our speed limit is 55 mph and with Upper Newtown Road being a cut through we do have a lot of industrial and commercial trucks coming through a residential area and the Pingelski's who are still farming and using their tractor. Mr. Watts stated relative to the issue of the speed limits; we are engaged in a study of all speed limits on all Town roads and we have provided information to the Town Board relative to enforcement whenever we get an issue of speed limit enforcement. Referrals are

made to the Sheriff's Department and to the State Police to increase patrol activity. I would say that they generally do a good job in that but then they tend to move on to other areas. When I drive on Grooms Road, I feel the same way and there are an awful lot of people who chose not to abide by our vehicle and traffic laws. We are looking at the issue of speed limits on various roads. We plan to meet with the New York State Department of Transportation (NYSDOT) and County Public Works people. We have discussed this issue with them in the past relative to what speed limit reductions can be made. Anything I have written up has not been as successful as I thought it might be, particularly on Grooms Road, which I live off of. We are always working on this issue and I will notify our Town Supervisor about the speed limit issue. Mr. Polak stated we can request a reduction in the speed but we cannot authorize it. Mr. Watts stated we thought we had put together pretty good packages with good rationales and we are always working on it. In some cases the requests are a bit frivolous but generally we go through with it. Mr. Watts closed the Public Informational Meeting at 7:17 pm. Mr. Higgins asked if there were any no-cut buffers? Mr. Lansing stated the following: The vast majority of the open space land would be owned by the Homeowner's Association (HOA) and that was something that was developed as we worked with the Town Board because they didn't want all the land as Town land. So we have a portion of that land as HOA land. That land outside of the areas that are to be dedicated for Town trails would be a no-cut area. Mr. Higgins asked on the individual lots is there any no-cut areas? Mr. Lansing stated no, that is not proposed at this time. Mr. Higgins stated as far as a further subdivision of the estate lot or lot #14 or lot #15 does the applicant understand that he would have to come back to the Town Board for modification to the PDD. Mr. Lansing stated correct, yes. Mr. Higgins asked the land in the upper left hand corner that is not Town land is any of that agricultural or is it all mainly trees? Mr. Lansing stated there is a small portion on the lower part that was agricultural and there is nice areas across the McDonald Creek that are agricultural areas. Mr. Higgins asked is that the part that the Town is taking over? Mr. Lansing stated correct, that is part of what the Town is taking over.

Mr. Berkowitz made a motion to grant a positive recommendation to the Town Board for the zoning change and to grant a positive recommendation to the Town Board for a negative declaration of SEQRA for the Swatling Falls PDD. Mr. Ouimet seconded. Motion carried.

#### **08.068 PIM      Plant Road PDD, 91 Plant Road – Major Subdivision/PDD**

Mr. Watts opened the Public Informational Meeting at 7:18 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Gordon Nicholson, with the Environmental Design Partnership, stated the following: I am working with TRA-TOM Development Inc. and Amedore Builders. The owner and developer of the project is Thomas J. Farone & Son. The history of this project is we were last before the Planning Board in July of 2008. Since last year's discussion with the Planning Board we have had a traffic engineer involved and long range traffic studies on both ends of Plant Road, the entire length of Plant Road as well as the intersections at the north end of Plant Road. Last summer the Planning Board had recommended some design changes to the project and the primary one was to move the proposed 40-units of senior housing to another location. We have added more parking to the clubhouse and the pool area. We have a no-cut buffer with a stockade fence and a path through it along the southern edge of the property and the no-cut buffer retains all the existing vegetation against the orchard. We have added a crosswalk to Plant Road so that the proposed residences on the eastside of Plant Road can safely cross at this location. There is a pathway along the westside of Plant Road as well as pathways throughout the project. The general project design is zoned R-1 Residential and the site area is approximately 54-acres. We have 110 town home style condominiums and 40 senior style condominiums that are going to be restricted to people 55 years and older. There is approximately 217 parking spaces on-site for the garages and another 233 parking

spaces in the driveways and the visitors area for the clubhouse and the swimming pool. We are using the clubhouse and swimming pool in the front as a focal point for the project and a sales office. There also will be a fitness center. All the roads are going to be privately owned and maintained by a Homeowner's Association (HOA) and a Condominium Association, which will maintain the lawns and snow removal of the road. There would be an orchard buffer strip, which is 100 FT in width that will be deed restricted and all of the deeds for the homes in this proposed project would have notices in those deeds that there is an on-going orchard operation with the right to farm along the southern edge of the property that includes noise and spraying. There is approximately 35 to 40 percent open space in the project. There would be one primary boulevard entrance on the westside of Plant Road and one single entrance on the eastside. Generally the roads loop through the project. We are preserving open space along the drainage corridor and patches of open space behind all of the units, which will contain existing vegetation and that would remain undisturbed. There are approximately 12.04-acres of State wetlands on the property, which would remain undisturbed as open space and there are some minor Federal wetlands along the drainage corridors that will result in a minor disturbance with the road crossings and we will be securing permits from the Army Corp. of Engineers (ACOE) on that. The agency reviews that we have been working on to date include a Phase I Environmental Assessment of the property, a delineation of the wetland and the ACOE have signed off on it and New York State Department of Environmental Conservation (NYSDEC) has signed off on the delineation. We have done a Phase I records search for cultural resources and an on-site recovery and State Historic Protection Preservation Office (SHPPPO) has signed off on that. The U.S. Fish and Wildlife has signed off on no endangered species. The New York State Natural Heritage has signed off that there is no endangered species. We are going to connect into the Town of Halfmoon Consolidated Water District for the extension of water up Plant Road from the south. For sewer, we have two potential locations in the immediate vicinity of the site with a sanitary pressure main and there is also a pump station. It would be an on-site pump station that would be constructed to the specifications of the Saratoga County Sewer District (SCSD). At this point in time I would like to turn the floor over to Wendy Cimino who is the traffic engineer with Creighton-Manning Engineering (CME) who has been diligently working on traffic solution issues. Ms. Wendy Ciminio stated the following: I would like to give a brief history and update on the traffic that we worked on for this project. We originally submitted a study back in 2007. Due to delays and some traffic concerns we restarted the study again in 2008. Our scope of work has been consistent and we have looked at four off-site intersections as well as the site intersection on Plant Road. The three intersections to the north are the two connections of Old Plant Road with Route 146, and to the south the connection with Route 9 and Plant Road. When we restarted the study back in 2008, we did some spot counts to see if the data that we had collected previously needed to be updated and what we found was the traffic had changed enough that we wanted to redo all our counts. We went back out and recounted every intersection again to come up with our base conditions. We look at the AM and PM peak hours for this type of residential study. We do our counts and break that data down to one-hour peak period. We projected future volumes based on a design year for this project three years out to 2011. We added a general background growth rate of a 1/2 percent per year, which accounts for general growth. We also added eight specific development projects that are in this area to the intersections and added that traffic directly to our study area intersections. Then we project the traffic to be generated by this development, which is based on the Institute of Transportation Engineers Standard. We take that volume and we distribute it onto the roadways, add it to our intersections and we do an analysis with highway capacity software, which is the standard analysis procedures for both an existing, a no-build and a future build condition analysis. What we found for this study was the four intersections off-site we looked at and our study area site intersection worked well with an un-signalized intersection, which I think would be expected. The off-site intersection with the additional traffic from our study there was not enough increase in

delay to show that there was not much of an impact as there were no drops in the level of service. To give you an idea of magnitude, this development size generates about 60 trips in the morning peak and 70 trips in the afternoon and that is total trips. So, you have some coming in and some coming out and when you distribute them; some are going to the north about 60 percent based on the existing patterns and 40 percent to the south. So, the actual impact and the increase on those intersections are relatively small. The New York State Department of Transportation (NYSDOT) requires an analysis of intersections and their protocol is when you add 100 vehicles to a single intersection approach, that is when they feel that you really need to look at an intersection. So, it kind of makes sense based on those guidelines that we wouldn't expect there to be a high magnitude in the change in the operations. Based on that protocol we have 70 total trips as our maximum and then you break it all down and you have much less than 100 on any vehicle approach. However, we do realize that there are concerns with traffic in this area so what we did with our second study was we did a future sensitivity analysis which project volumes up to 2018 and included another five developments that have high potential for some existing vacant parcels or parcels with other uses on them now that the Town really felt would be prime candidates to redevelop. In some of these studies we looked at 600,000 SF developments. So, we added a substantial amount of traffic based on potential growth in the area. Again, we have been working closely with the Town for several years to come up with this analysis. We reanalyzed everything and what that analysis showed is that if the growth continues over the next 10 years that there are going to be some constraints at these intersections; both to the north and to the south. So, included in our study is an appendix that has six different design scenarios with different changes to the intersections adding turn lanes, reconfiguring intersections and we know there are concerns with the angle of the way Old Plant Road is kind of skewed where it connects so there has been talk and we looked at if we straightened that out or reconnect it differently. So that was an addition to show where we can go from here in the future in this area. Mr. Nicholson stated the following: We have been talking to the Town for about a year now related to public benefit. I don't believe any decision has been made but we have made it clear to the Town of Halfmoon that the applicant is willing to do public benefit associated with traffic improvements on the north or south ends of Plant Road and whatever you think is appropriate. The only other item that I would like to mention is that we did respond to the 2008 letter from CHA with documentation and I believe that they are in agreement with what we provided them and I also believe that the State Environment Quality Review (SEQR) information that we provided them they are comfortable with in terms of the answers to their issues and that a negative declaration may be appropriate if the Board deems it. Mr. Watts asked if anyone from the public wished to speak. Mr. Larry DeVoe, 82 Plant Road, stated the following: I was born right here on Route 9 in 1932 and I never thought that the Town would proceed to put us out of business if that was a possibility and I have expressed that before. This is actually what this proposed project will end up doing. I don't know whether you have the expertise that I have in farming and the aggravation that this is going to cause us and it is going to be the aggravation that is going to put us out of business. Right now four of our children are being supported by it besides my wife and myself. We were a century farm in 1996 so we are the fourth and fifth generation. It upsets me to think that we have been in this Town this long and that I have to come here to defend myself for my livelihood and my children's livelihood. There is a buffer and these people have tried their hardest to satisfy the Town as well as trying to help us with what they can. I will suggest that the buffer should be controlled by us and not by the development itself. There should be 40 FT deeded to our property that we can take care of because that would depend on the types of trees that are in there and as those trees mature and get bigger, they need to be harvested so that stays as dense as possible. The bigger the trees the less dense it is going to be. The left hand north corner would have to have something done to buffer that particular field as there are 5-acres up there that we farm. Right now it is all sweet corn and has been for several years. I have tried to find a way to work with the Town and the developer because

these people are good people. It isn't that they have tried to come in and run us out; I really feel that the Town has been responsible for this from day one. I don't know what else to say other than the fact that I really think that you need to take a real hard look at the amount of condominiums, apartments, townhouses and that kind of construction because you are getting way out of range with your percentage verses single-family homes. In my estimation there is no question about it and I have sat where you people are for 35 years so I have a little experience in that sort of thing. Other than that I don't know if there is anything else that I can comment on but I would hope that the Board would consider us in some fashion. I have said from day one that we can survive there with commercial development in there because that is not a problem. Why would the Town want to put this type of development in when the whole area from Route 146, down Plant Road and Route 9 is commercial and has been commercial for a long while? So, I don't quite understand why this is being considered. Mr. Nicholson stated the following: In response to Mr. DeVoe, he is right, we have been trying to work with him for a year and the one thing that I did fail to mention is that if there is a way that we can work this out with the Town, Mr. Farone has no objection to deeding all or a portion of this buffer strip to Mr. DeVoe if that will help. I know that we have had discussions with Mr. DeVoe and one of the reasons we looked at the 100 FT and not putting any houses backing up to this is that we can save that vegetation and with the spraying that goes on here then the vegetation is the buffer strip. We don't have an objection to deeding that over as long as it doesn't have to happen first and then there is a density reduction as a result of that. Mr. Watts asked if anyone from the public wished to speak. Mr. Nadeau asked Mr. DeVoe; where do you feel that you will be put out of business? Mr. DeVoe stated the following: Just from the aggravation because you are not going to be able to keep people out of there. That borders the whole north end of our farm and it is all orchards. There isn't anything that nthat an apple, especially young people and you just can't keep them out of there. I don't care if you build a fence there 50 FT high because they will go under the fence. All you have to do is talk to any orchardist around and the problems that they have. It has been all across the State especially where there are orchards. My reason for the ownership of the buffer is because I have seen these things developed before and once this is completed, it has nothing to do with these folks because they are going to do the job and do it right. But to try and talk with the HOA, most of the time you just want to talk to a wall. If they think they have to spend money to go in and put that fence back up or whatever, I have been where you guys are and I know the problems. Mr. Roberts asked Mr. DeVoe if the latest proposal that Mr. Nicholson made would help him out. Mr. DeVoe stated if this thing has to go through, I think that is about my only choice. Mr. Higgins asked isn't that the same section of property that is going to be deeded to the Town for the crosswalk? Mr. Nicholson stated no. Mr. Roberts again asked Mr. DeVoe if that would help him out if he were deeded that piece of property. Mr. DeVoe stated the following: It would help but I don't think we'll be in business that long. There is no other way for me to say it but down the road we will be out of business. When the wind machine runs there in the spring, you can't imagine the telephone calls and you can't imagine the aggravation of that many people being that close to it. There are times, especially if I run it early before we get much foliage on; they hear that thing a mile away. So you can imagine what it is going to be like when it is right next door to them. Mr. Watts stated the following: To that discussion point from a Town's perspective, it would be like somebody who moved in next to the Northway and waking up one morning and starting to complain about the traffic on the Northway or the increase in the traffic on the Northway. You have been there and you are doing your business and you are doing fine and I can't see any Town official or Mr. Polak saying to somebody "well geez, you can't run your wind machine" because that is not going to happen. Mr. DeVoe stated the following: That is not the problem. You cannot guarantee that because the next Board that comes along may think entirely different than this Board is thinking right now that is different from preceding Boards. So, in a sense shows that is not going to happen. Mr. Watts stated yes, times change and people change but we are

making this part of the record. Mr. DeVoe stated the following: I have people who climb over the fence or put a hole in the fence that would come and shut the wind machine off and then I lose my crop. We have started that wind machine as early as 10 o'clock at night and run it until 7:30 in the morning on a bad night and that is when we need it. This year we have had 5 frosts and they have been very light but one night we started them at 11:00am. I think it was almost 3:00am and it ran until 6:30-7:00am. You can believe me or not believe me but I'm just telling you that I had 25-acres in the back of Colonial Green and we are out of there and I had good people next to me and they couldn't control the people over in the next block. I know what I'm talking about and you can believe me or not believe me that is entirely up to you gentlemen. Mr. Watts stated it is not a matter of believing or not believing. Mr. DeVoe stated it is sad situation and if you want farming in the community you have to do something to help us. Mr. Watts stated okay. Mr. DeVoe stated if you don't, then there will be more development. Mr. Watts closed the Public Informational Meeting at 7:35 pm. Mr. Higgins asked if all the roads were going to be owned and maintained by the HOA. Mr. Nicholson stated yes. Mr. Higgins asked if the roads were all going to be built to Town standards. Mr. Nicholson stated there wouldn't be a 60 FT right-of-way but the actual pavement will be to Town specifications. Mr. Higgins asked if that would be sufficient for fire and emergency vehicles. Mr. Nicholson stated yes. Mr. Higgins asked if individuals would own the senior housing for ages 55+ or would they just reside in the condo? Mr. Nicholson stated I think they would own the condo. Mr. Higgins stated so in other words, somebody 55 or older can own it but they could rent it out to a younger family? Mr. Nicholson stated I don't think they could do that because of the HOA or condo association but there is language we could put in there that states that. Mr. Higgins stated I am just asking. Mr. Watts stated I believe that was in the sample Homeowner's agreement that was provided to us and also that issue was discussed at some meetings. Mr. Berkowitz asked Mr. Nicholson if they transfer that land to the DeVoe's what would happen to that walking trail? Mr. Nicholson stated the following: We could get rid of it or move it. We put it in there because it was a 100 FT wide treed area and it made sense to use as a pathway. Mr. Berkowitz stated that just encourages people to go toward the orchard. Mr. Nicholson stated right, but we can eliminate it. Mr. Berkowitz asked how about the northern buffer near the cornfields. Mr. Nicholson stated it doesn't have the same width because this is the first I heard about a buffer in that area and the setback that we have is just a normal property line setback. But we could widen that slightly and it doesn't make any difference to us if it is transferred because it is going to be owned by HOA or the condo association. If Mr. DeVoe owns it and he wants to maintain it, that is fine but we want to make sure that there was some ability if he owns this and doesn't maintain it; there is some ability to something with that. Mr. Berkowitz asked if this project does go through, could you actually put in deed language about the wind machine because that will wake them up. Mr. Nicholson stated we fully intend to and we've discussed that with Attorney Murphy and at some point she would be looking for the proposed deed language. Mr. Nadeau stated the following: Knowing the concerns of Mr. DeVoe; I think we need to look at this and try to protect him in a greater fashion than just what we see here. What the tools are, I'm not sure but I think if we put enough heads together, we need to try something a little extra for this project. I don't know if you notice the papers on the racetrack in Malta; Malta was there years before any development and I think they took them to court two or three times and lost but the point is those people knew that track was there when they moved and now they don't want it. Mr. DeVoe has been there forever and we need to protect that. Mr. Watts stated I agree completely. Mr. Nadeau stated I think there can be other ways or other things put in place and define that people are going to live there, but I think some other tool needs to be applied here to control that. Mr. Watts asked beyond the buffer and beyond deed restrictions? Mr. Nadeau stated yes, but I really don't know but with enough heads somebody should be able to come up with something. Mr. Watts stated I am just trying to think of what they might be; deed restrictions and deeding over the buffer because I don't know another one. Mr. Roberts stated the following: I agree with Mr.



Nadeau because I wasn't aware that this is going to affect Mr. DeVoe the way it is here. I think we need to look at this a little more. Mr. Matt Chauvin stated the following: I can't give you an absolute answer on that question without looking further and at that point I don't know if I could even give you an absolute answer. It depends on how far your language extended and in what direction. There are too many different avenues to go in and it would be very difficult to restrict someone's ability to litigate anything as regards to the surrounding properties. Mr. Nadeau stated if we have enough information listed with this project and whoever comes into it and they read this list of; you can't this, you can't this, you can't this, that has to have some impact. Mr. Matt Chauvin stated the following: A lot of this can be addressed by way of the deed restrictions and from what I'm hearing you probably want to see some of the proposed language before we start speculating as to what else needs to be added to it. I think that would probably answer some of these questions if we had a baseline that we are starting from rather than what if. Maybe we can ask the applicant for a little further development on that line and then we can look at it and I can give you a better answer. Mr. Watts asked Mr. Nicholson if they would be able to do that. Mr. Nicholson stated we could provide that to you in advance of the next meeting. Mr. Watts stated yes we would need it quickly in order to make a list. Mr. Berkowitz asked what would be preferred regarding the traffic at the southern end of Plant Road? Ms. Cimino asked Mr. Berkowitz if he was referring to the future growth scenario that we looked at? Mr. Berkowitz stated no, I'm talking about right now because the road is kind of beat up at and there are potholes where there could be a turning lane at the southern end of Plant Road. Ms. Cimino stated the following: Again the impact from this specific project didn't show the need for any turn lanes just because of this development. But the improvements that we did look at for the future scenarios were putting in turn lanes. We looked at just putting in a turn lane and then we looked at another alternative that actually had some access management on the eastside of the road where there are several driveways along there. Just utilizing that back access better than it is now because not only do you have vehicles trying to exit Plant Road you also have ins and outs there and there are a lot of conflicting movements going on. Mr. Berkowitz stated also in your previous study you said that the southern end was a level of service "B" but the northern end was adequate and asked what they meant by adequate. Ms. Cimino stated the following: I would have to check but the difference is when you look at a signalized analysis it gives you an overall intersection level of service. It takes all of your approaches and it boils them down to a rated level of service for your entire intersection. So, it is a lot simpler for a signalized intersection to say they overall operation is a level of service "B" because the software provides that. Mr. Berkowitz asked do you still grade non-signalized intersections? Ms. Cimino stated yes but what it does is it grades the movement separately. It doesn't provide accumulative one level of service for the intersection so it will tell you what your northbound approach is and your left turns. So, when we refer to that and I would have to look at the exact level of service is. Adequate operations is typically; for an un-signalize an "A", "B", "C", "D" is your preferred and a lot of times an un-signalized intersections in congested areas an "E" is something that is tolerated. Mr. Berkowitz stated before the light went in down at the southern end that was a level "F" and asked would that be adequate also. Ms. Cimino asked which intersection are you referring to? Mr. Berkowitz stated Plant Road and Route 146. Ms. Cimino stated basically your western leg of Old Plant Road and Route 146 the build levels of service are "A" for the left turning movements from Route 146, a level of service "D" from the Old Plant Road northbound approach and we also had included that there was a proposal that was on the table at the same time we did our analysis that was for a driveway right across the street. It was an office development so we had included that in there based on the background that the Town had asked to look at. Mr. Berkowitz stated that was also defeated due to traffic issues. Ms. Cimino stated the following: Right, so that wouldn't be a part of that, which if we re-analyze this that "D" could potentially be better. One of the things that we had recommended in this study was some modification to the recommendations that were proposed in that study. They had proposed a left turn lane into

their site and we said it would be better utilized to modify that area and to have a 2-way left turn lane because that way both sides of road can actually use that turn lane to stage turns when they are coming in and out of the development. Providing that left turn lane only into that other site would limit the people coming out of Old Plant Road to use that at all when they are exiting as well. That is one intersection in the AM peak hour. Adequate means that it is at an acceptable level of service and it means that the increase there would not be a drop in the level of service that was between our no-build and our build condition. We kind of summarize it that way because there is not a one-number or a one-letter grade that is pointed to when we look at uncivilized. Mr. Nadeau asked is there a current yield sign or a stop sign at the northern end? Ms. Cimino stated the following: At Route 146 on the west leg I believe there is a stop sign there. I think the only yield sign might be at Old Plant Road. Mr. Nadeau stated I believe the yield sign is at Route 146 East going towards Mechanicville and asked Ms. Cimino if she did the traffic study. Ms. Cimino stated the following: Yes, I did the report and I think they both have stop signs. The west leg that I was just talking about there is a stop sign and the east leg has a yield sign. Mr. Berkowitz asked if Ms. Cimino could recommend a stop sign there instead of the yield sign. Ms. Cimino stated the following: That is something that we could look at. Most of the traffic that is going to that eastern leg is taking a right turn at that location and you are not looking in both directions, you are looking at one direction so therefore the yield sign can be appropriate. Could it be changed or could it be recommended; we could certainly do that and I understand what Mr. Berkowitz is saying but when it is a yield sign it doesn't mean that you just roll through and go. Mr. Watts asked if that was a right turn only. Ms. Cimino stated the following: No, but what I am trying to say is because you have an east leg and a west leg; that is the reason why that is a yield condition and not a stop. The likelihood is that most people are taking a right at that location. Mr. Watts stated could you please look at the possibility of putting a stop sign there? Ms. Cimino stated yes we can look at that. Mr. Ouimet stated the following: I would like to revisit the southern end of Plant Road because I don't think Mr. Berkowitz's question was answered. Did you say that the traffic study indicates that even at full buildout of this project it would not require any changes to the southern intersection? Ms. Cimino stated that is correct. Mr. Ouimet stated Mr. Berkowitz indicated that right now that intersection is in disarray and this project hasn't even been approved and asked is there any consideration or are you giving any consideration to the need to make those improvements when and if this project is approved? Mr. Nicholson stated the following: As I suggested earlier, we know that there will be some public benefit associated with this because we understand the intersection issues on the north and south end Plant Road. We have tried from day one to try and get some kind of public benefit quantified with respect to traffic improvements. If in the wisdom of the Planning Board and the Town Board they feel that is appropriate, we are absolutely willing to consider that as the public benefit. Mr. Ouimet stated the following: I'm really asking for the wisdom and the benefit of the traffic engineer who did the traffic study. They must of looked at the condition of the intersections as they existed today. Ms. Cimino stated the following: Right and we absolutely did that. Like I said we have been out there and we re-studied everything because that was the one intersection that we had counted and found that a lot of times within a couple of years if we are doing a study we don't always recount everything. But we did go out and we looked at that intersection and found that things were changed up enough that we were not comfortable using our numbers from 2007. When we looked at these intersections specifically, we looked at queuing of vehicles and we took that all into account. We're out there, we're watching, we're counting and we are summarizing the information. We also have accident data that we collected and it is all in the study and it is summarized. This is included in the report and during those peak hours we were not seeing more than a couple of cars queuing on the Plant Road approach. What we look at is how it all flows through when the cycle is changing and how far are the cars queuing back as the cycle is changing. Then we look at our analysis and what is happening now and the changes that are happening with our project. What I said is the changes that

are shown on the analysis is that there is a couple cars difference of the queuing and that the signal is operating efficiently and effectively enough based on a level of service that the cars are going through there at the same level of service and that the delays are not being increased enough that that is actually going to drop. Mr. Ouimet stated the levels of service not withstanding, I think the characteristic of the intersection right now; it's current condition warrants you taking a hard look at it even if we were to approve one unit going into that area as opposed to a hundred. Ms. Cimino stated the following: We have said that that can be something that we implement as part of it. I know that CHA has looked at our assessment and did say in a letter that this project alone does not require mitigation and that CHA was in agreement with that based on the standards. Mr. Ouimet stated Mr. Higgins raised the question early on the proposed width of the proposed roads owned by the HOA and I think CHA had raised to you earlier on in one of their letters the issue of ownership of the roads as well as the easements; the public utilities easements and asked are they running through the roads and how. Mr. Nicholson stated the following: The public utilities would be installed along the edge of the road and in the road carriageway itself as they are on normal Town road and we will provide the necessary easements for that. To reiterate on the public benefit, we are waiting for the direction to participate in whatever the Town recommends. I keep suggesting that we recognized early on we think traffic is the issue. We can provide the Planning Board with the language by the end of the week and we will have Mr. Farone's attorney put that together. Mr. Farone has pointed out that he owns a number of condominiums that are for sale units very close to Route 9 in the Town of Wilton. Initially one of Mr. Farone's concerns was highway traffic sound going by and he sound proofed the walls that are adjacent to Route 9. When he is marketing those units, he has the sliding glass doors closed and there is not a sound issue from Route 9, but when you open the sliding glass doors there absolutely is a sound issue there. Maybe that is something else that we can look at as part of one of the conditions of these units to deaden the sound to the greatest extent possible. Mr. Berkowitz stated you should do that because it sounds like a helicopter in your backyard. Mr. Watts stated the following: I know we have discussed a lot about the nature of the business and the residential. I think the engineering items are pretty well covered and it is just a matter of some comfort level for the Board to say "okay here is what we are going to tell the people who may purchase this so we protect Mr. DeVoe from any issues with the people over there. I think given the 100 FT strip buffer met one standard and this is the second on. I do know that the issues at the southern end of Plant Road have been discussed with the Town Board relative to some improvements that might be made. Mr. DeVoe stated the following: I talked with Mr. Divino about it and I understand that they wanted it residential. I have 100 FT frontage that borders this and that borders Route 9 and I would negotiate if that were to be commercial and I would sit down and negotiate that as an entrance to Route 9 to relieve some of that from Plant Road but I can't do it with residential. Mr. Higgins stated the Town Attorney will need the HOA agreement to review. Mr. Matt Chauvin stated the following: At this point I don't know that we need that right this second. The more pertinent issue is the language for the deed restrictions and any proposal that you want to include. We will also need the language for the HOA as well. This is something that we will want to read in conjunction with that deed restriction at some point at the PDD level. Mr. Nicholson stated I will deliver the HOA language and the deed restriction language by the end of the week to the Planning Department.

This item was tabled for the applicant to produce the Homeowner's Association language relating to the existing practices on the adjoining property and for review of the public comment.

**New Business:****09.048 NB      Sunkiss'D, 222 Guideboard Road (222 Plaza) – Change of Tenant**

Mr. Steve Burke, the applicant, stated the following: Everything will remain the same; the tanning salon, the hair salon and the nail salon. It is just a change of ownership and everything else would remain the same. Mr. Watts asked Mr. Williams if there was adequate parking. Mr. Williams stated yes.

Mr. Roberts made a motion to approve the change of tenant application for Sunkiss'D. Mr. Berkowitz seconded. Motion carried.

**09.049 NB      R. Falco Insulation LLC, 11 Solar Drive – Change of Tenant & Sign**

Mr. Dean Taylor, broker with REMAX Park Place, stated the following: The owner of R. Falco is also present for tonight's meeting. Ms. Falco is an insulation contractor and she has 28 employees of which 20 of the employees are installers. This business is moving into 11 Solar Drive, which has a loading dock, and it also has a drive-in door. They store the material in the warehouse and in the mornings then someone would come in at 5:00 am, they set up the jobs for the next day. They have 20 installers but they typically work out of 8 to 9 trucks and those would be staggered in the morning as not to have any congestion. There would be 9 vehicles plus there would be approximately 5 to 6 cars parked at that site throughout the day. It is very similar to Central New York Electric Contractors that is right down the road. Mr. Watts stated the following: Mr. William has looked at the issues of the parking. Although the total number of the employees might lead one to believe that we have parking issues based upon the information that you provided to us, we won't have issues and asked if that was correct because the employees are not all going to be working in the building. Ms. Falco stated yes sir that is correct and yes some of the employees are going to working in the field. Mr. Watts asked if they ever had all the employees in for a staff meeting or something? Ms. Falco stated Friday's on payday they just come in to get their check. Mr. Taylor stated the following: The installers pretty much live on bus routes and they actually meet at Ms. Falco's Cohoes facility and at least 2 and up to 5 people car pool together. If they did have a Christmas Party meeting I believe there is a total of 9 vehicles and then there might be a few other vehicles but it won't add up to more than 20. Mr. Higgins stated there have been problems up in that area with too many cars and people parking on the street and roads. This has caused traffic problems and that is why we want to make sure that the applicant understands that parking on the streets up in that area is not allowed. Ms. Falco stated I understand. Mr. Watts asked Ms. Falco where she is located at this time. Ms. Falco stated in Cohoes and we are expanding. Mr. Roberts stated the sign would be 4 FT x 5 FT, wall mounted above the front entrance and it is not illuminated. Mr. Taylor stated there is currently an AGM sign on the main entrance and the R. Falco sign would be perpendicular to the AGM sign and it can be seen from road. Mr. Roberts asked if it would be a freestanding sign. Mr. Taylor stated yes. Mr. Watts wished the applicant good luck and asked that they advertise as being located in Halfmoon.

Mr. Roberts made a motion to approve the change of tenant and sign application for R. Falco Insulation, LLC. Mr. Nadeau seconded. Motion carried.

**09.050 NB      The Hudson River Tractor Company, LLC, 1917 Route 9 – Change of Tenant & Sign**

Mr. Ron Davis, the applicant, stated the following: I am one of the owners and we are purchasing Clifton Park Lawn & Leisure up on Route 9. We would like permission for a change of tenant. We see no substantial change in the operation of the current business that is located there. Our current employees are all staying with us and we have about 14 employees. The current owner is actually

going to stay on with us and work in sales. We formed Hudson River Tractor Company in 2005 with myself and Davis Tractor and Turf in Chatham, NY and my partner is at K.C. Canary in Fultonville. We formed Hudson River Tractor and have expanded and we currently have six locations. We also would like to change the sign out front. Currently there are two 4 FT x 7 FT signs stacked on top each other with no true John Deere logo, which we would need to keep our status as a gold star dealer as it is one of the criteria that we need. I have submitted a picture of a 4 FT x 4 FT that is just the John Deere logo and we would like to take the old sign down and put that new sign up. We would also like to change the front façade of the building that currently says Clifton Park Lawn & Leisure and we would like to install Hudson River Tractor in our logo. I looked at the square footage and I apologize because I really didn't look at the current sign regulations but the freestanding sign out front should be about 56 SF and if you look at just one side of it, we would reduce that to a 4 FT x 4 FT sign so we would go down to 16 SF. Currently the front of the building has about 48 SF of signage on the Clifton Park Lawn & Leisure sign. The logo would be 30 inches tall and the letter underneath it would be 9 inches tall so when you space it all out we would have about 54 SF. The sign would be 160 inches long and about 4 FT high. Mr. Watts asked Mr. Williams and Mr. Roberts if the proposal is okay. Mr. Williams and Mr. Roberts both stated yes. Mr. Roberts stated the freestanding sign is going to be same height as the existing sign and no higher. Mr. Davis stated Mr. Williams and I discussed that and I don't think we can go much higher because I think there are some utilities that run fairly close to that. It is not right under the freestanding sign but I think we could keep it the same height, which I think is around 16 FT. The post we have right now is higher than that but we would adjust that. Mr. Watts stated I know that it used to be called Clifton Park Lawn & Leisure so please use in your advertising; Hudson River Tractor Company of Halfmoon.

Mr. Nadeau made a motion to approve the change of tenant and sign application for The Hudson River Tractor Company, LLC. Mr. Berkowitz seconded. Motion carried.

**Old Business:**

**09.043 OB      The Fairways of Halfmoon, 17-19 Johnson Road – Addition to Site Plan/Special Use Permit (Golf Cart Storage Building)**

Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am representing the Fairways of Halfmoon in their request for a special use permit for a golf cart storage building. This is a continuation of the other 2 meetings on this proposed addition. At the last meeting Mr. Tanski requested to table everything until the members of the Planning Board could go to the site and physically look at the situation. The mapping that you have now is a result of the information that was filtered down to us as far as comments from the Board members that did walk the site. The proposed building has now been shifted approximately 50 FT along the line to the north with the same distance off the line. We are also proposing to add a berm on the southerly side approximately 3 FT high with arborvitaes for screening purposes. Mr. Berkowitz asked if the fire department requested a road for emergency access for the proposed for this building? Mr. Tanski, the applicant, stated the following: According to the fire department, we have to put a driveway 20 FT wide to within 150 FT of the farthest point and then we can narrow it down to like 6 or 7 FT. Mr. Berkowitz asked what does that consist of as far as the turn. Mr. Tanski stated we would basically do it the same way that we did the parking lots and everything in the golf course. Mr. Higgins asked where would that road go? Mr. Tanski stated we would probably come off the blacktop and run it to within 150 FT at the end because according to Code Enforcement the road has to be 150 FT from that point and then we can narrow it down to 6 or 8 FT. Mr. Higgins stated I guess I misunderstood because when I was out there I thought we were talking about where the four stakes were and you were going to move them to the start on the back set of the stakes heading north. Mr. Tanski stated the following: We can do

whatever you want. Mr. Higgins stated I am just asking what is proposed. Mr. Tanski stated we propose moving it 50 FT from the line and putting in a berm of arborvitaes. If you want us to move it down farther we can. Mr. Higgins asked where were the stakes that we all looked at? Mr. Tanski stated they were up by the property line and half way down through this building. Mr. Higgins stated so you move them down 50 FT but are you still roughly 50 FT from where the berm ends on the southern end? Mr. Tanski stated I think it is a little bit further than that; it is more like 75 to 100 FT. Mr. Berkowitz asked what types of trees are behind the building. Mr. Tanski stated the trees are a combination of both deciduous and evergreens. Mr. Berkowitz asked if there was a way to block that a little bit more? Mr. Tanski stated the following: We can put some evergreens along in there. The property line runs through the trees and about 10 FT of the trees belong to me. We can add some more if you would like. Mr. Watts asked would it work? Mr. Tanski stated the following: I don't think it would make that much of difference because we don't plan on putting in any windows in the back of the building. The copy of the building plans are basically is what we want to put there. It is like a carriage house. Mr. Nadeau asked what is the height of the berm on the northern end. Mr. Tanski stated it is probably 20 FT. Mr. Nadeau stated you have proposed a 3 FT high berm and can you bring that height up a little bit? Mr. Tanski stated we can bring it up to 5 or 6 FT or whatever the Board wants. Mr. Nadeau asked if the roof of the proposed building would be green? Mr. Tanski stated correct; so the roof would blend in with the evergreens and everything that is there. Mr. Ouimet asked the height of the proposed building. Mr. Tanski stated the walls would be 8 FT and then there is a 4 FT height on the peak of the roof to give it the carriage house look. Mr. Nadeau asked if you have a 5 or 6 FT berm and with that as well as with the arborvitaes you are not going to see a lot of that building. Mr. Tanski stated the following: That is going to get you up there about 10 to 12 FT and no you would not see a lot of the building. With having this building down near the berm, you are not going to see it at all. I know you can't see it from Mr. Micklas' house and you might be able to see a little bit from Mr. Hopeck's house but with the berm there you won't see it at all. Mr. Nadeau stated that was my concern with the berm and if you raise that up, it will protect him more on the end. Mr. Watts asked Mr. Nadeau what height the berm should be. Mr. Nadeau stated 6 FT. Mr. Tanski stated 6 FT is fine and that is not a problem. Mr. Watts stated one of the issues was the hours of operation. Mr. Tanski stated the following: When we have a tournament, we set the tournament up the day before so we won't go near that building before 7:00 in the morning if the Board is happy with that and we won't go near that building after dark because there is no need to. Anybody that golf's knows that once dark comes, you can't golf. Mr. Watts stated the following: I want to make sure of the hours of operation of the building. You can't golf but you could be running carts late. Mr. Tanski stated correct; I would say 7:00 in the morning until 8:00 at night if the Board is comfortable with that. Mr. Berkowitz stated you mentioned that you move the carts out the night before. Mr. Tanski stated we move them out the afternoon before. Mr. Watts asked so if we said 8:00 am, would that matter to you? Mr. Tanski stated 8:00 am to 8:00 pm is fine. Mr. Higgins stated as far as the months of operation it would be strictly when the course is open. Mr. Tanski stated the following: Right, which would be basically April 1 to November 1. We don't have any tournaments after November 1 so the carts would be put away until April. We have no tournaments in the beginning of April so basically those carts wouldn't get used until about the third week in April. Mr. Nadeau asked if the Board needed to see the emergency access road on the map? Mr. Watts stated the following; Yes and that road has to be constructed in accordance with the State Building Codes. When the building permit is issued, make sure that you show on that plan that the roadway would be built in conformance with the State Codes. Mr. Greg Stevens, Director of Code Enforcement, has already talked to Mr. Tanski about that and pointed out that the fire department has brought that up also. Make sure that the road has adequate fire access and if it doesn't because of the positioning of the building, the building would have to be moved. Mr. Tanski stated Mr. Stevens said the road would need to be 20 FT wide and 150

FT from the farthest point so we do recognize that. Mr. Watts stated you can't be more than 150 FT from where the fire truck parks and it has to be able to turnaround. Mr. Tanski stated it has to be 150 FT from the farthest point of the building so that means that we have to consider this the farthest point of the building to be within 150 FT at that point.

Mr. Roberts made a motion to approve the addition to site plan/special use permit for the golf cart storage building for The Fairways of Halfmoon contingent upon a 6 FT berm to be installed with trees on the south side of the new building, the hours of use are limited to 8:00 am to 8:00 pm and a new site plan is to be submitted to include these conditions as well as the emergency access road according to the State Fire Code requirements. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the June 8, 2009 Planning Board Meeting at 8:23 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Department Secretary