

Town of Halfmoon Planning Board

July 27, 2009 Minutes

Those present at the July 27, 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

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the July 27, 2009 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the July 13, 2009 Planning Board Minutes. Mr. Roberts made a motion to approve the July 13, 2009 Planning Board Minutes. Mr. Higgins seconded. Motion carried. Mr. Berkowitz abstained due to his absence from the July 13, 2009 Planning Board Meeting.

Public Hearings:

08.059 PH Werner & Searles Subdivision, Werner Road – Major Subdivision

Mr. Watts opened the Public Hearing at 7:01 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. Paul Pipino for this subdivision. This property lies on the easterly side of Werner Road just north of the intersection with Willowbrook Terrace. The applicant is proposing 8 new lots and green built homes on those 8 lots. Mr. Paul Pipino the builder is a Certified National Association of Homebuilders green builder and his intention is to build the first certified green built subdivision in this area. There are a number of criteria and Mr. Pipino had submitted an overview of how he intends to approach this project. Currently the property is vacant land and there are New York State Department of Environmental Conservation (NYSDEC) wetlands along the southerly portion and the easterly portion of the project. There would be protected area and generally the 100 FT buffer all along the southerly and easterly portion. Also that area would be delineated with a split rail fence post or something at the corners of where the lot corners meet that setback line and that would be a

preservation area. The project would be connected to public water, which is on the westerly side of Werner Road and the sewer connection is at Willowbrook Terrace and would be a gravity connection down to a manhole right across Werner Road from the connection at Willowbrook. The property generally slopes from north to south toward the wetland and there would be some on-site grading but that would be kept to a minimum to go along with the green concept. A portion of the lots would be graded and the remaining vegetation would be left natural and it would be preserved in its natural state. The road consists of a stub road that would be 700 FT in length. On the subdivision plan there is a temporary turnaround. It is intended that if the owners of the property to the north wish to extend this road, it would be dedicated to the property line so that can be extended in the future. If the landowners to the north wish to extend the road and if they meet the Town specifications for doing that, this would require a separate application by those landowners. CHA has reviewed the plan and I believe on the preliminary basis CHA is satisfied with Lansing Engineering's responses to their comments and we are here tonight to seek preliminary approval if the Board sees fit. Mr. Watts asked if anyone from the public wished to speak. Mr. David Taylor, 83 Werner Road, stated the following: I have concerns with my boundary line and I would like to have some kind of a fence or something put up there. I have a concern with new neighbors and I have lived here since 1962. My concern is the new neighbor's dogs or cats coming through my property and I just don't want any conflict of interest with the new neighbors. I would appreciate it if there was a chain link fence or some kind of barrier between the properties. Seeing as the sewer line is going to be so close to my home is it possible that I could hook up to it because it would be less than 150 FT away? Mr. VanGuilder stated there would be a manhole in the middle of the street near the intersection. Mr. Taylor asked when you run the line through for those houses you have to get down that road. Mr. VanGuilder stated yes it does go down the road. Mr. Taylor stated I know where it starts but it is so far away they would never come up the road to our house and I thought that if it was possible with the sewer line being that close to my place, which is less than 150 FT away, would it be possible that I could be hooked up to it even if I have to pay for it myself? Mr. VanGuilder stated with the property engineering you could investigate the possibility of a connection but that is as close as the project is going to bring it to your property. Mr. Taylor asked couldn't I go right up that property line between that first and second house? Mr. VanGuilder stated the following: It may be possible that an easement could be worked out to come down along the other property line and tie into that manhole. I think that is something you could discuss with Mr. Pipino but he doesn't own the property yet. As Mr. Pipino moves forward with the process, you could possibly discuss with him getting an easement along the property line. This is something that would have to be done at your own expense. Mr. Taylor stated that is fine as long as I have your permission. Mr. Robert Searles, Lower Newtown Road, stated the following: I own the property across from this project. You mentioned about the sewer and I want to bring to the Town that why isn't it run all the way up the road? It stops at the bottom of the road and you have people that live up on that hill that can't get any sewer and can't get any connection to it. Mr. VanGuilder stated the sewer in Saratoga County generally is owned by the County and it is extended on a project-by-project basis and there is no Town-wide ownership. Mr. Searles stated there are projects on both sides of the hill. Mr. VanGuilder stated but it is owned by Saratoga County Sewer not by the Town of Halfmoon so the County is the one that would have control over that. Mr. Watts stated the following: What happens is, as Mr. VanGuilder explained to Mr. Taylor; the builder, in order to get sewer to their project, runs the lines but the Town does not have authority to have them run the lines further up the road. It may occur some day and this is essentially the same with water and that is how it happens. Mr. Bianchino stated the following: Between what you said and what Mr. VanGuilder stated, you have covered it. In a subdivision the Town really doesn't allow us to require the extension of utilities for a subdivision. Mr. Nadeau stated I understand the situation because I am located about 1,000 FT from the treatment plant but I can't get sewer. Mr. Searles stated the following: My concern is the water

and not just the water being run; it is with water coming off the hill. Water comes off that hill in front of Mr. Taylor's house. There used to be a gully that was cut that used to drain the water from behind his house. I know that gully is not cut there anymore and if the builder puts his road in and starts blocking everything that is supposed to be running off that hill, that could be a concern. Mr. Bianchino stated the following: We will look at it in more detail with the final plans but I don't recall the situation on the hill with the drainage. Mr. VanGuilder stated the stormwater management area is in the middle and the drainage is being run from the front of the site to the rear of the site and then down. Mr. Bianchino stated everything on-site is handled on-site and the question that the gentleman is asking is regarding the existing drainage along Werner Road. Mr. VanGuilder stated right now it looks like the drainage is going from the high point on the site and the water is being picked up and is being tilted back to the stormwater basin. Mr. Searles stated the following: There is a gully that is not always open but in the springtime the water pockets up at the top and comes out and comes through Mr. Taylor's house underneath a culvert and comes out at the bottom. It actually comes across the property and down. When you put houses here, now you are going to block it and you will make the water either come to the road or you are going to block it back up on Mr. Taylor's property. Mr. VanGuilder stated the way this would be handled is that the water would be directed along the property line and it would be picked up in the catch basins. Mr. Searles stated but you are going with a swale that is at a certain height and that water comes from underneath the ground and comes back up. Mr. VanGuilder stated I am sure that CHA will pay attention to that. Mr. Watts stated we want to make sure when the project is built and if and when it gets its final approval, that they take a good look at that to make sure because we don't want, and I'm sure the builder doesn't want, people having homes in a development where there is a drainage concern. Mr. VanGuilder stated maybe there could be the installation of an under drain that would pick up the ground water. Mr. Watts stated we will make sure that our Town Engineer's look at that. Mr. Mike O'Connor, 74 Werner Road, stated the following: I think my home is right across the street from this project. How big are the lots and how big are those proposed houses going to be? Mr. VanGuilder stated the following: The smallest lots are just a little over 20,000 SF, which is the minimum lot size when you have public water and public sewer. The lots in the rear are a little over an acre in size and some are about $\frac{3}{4}$ -acre in size. Generally the lots towards the front of the subdivision are about a $\frac{1}{2}$ -acre. Mr. O'Connor stated you mentioned that there would be a natural buffer on Werner Road or open space and asked what is that going to look like? Mr. VanGuilder stated the following: I don't believe I mentioned anything about the rear of the property. Along the southerly side and the easterly side there would be a land preservation area where there would be restrictions against any cutting of the vegetation or grading. As you can see on the plans, all the grading limits are outside of the 100 FT buffer and that is meant to promote that green design concept that Mr. Pipino is trying to adhere to here. Mr. O'Connor asked during construction what kind of interruptions on Werner Road should we expect? Mr. VanGuilder stated the following: On Werner Road the only work that will occur within the right-of-way will be the water connection, which would be about a days work. Running the sewer line down and across to make the connection should have minimal disruption of the traffic along Werner Road because almost all of the work is happening on-site. Mr. Watts closed the Public Hearing at 7:19 pm. Mr. Higgins stated the following: What is the square footage for Lot #4 with the turnaround in there? In my personal opinion if you have a turnaround there that is a road, that is not part of the lot. Mr. VanGuilder stated at this point in time the thought behind it is that it will be an easement to the Town not to be titled ownership to the Town. Mr. Higgins stated it doesn't make any difference because it is still cutting that lot in half. If you are going to put a restriction on that lot that says that nothing can be built there until the time that that road is put through, then I don't have a problem with that. But having a lot where you are taking half of the square footage for a turnaround you are not meeting the 20,000 SF requirement because it is an easement. Mr. VanGuilder stated an easement does not diminish the

square footage of the lot. Mr. Higgins stated it doesn't make any difference because it is still pavement and it is still a Town road that is being utilized. It is not the full size lot; it is half of a lot. Mrs. Murphy stated the following: I would have to look at the setbacks, etc. but because the Town does not own it, it is still considered part of the parcel. So you don't from a minimum square foot standpoint delete any portion that is encumbered by an easement. Now I don't know with regards to the setbacks; I assume all that has been looked at. Mr. Higgins stated the potential exists that that could be there forever. So, we are looking at a lot that is half the size of what is normally approved for 20,000 SF because when you take all that area there for the turnaround it is obvious that this would potentially never be used. Mr. Nadeau stated it looks like it could actually be less than half of that. Mr. Higgins asked who is going to own that piece directly across from that where the stormwater retention basin is going to be? Mr. VanGuilder stated I believe that that would be constructed to NYSDEC standards and it would be conveyed to the Town of Halfmoon as part of the infrastructure for this subdivision. Mr. Higgins stated the following: Is the Town going to want that big of a piece? Generally the Town would take the area and the accessibility to it. Mr. VanGuilder stated the plan showed a gravel access road being built upon to provide access for maintenance of the road. Mr. Higgins asked how much of that area is actually going to be used for stormwater retention. Mr. VanGuilder stated the following: Roughly half of it. It is a lot set aside for only stormwater management and it is not a buildable lot. Mr. Higgins stated but the backside of it is uplands. Mr. VanGuilder stated yes a portion of it is uplands and it is in the 100 FT buffer of the NYSDEC wetland. Mr. Nadeau stated in reference to Mr. Higgins' comment on that cul-de-sac; why wouldn't you have put that toward the end of the road, why did you put it off to the side of it and why wouldn't you have centered it there instead of using up that whole lot with 50/50 on each side of that road? Mr. VanGuilder stated the following: The engineers looked at it and it could certainly be centered on the end of the road and that would minimize the impact to this lot. It wouldn't change the length of the permanent road at all. I think that is a good suggestion. Mr. Bianchino stated the following: I think that is worth a try to center it more. We will take a look at that. Anytime you do those temporary cul-de-sacs offset to one side that ultimately would change one lot. In this case because of the odd angle, it may make more sense to do it in the center. That would affect more lots but I think it would work better in the long term. Mr. Watts stated then that would make that other lot more conforming and then that is not a conforming lot if it is taken out of the equation. Mrs. Zepko stated but that is not something taken out of the equation. Mr. Watts stated the following: If that is the case then that is not an issue. Then that would count for the 20,000 and asked Mrs. Murphy if that was correct. Mrs. Murphy stated the following: It would count for the 20,000 as far as the square footage of the total lot. As far as all of the setbacks that are required, if you are saying that you are going to pave that I don't know and I would have to look at it further. I am also concerned about one of the biggest lots and asked if the entire lot was for stormwater. Mr. VanGuilder stated the following: Yes, part of the lot is the stormwater management area. The other part of the lot is in the NYSDEC 100 FT buffer and lately the NYSDEC has been discouraging the use of the buffer for active stormwater management. So then the water would be released into the buffer for any overflow out of the basin but there is no active part of the basin in the buffer. Mrs. Murphy asked and your proposal is to turn the entire lot over to the Town? Mr. VanGuilder stated yes. Mr. Bianchino stated the alternative is to land lock the back piece to tie it into one of the adjoining lots. Mrs. Murphy stated this is just a difference in thought, but for the stormwater management area you have an easement for the Highway Department to go in and maintain it but you split that lot down the middle and adjoin it to the neighboring proposed parcels. Mr. VanGuilder stated he would look into that issue. Mr. Watts asked if Mr. Lansing was the engineer for this project and asked if he was present for tonight's meeting. Mr. VanGuilder stated yes Mr. Lansing is the engineer but he is not here tonight. Mr. Watts stated the following: I don't think we are prepared at this point to take any action. We have heard what the concerns of the Board were. Mr. VanGuilder asked does the Planning Board have

a preference as to a maintenance easement to maintain the basin or ownership of the basin? Mrs. Murphy stated you could check with the Highway Superintendent to see what would be his preference at the appropriate time. Mr. Bianchino stated the following: We have gone both ways in the Town and I think lately we have done it in fee title but in the past I think we have had stormwater management areas that are maintained via an easement. I think the Board would prefer that in this case. Mr. VanGuilder stated with the NYSDEC regulations the infrastructure for the basins have gotten larger and that is probably what drove it to put it on a separate lot. Mr. Watts stated we will let you guys work on that and then you can get back to us. Mr. VanGuilder stated we will work on the temporary turnaround at the end and the issue of the stormwater management basin. Mr. Watts stated also there is Mr. Taylor who wanted the fence. Mr. VanGuilder stated the following: We will take a look at the existing vegetation and what we can do for a buffer along there. I understand Mr. Taylor's concern about pets and things like that but people have to contain their pets on their lots. Not everyone wants to have a fence but people will chose to keep their pets inside or keep them on a leash or whatever. Mr. Watts stated Mr. Taylor asked a question and I am asking you to look at it as to whether or not there is some kind of fence that could be put up there. Mr. VanGuilder stated we will look into that. Mr. Higgins asked if it was appropriate to also ask for a note on the drawing for potential individual sewer tie-in along the property line. Mrs. Mruphy stated I would say that that is something they have to handle directly with the individual property owners.

This item was tabled for the applicant to review the public and Planning Board comments in regards to a buffer, cul-de-sac and stormwater management area.

09.055 PH Etheric Creations, 11 McBride Road – In-Home Occupation

Mr. Watts opened the Public Hearing at 7:30 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mrs. Rosemary McBride, the applicant, stated the following: I live at 11 McBride Road and I would like to open a craft business consisting of sewing and quilting for customers. The business would consist of clients dropping off quilts to be finished or they would come in to discuss plans for a sewing project. The meetings would be by appointment. There is parking available for approximately 5 cars. Inventory for projects would at times come through the mail. The room I have for this business is approximately 460 SF and I would be the sole employee at this time. Mr. Watts asked if anyone from the public wished to speak. Mr. Ron Czajkowski, 39 McBride Road, stated the following: My main concern is safety. Mrs. McBride claims they have room for 5 vehicles and I believe they have close to 5 vehicles in their family right now. It is a very hard driveway to pull out of and there are many times that I have seen people visiting them that are parked not even off the highway. They park right on the highway and it is sort of on a curve right there. When people get done with those baseball games and those soccer field games and the traffic is coming the other way and you are trying to get up the road, you have to actually pull over to get around those parked cars and there is traffic coming from the other direction. If it is at night, you don't see the car headlights because of the slight curve in the road and the car headlights are shining on the vehicle that is parked there. So when you pull over, you don't see until you are almost along side the car parked on the highway. I have no regrets with them starting any kind of a business but my main concern is the safety aspect of it. Mrs. McBride stated the following: Once in a while cars might park out in front when people come but it is not very often. Also, one of the cars that is parked in our driveway is going to be sold. The car belonged to my father who passed away. My kids have cars but they are not always there and like I said this would be by appointment. It is not going to be like there are 100 people coming. It would be one person at a time. Maybe they should put a speed limit on the road because with the softball fields there are a lot vehicles that come down there and they do travel fast and I can't do anything about that. Mr. Watts stated I believe that McBride Road is one of the roads that we have

asked the Sheriff's patrol and the State Police to add patrols on and asked is that 55 mph there? Mrs. McBride stated no I don't think it is 55 mph but I don't know if there is even a speed limit sign there. Mr. Watts stated I know there are some roads where there weren't signs. Mr. Czajkowski stated there is a posted 30 or 35 mph sign on that road. Mr. Polak stated I think we should make this conditioned on no on-street parking. Mrs. McBride stated the following: I wouldn't want customers to park on the street. I have had people come to visit me and they just don't pull in the driveway because they don't want to block anybody in. My visitors could pull in the driveway. Mr. Watts closed the Public Hearing at 7:34 pm. Mr. Higgins asked do you have room to increase the size of the driveway. Mrs. McBride stated the driveway is pretty long. Mr. Higgins asked if it was a single driveway or a double driveway? Mrs. McBride stated it is a single driveway but we pull the cars in so they are at an angle so there is room to pull by the cars. Mr. Nadeau stated Mr. Czajkowski stated there were already 5 cars parked in the driveway. Mrs. McBride stated there are 5 cars right now but one is going to be sold. Mr. Nadeau stated the following: So there are 4 cars right now and we would be allowing for 5 cars. So if you have 5 customers come where are you going to put those cars? Mrs. McBride stated the following: I wouldn't have 5 customers come in at one time because I couldn't deal with 5 customers at one time. I said I was going to do it by appointment because I couldn't deal with 5 customers all at once. It would be one person at a time. Mr. Watts stated the following: In your application it states "Appointments would be scheduled one at a time so as to give customers the appropriate service required. Times would be scheduled to keep clients spaced apart. There is parking available for approximately 5 cars", but you have 5 cars now. Mrs. McBride stated the following: But they are not always there; my husband works, my kids go to school and I have one son in college. My son is home from college but he is going to be gone and this is his last year of college so his vehicle won't be there. I haven't got this business up and running totally right now, it is going to take me a while anyways. My other son is senior and he'll be off to college so that car probably won't be there either. Mr. Watts stated the following: Watch the parking. If the parking becomes a problem because of the nature of that business, this is a special use of this site and we can revoke it if there are any problems.

Mr. Higgins made a motion to approve the In-Home Occupation for Etheric Creations contingent upon no on-street parking and no more than 5 cars may be parked in the driveway at one time. Mr. Ouimet seconded. Motion carried.

09.058 PH Sandy Rock Subdivision, Dunsbach Road – Major Subdivision

Mr. Watts opened the Public Hearing at 7:37 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Steve Lamb, representative for Mr. Ray Dahoda, stated the following: I am representing Mr. Dahoda in a major subdivision between Beach Road and Dunsbach Road. The only outlet is onto Dunsbach Road and during the review of the project by other agencies the archeological people found an archeological site that was not to be disturbed. That involved us revising the road instead of coming straight out and putting a curve in it and making some minor adjustments so that the appropriate impact on the wetlands was minimized. As a result, we are going to end up with a parcel that involves 2 sides of the road that will be retained by the developer, which is Mr. Ray Dahoda. During this process the Army Corp. of Engineers (ACOE) asked us to subdivide out this one parcel to eliminate any issues with the State Historic Protection Preservation Office (SHPPO) over the preservation of the historic site and that is why we are here tonight for the subdivision of one parcel. The revision mainly is to the road. Instead of having the appropriate 125 FT, we significantly reduced the impact because of the required shift in the roadway to avoid the archeological site. Mr. Watts asked if anyone from the public wished to speak. Mr. Paul Fedden, 51 Dunsbach Road, stated the following: I have issues; is the house going to be torn down or is it going to stay there. Mr. Lamb stated the house is going to remain there because of the archeological review. Mr. Fedden asked what

happens when the basement caves in or out? So, the house is going to stay and asked how old is that house? Mr. Ray Dahoda, the applicant, stated it is about 110 years old. Mr. Fedden stated the following: The house is not in great shape and it is an eyesore but you are going to leave it there now so it is just going to be around. Before I believe the road was going to be in front of my total property line and I thought the road couldn't be put over here for some reason; like water or something. Why can't the road run straight up this field instead of right on my property line? Mr. Lamb stated the following: That is because of the archeological site that was identified during the study. The issues that you had previously brought up I thought we had addressed like putting plantings and so forth along the right-of-way. Mr. Fedden stated the following: Now we changed this and instead of coming straight in and I was getting 150 FT buffer with trees on it here. Now what about the cars coming this way? I don't think the buffer is long enough. Mr. Lamb stated we could meet with you and address that. Mr. Fedden stated the following: Okay I think we need to address that. My other question is; the blacktop goes in first before any building, am I correct? Mr. Lamb stated yes, but probably not the complete blacktop but at least the binder. Mr. Fedden asked when does the road get dedicated to the Town. Mr. Lamb stated prior to the issuance of a building permit. Mr. Williams stated they get one Certificate of Occupancy (C.O.) and then after that the road has to be dedicated to the Town before the second C.O. is issued. Mr. Fedden asked so one house? Mr. Lamb stated they allow you to build one house. Mr. Fedden stated the following: I believe in my letter I have been talking to the Town about getting an easement to hook into this road. They cannot put this berm here until I get that easement because that covers my existing driveway. Mr. Watts asked what Town have you been talking to and who? Mr. Fedden stated you people. Mr. Watts asked to who? Mr. Fedden stated Mr. Williams and I understand that I have to apply for curb cut but I am wondering how this timing would work. Mr. Lamb stated we offered that and I talked with Mr. Williams about that also. Mr. Williams stated once the road is dedicated to the Town and the Town accepts ownership of the road. Mr. Fedden asked so that's the first house built or just okay you can go ahead and build it? Mr. Williams stated the following: You have the right to utilize the road once it is dedicated to the Town. It can be dedicated to the Town at binder, which is the first course put down. The builder can wait to put the top course on the road until the project is pretty much built out so they don't have construction vehicles running up and down the road. As soon as the Town has ownership of the road and everything is finalized with the County, you have the full right to utilize that public right-of-way. Mr. Fedden stated I have never applied for a curb cut before and asked how long does something like that take? Mr. Williams you would have to obtain the curb cut through our Highway Department once the road is dedicated to the Town. Mr. Fedden asked what is the time issue. Mr. Williams stated the time issue is that the road has to be constructed and then the road would be dedicated to the Town. Mr. Fedden stated I have no idea how long this takes. Mrs. Murphy stated it is usually very quick but it would depend and this Board cannot guarantee you that it will be within 2 weeks or within 2 months. Mr. Fedden stated I was just looking for a general idea. Mrs. Murphy stated it is usually very quick. Mr. Berkowitz asked Mr. Fedden if he said he didn't want the road there but yet you want to hook into the road? Mr. Fedden stated I wish the road wasn't there at all but since it is on my property line, I'm talking 150 FT of grass and blacktop, which is almost the whole length of my property, yes I want to hook into the road. Mr. Higgins asked if that was part of the original approval. Mr. Lamb stated I believe it wasn't because we were trying to eliminate curb cuts or reduce curb cuts. Mr. Higgins stated I think the question is that you said that is where the berm or the buffer is going to go and it is where your presently driveway is, so you wouldn't have access to your house. Mr. Lamb stated the access could be easily developed. Mr. Higgins stated the following: Right, but I think what Mr. Fedden is saying is you can't put the buffer in until he has access to that road because he wouldn't be able to get in and out of his property. So, I think that is the time frame that he is questioning is at what point would he be able to get access to that new road and then the buffer could be constructed because it

goes over his existing driveway. Mr. Lamb stated the following: The buffer does not go over his driveway; it is adjacent to his driveway. The way that it was designed but we will make any provision that he wants for access. Mr. Ruchlicki asked does Mr. Fedden's current driveway exit onto Dunsbach Road because all Mr. Fedden is really concerned about is the section of proposed road from your development that will eventually become road frontage in the Town of Halfmoon? Mr. Lamb stated yes. Mr. Ruchlicki stated and as far as the berm is concerned, that is something that you will have to negotiate with them as they are constructing that so that it doesn't impede your access to that road frontage that they are actually going to develop once that is turned over the Town. Mr. Lamb stated we have no problem in accommodating this. Mr. Fedden stated I don't have a problem; I am just looking for a time frame. Mr. Ruchlicki stated that is something that you will have to negotiate as they develop that because they don't have a time frame either. Mr. Watts stated they will buildout this development and the road as it goes on. Mrs. Murphy stated but they will agree not to block your access. Mr. Ruchlicki stated and they have already been in negotiations with Mr. Fedden over the buffered area anyway. Mr. Lamb stated we can meet with Mr. Fedden and he can tell us where he wants it and we will provide it. Mr. Berkowitz stated Mr. Fedden wants them to build this, he will be there and he can discuss the time frame with them. Mr. Higgins stated the following: I think that part of the question here is that they build the road, they build their single model home and at that point the road has to at least be in binder and dedicated to the Town before they get their second C.O. He can then access it with an appropriate curb cut approved by the Town's Highway Superintendent. At what point would that buffer then have to be built and asked if there is a stipulation of within a certain time frame? Mrs. Murphy stated there is no way for this Board to control that because if Mr. Fedden doesn't apply for a driveway permit, then the berm, in theory, wouldn't be installed. Mr. Higgins stated we don't want it to get to the point where the road is built, all the houses are built and Mr. Fedden has no buffer. Mrs. Murphy stated they have to put a buffer in. Mr. Williams stated as soon as we are at preliminary approval for the whole project then he has to come back before this Board for final approval. Mr. Higgins stated okay. Mr. Nadeau stated which at that time we may want to put a time frame. Mr. Paul Berlin, 1460 Crescent Road, stated the following: I don't have a problem with this project here and Mr. Dahoda has been very good about doing boundaries and everything. I think originally there was a 25 FT no-cut around some of the property lines and then I think it went to 30 FT. I think they have done a great job and I am happy with this project. However, there was another business built at 1462 Crescent Road that this Board approved and within a month or so they put in a parking lot right up to my property line. I had no recourse to go back to the Town and everybody said there was nothing I could do about it. So, now I have snow piles on my property and whatever. What do I have that no one is going to cut and doing anything with this because they have added to it and what does the Town do for me after the first homeowners are gone, the second goes and what happens when they start coming in and start cutting trees what do I do? Mr. Watts asked what is the business. Mr. Berlin stated it is a hair cutting place next door to me. Mr. Watts asked did they cut down the buffer? Mr. Berlin stated no there is no buffer. Mrs. Murphy stated the following: So that is the difference. Now you have a legal buffer that can be enforced through the court system. Mr. Berlin stated yes, but before we didn't. Mrs. Murphy stated but now you do. Mr. Berlin stated I didn't think that the Town would ever let someone put a paved parking lot up to a property line because where does the snow go? Mr. Murphy stated the difference now is there is a legally enforcement document. Mr. Berlin stated but does the Town handle it or do I handle it? Mrs. Murphy stated for the most part it ends up being a civil dispute between the property owners. Mr. Berlin stated so when the trees are down, I lose anyways. Mrs. Murphy stated the following: No because you can tell them that they have to replant the trees. You have legal grounds upon which to tell them that they have to replant. Mr. Watts asked are you going to put restrictive covenants in the deeds? Mr. Lamb stated yes. Mr. Watts closed the Public Hearing at 7:52 pm. Mr. Higgins asked if the 2.33+ acres was a stormwater retention

area? Mr. Lamb stated no that is a wetland mitigation area. Mr. Higgins stated so where there were previously wetlands down along the road is that basically changing the wetlands? Mr. Lamb stated it is expanding the wetlands in that area. Mr. Higgins asked is that going to be owned by Mr. Dahoda along with the piece? Mr. Lamb stated I was told that the Town does not want that. Mr. Higgins asked so basically it is a piece of property that is cut in half by a Town road? Mr. Lamb stated correct. Mr. Nadeau stated for clarification I believe Mr. Watts stated it was a subdivision and I don't believe it is a subdivision. Mrs. Murphy stated the following: What is happening here is the entire application came in as a major subdivision. Right now you are looking at a map that doesn't subdivide anything, it just moves where a road is. The way the drawing is it looks almost like that little house is being subdivided out but no new lots are being created or eradicated, they are just moving the road. Mr. Higgins stated there is a new lot because we are going from 19 to 20 lots. Mrs. Murphy stated but not where that little square is; that is what is confusing. Mr. Lamb stated the following: The darker square is merely an outline. That area would have come out anyway because the Town didn't want it. Mrs. Murphy stated the following: For clarification purposes, that square up in the left quadron is not being subdivided. That is just there to delineate where the historical site has been identified and that lot is not changing in that area. Mr. Lamb stated correct. Mrs. Murphy stated Mr. Williams has stated that there was 2 map notes that were request and I only see one on what we have. Mr. Williams stated one note should be that both sides of the road are known as one lot. Mr. Lamb stated that is on the smaller map. Mr. Williams stated and the second note should be that no further development would take place. Mrs. Murphy stated I am just seeing the no further development note and I am not seeing that the two sides of the road are one lot. Mr. Lamb stated on the smaller map it says lot area proposed northern portion, southern portion, total area to be know as one lot and that is on the plan.

Mr. Nadeau made a motion to approve the major subdivision application for the Sandy Rock Subdivision. Mr. Berkowitz seconded. Motion carried.

New Business:

09.060 NB

Inferno Pizzeria, 222 Guideboard Road (222 Plaza) – Change of Tenant with Site Plan

Mr. Patrick Connelly, of Cotler Architecture, stated the following: I am representing the owners of Inferno Pizzeria; Mr. Nick Riggione and Mr. Gennaro Riggione. We are looking to increase the size of the pizzeria from approximately 550 SF to 1,100 SF. The applicants would be taking over the vacant Pack n' Mail space at 222 Guideboard Road. In doing so, through the Town guidelines we would need to increase the parking from the current 22 parking spaces to 23 parking spaces and we have shown that on the site plan. Mr. Watts asked the hours of operation for the Inferno Pizzeria. Mr. Riggione stated from 11:00 am to 11:00 pm everyday. Mr. Watts asked would you have 1 or 2 full-time employees and 4 part-time employees? Mr. Riggione stated yes. Mr. Berkowitz asked how many deliveries to they have a day or a week, for supplies not pizza deliveries? Mr. Riggione stated one to two. Mr. Berkowitz asked how big of a delivery truck is it? Mr. Riggione stated it is a SYSCO truck. Mr. Berkowitz asked what size of a truck is it? Mr. Riggione stated an 18-wheeler tractor-trailer, which is a semi-truck. Mr. Berkowitz asked how do they get in there? Mr. Riggione stated they deliver to our backdoor. Mr. Berkowitz asked how do they get into the parking lot? Mr. Riggione stated there is an easement between the Getty Station and us and they usually park there so they come in off of Route 9 at the Getty Station. Mr. Watts asked do you own the plaza? Mr. Riggione stated yes. Mr. Watts stated I believe there is a Ginsberg tractor-trailer that I have seen on at least 2 occasions that goes down Guideboard Road, the truck stops in the middle of the road and then backs into that parking lot and that is a very dangerous situation. Mr. Riggione stated that must be for Mr. Subb. Mr. Watts stated would you inform Mr. Subb that no deliveries of that sort are allowed and we will make that a

condition of your approval. Mr. Riggione stated I will call Bill tomorrow. Mr. Watts stated they have to get in there a different way. Mr. Higgins asked could they use the same rear access as the pizzeria? Mr. Riggione stated yes, they should be able to. Mr. Watts stated I noticed that all your advertising says you are in the Town of Clifton Park and asked if they knew that they were located in the Town of Halfmoon. Mr. Riggione stated yes; when we first went into this plaza, the mail delivery person told me that we could use either or. Mr. Watts stated right. Mr. Riggione asked does Halfmoon have their own zip code? Mr. Watts stated 12065 and with your ads in the newspapers you can say Halfmoon. Mr. Riggione stated actually we advertise as Halfmoon/Clifton Park. Mr. Roberts stated yes, but you are in Halfmoon and not Clifton Park. Mr. Riggione stated that is true but when we first moved into the plaza about 10 years ago, the zip code is for Clifton Park. Mr. Watts stated we have tried to get our own separate zip code, but the U.S. Postal Service is not too good about that. Mr. Riggione stated if it makes you feel any better, I would much rather be in Halfmoon. Mr. Watts stated thank you and asked Mr. Williams if there would be adequate parking available. Mr. Williams stated the applicant proposes to provide 22 parking spaces that is required with one space proposed to be land banked. Mr. Nadeau stated if there is an issue at some point we could pull that lot back. Mr. Watts stated yes, if it gets too busy. Mr. Williams stated the applicant is proposing to re-stripe and paint the parking area including the addition of one handicap parking space along with a proposal to enclose the existing dumpster area with an 8 FT high fence. Mr. Higgins asked if they used the dumpster. Mr. Riggione stated yes, the entire plaza uses the dumpster. Mr. Nadeau asked if that was a good enough easement and asked if it was blacktopped? Mr. Riggione stated yes it is all blacktopped and it has speed bumps.

Mr. Roberts made a motion to approve the change of tenant with site plan application for Inferno Pizzeria contingent upon no tractor-trailers backing off of Guideboard Road into the site to deliver goods. Mr. Berkowitz seconded. Motion carried.

09.061 NB Daystar, 9 Corporate Drive – Change of Tenant

Mr. Tom Andress, of ABD Engineering, stated the following: This is a proposal for the Abele Business Park for 9 Corporate Drive. Daystar, which is also located at 5 and 13 Corporate Drive, would like to put a small administrative office at 9 Corporate Drive. The applicant is proposing to lease a 1,259 SF of office space at that location for administrative offices. They would have 3 employees. Daystar is actually going through a transition and we will be coming back to this Board as a larger company has purchased Daystar. Daystar will remain at 9 Corporate Drive and Daystar at 5 and 13 Corporate Drive would be changing. Initially they will keep the name Daystar but a larger company has purchased it.

Mr. Nadeau made a motion to approve the change of tenant application for Daystar. Mr. Higgins seconded. Motion carried.

09.063 NB First Niagara Bank, 1532 Route 9 – Sign

This item was removed from the agenda per the applicant's request.

09.064 NB Travel Leaders, 30 Corporate Drive – Sign

Mr. Rick Marshall, of Marshall Sign, stated the following: The proposal is to remove the Carlson Wagon Lit sign located at 30 Corporate Drive and replace it with a 3 FT x 8 FT sign that would read Travel Leaders. The current sign is 18 SF and this proposal would increase it to 24 SF. Mr. Roberts asked if the sign would be internally lit? Mr. Marshall stated that is correct. Mr. Roberts asked if there would be any neon. Mr. Marshall stated no neon. Mr. Marshall stated I noticed that there is a monument sign that is non-illuminated sign that says Carlson Wagon Lit Albany Travel and asked what is the

procedure to change out just the top panel? Mrs. Murphy asked are you requesting that this Board modify the current application before us to include a panel change out on the existing the monument sign to the name of the new owner? Mr. Marshall stated yes. Mrs. Murphy stated with that new application now before the Board, the Board could add it to this application. Mr. Williams stated I did question that and they said at some point they would do that. Mr. Watts stated we will modify the application before us to include the panel on the monument sign.

Mr. Roberts made a motion to approve the sign application for Travel Leaders. Mr. Nadeau seconded. Motion carried.

The Planning Board/Mr. Roberts moved to revise the sign application for Travel Leaders to allow the replacement of the face to the existing monument sign to reflect the business name change. Mr. Higgins seconded. Motion carried.

Old Business:

06.181 OB Howland Park PDD, 128 Johnson Road – Major Subdivision/PDD/GEIS

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, stated the following: This project is before the Board for preliminary approval. The applicant is Leyland Development and the name of the project is Howland Park. The proposal is for 96 residential lots and the existing zoning is the Howland Park Planned Development District (PDD). The legislation for this was approved in November 2008. The total site for this project is approximately 150-acres, which fronts on two existing Town roads; McBride Road and Johnson Road. Just over 50% of the project site would be utilized for construction of individual lots, the proposed on-site Town road system and the stormwater management system. Also, there has been a provision made for additional improvements to Johnson Road. Slightly less than 50% of the project site is proposed as restricted property which would be subject to restricted covenants, which would be filed in the Saratoga County Clerk's Office subsequent filing of the final subdivision plot for this project. The minimum lot size in this subdivision is 15,000 SF and the average lot size is almost 27,000 SF. The smaller lot sizes are located in the easterly part of this site and the larger size lots are located in the westerly part of the site. The site would be accessible from the Town road system at three locations; one from McBride Road and two locations from Johnson Road. The project is located within the limits of the Northern Halfmoon Geographical Environmental Impact Statement (NHGEIS) and the design of the project followed the goals and guidelines establishing the NHGEIS document. The basic infrastructure requirements will be accomplished by the water supply would be extended from an existing water main located on Johnson Road. The project would require an extension of the Town of Halfmoon Water District. The extension of the Halfmoon Water District would require an agreement with the Town Board for an extension of this district and also the approval of the of New York State Department of Environmental Conservation (NYSDEC). The sanitary sewer system would connect to the existing facilities of the Saratoga County Sewer District located to the north of the project in the existing Fairway Meadows Subdivision and the point of this connection is located on Bentgrass Drive. The stormwater management system would be constructed to comply with Town standards and to the NYSDEC standards in regards to flood protection and stormwater quality assurance. There would be six stormwater management areas located on separate parcels, which would be dedicated to the Town of Halfmoon. At this point the project is fully designed and it underwent technical review by the CHA, the Town Engineer. I believe there are only a few minor comments that need to be addressed. Mr. Nadeau asked in the area of Lot #85 and #86 does that road extend out to Johnson Road or is that new? Mr. Zdrahal stated the following: The original proposal had a turnaround and the plan was to provide a secondary emergency access. The Town Board and the Town Highway Department found that it would be better to have a Town Road instead

of an emergency access and also it because there is a very sharp bend in Johnson Road and it would eliminate the bend because of the concern of the intersection and it would be a safer situation for the traffic. Mr. Nadeau stated also in that general area; I don't recall what we were asking for, they said that you couldn't cross over that area but now you are crossing over it because I thought we asked for something different. Mr. Zdrahal stated the following: It was never the case that we couldn't cross it. At the crossing we have to construct a special culvert to satisfy the NYSDEC concerns and the Army Corp of Engineers (ACOE) concerns. Mr. Higgins stated the following: We had asked that before and we were told because of the elevation differences and everything else. I personally am happy to see it because I think it is definitely a better way to go. Mr. Zdrahal stated I don't recall exactly the reasoning but I know there was a discussion about one side of the property because of the wetlands. Mr. Higgins stated the following: No, it had to do with the elevation differences and angles and everything. Again, I think it definitely adds to the project. Mr. Zdrahal stated it actually worked out pretty well with the grades and everything. Mr. Watts asked Mr. Bianchino if he was okay with everything. Mr. Bianchino stated yes. Mr. Higgins stated I have a question regarding the extensive amount of property that is going to be owned by the Homeowner's Association (HOA) and our Town Attorney will need some kind of verbiage or something regarding that. Mrs. Murphy stated they set that as part of the purview of the PDD and they do have the verbiage language if people fail to pay their assessed dues than it does hit them like a tax lien.

Mr. Berkowitz made a motion to set a public hearing for the August 10, 2009 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

08.067 OB Arlington Heights Subdivision Phase II, Farm to Market Road – Major Subdivision/PDD/GEIS

Mr. Ruchlicki recused himself from this item and Mr. Leonard sat in for him. Mr. Gordon Nicholson of the Environmental Design Partnership, stated the following: I have been working with Legacy Builders since 2006 for the expansion of Arlington Heights Phase II, which is a 26.6-acre parcel to the north of Arlington Heights Phase I. The sanitary pump station for Phase I is already installed to service Phase II. The stormwater management area to service Phase I has already been installed and it would also service Phase II. We anticipate extending water from Phase I into service Phase II. The last time we presented the application to the Planning Board there were 30 twin home units (15 buildings). It was our understanding at the time that the Planning Board expressed some concern about the 30 twin homes and basically what is a single-family detached residential neighbor. We have now changed to a type of a home, which is a Euro-cottage style and Craftman's style with the building elevations, which are all single-family detached homes. Since our last presentation there really isn't anything different from the application other than that and we have switched to single-family homes. There would be a Homeowner's Association (HOA) that would own approximately 18-acres of the property. There is an open space in the center of the lots. We are also providing for the future, as it is our understanding that the Klersy's proposed subdivision has a stub street to the north of this project. That would have minimal impact on the wetlands so it can loop over to the Klersy in this undeveloped field at some point in the future to accommodate a connection. There is one connection for Arlington Heights and it is our understanding there would be another road connection for Klersy, which would minimize the curb cuts to what has been currently discussed with the Board on Farm to Market Road. Mr. Roberts stated the following: I have a concern about the 8,000 SF lots and the 7.5 FT sideyard setback because I think that is packing things pretty tight there. I know that PDD's serve a purpose but in this case to my knowledge I don't think we have ever approved any 8,000 SF lots. Mr. Peter Belmonte, of Legacy Builders, stated the following: We have the option of making all the lots considerably larger. What we did was we adopted the philosophy that we were trying to create as much open space as

possible. So, it is very easy to get the average lot size up significantly because there is so much buffer area behind the homes but we kept that all collective as one common space and we are trying to explore various ideas for that common space. One of the things that we are researching right now is a possible community garden on some of the open space to the west. Since there is such a large area there owned by the HOA, we could potentially coral in an area and adopted it as a community garden as part of the Arlington HOA. However, if lot sizes are a concern, we weighed back and forth the idea of larger lots verses more open space. It seemed to be the open space was the preferred way as we had talked to people but we can go either way if the Board wants to encourage a decision. Mr. Watts asked when you talk about the open space to people, is this a market driven thing where people want smaller lots? Mr. Belmonte stated the following: We see Arlington Heights as somewhat of a blended community. It has maintenance free living in its existing Phase I, the lot sizes are larger and there is a limited amount of open space. As we are coming into Phase II we would like to see the two communities being marketed simultaneously even though Phase II is coming on board considerably later. With the current market conditions we are expecting Phase I to be still very active in sales by the time Phase II can make it through the approval process and we want to create multiple ideas. If you remember back, we were originally looking for twin homes. We were going to have two attached buildings with a zero lot line in between. When we understood that it wasn't the Board's preference to proceed that way, we felt that this was a different product than the existing product maintaining the integrity of single-family detached homes and giving us the ability to offer multiple product types. Mr. Watts asked if you went to larger lots, how many homes would you get in there? Mr. Belmonte stated we could probably average 10,000 SF lots and not give up any homes. Mr. Nadeau asked in the first phase what are the lot sizes? Mr. Belmonte stated about 13,000 SF. Mr. Nadeau stated the following: I have been through the current portion of Arlington Heights and it is very nice site. I also appreciate that the applicant did take the Board's idea of not liking the town homes and sticking with this concept. I feel the same as Mr. Roberts does that those are very small lots and I would rather see you go with the larger lots myself. Mr. Belmonte stated we can do that and we can easily sketch that up and shoot it back to the Board for their opinion. Mr. Higgins stated I agree with Mr. Roberts and Mr. Nadeau and my preference is for slightly bigger lots; somewhere around the 13,000 SF. Mrs. Zepko stated I did have a couple of residences who currently live in Arlington Heights that were pleased to see this design layout because the HOA land did offer a larger buffer and they wouldn't have any property owners backing up to their property line so they were pleased to see that designation as the HOA property. Mr. Roberts asked but what precedent are we setting for future developments? Mr. Higgins asked could you explain to me why you're bringing the road out because you don't presently own the Tribley piece do you? Mr. Belmonte stated no, Mrs. Tribley still maintains ownership of that piece. Mr. Higgins stated the following: Is there any place to bring the road out somewhere else that you have more control over? All I am thinking of is that you are putting a stub street there that may never be able to connect to the Klersy's and as you said, we are trying to minimize the number of curb cuts on Farm to Market Road. Mr. Belmonte stated part of the challenge with Klersy's parcel is that they have a fair amount of wetlands in the vicinity of our location. Mr. Nicholson stated there are extensive wetlands that run all along that property line. Mr. Higgins stated okay, so you are kind of limited on where you can actually get across it. Mr. Belmonte stated right; we had picked that particular location because there is an existing farm road crossing there. Mr. Berkowitz stated the following: I am kind of indifferent to either one because I have seen projects like this in Maryland, Virginia and Florida and they are nice. I know we don't have anything here like this now and if we were to approve this I don't think we would be setting a precedent because we control what we approve. Mr. Hotaling stated I would prefer the bigger lots myself because we haven't approved much under 10,000 SF. Mr. Ouimet stated I agree. Mr. Watts stated the following: I remember when Sheldon Hills was proposed with the cluster development where a lot of people thought it wouldn't work and it did and that Halfmoon is

doing pretty well from a growth perspective. This would be okay with me and this doesn't bother me. I understand that Board's are made up of more than one person. We discuss our different thoughts and opinions, vote and then move forward. I kind of like what Mr. Berkowitz said but I detect a difference of opinion. Do you think that you could still gross out about the same number of units? Mr. Belmonte stated let's take on the challenge and see what we can come back with. Mrs. Murphy stated once they see it drawn out that way, they may decide that this is better but that way they can make an educated guess. Mr. Belmonte stated exactly and we have no objections to taking any ideas and trying to explore them because we want the best possible community.

This item was tabled for the applicant to review the Planning Board concerns regarding the proposed lot sizes.

Mr. Berkowitz made a motion to adjourn the July 27, 2009 Planning Board Meeting at 8:28 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary