

Town of Halfmoon Planning Board

July 14, 2008 Minutes

Those present at the July 14, 2008 Planning Board meeting were:

Planning Board Members: Steve Watts – Chairman
Rich Berkowitz
Marcel Nadeau
John Higgins
John Ouimet

Alternate

Planning Board Member: Bob Beck

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Deputy Town Attorney: Bob Chauvin

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Bob Lockwood

Mr. Watts opened the July 14, 2008 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they had reviewed the June 23, 2008 Planning Board Minutes. Mr. Ouimet made a motion to approve the June 23, 2008 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried. Mr. Nadeau abstained due to his absence from the June 23, 2008 Planning Board Meeting.

Mr. Beck sat in for Mr. Roberts in his absence.

New Business:

08.061 NB I Love New York Pizza, 1 Plant Road – Concept-Commercial Site Plan

Mr. John DeFino, Architect, stated the following: Dominika and George Lulgjuarj are the owners of the property located at 1 Plant Road. I am trying to get this project back on track and done the right way. Mr. George Lulgjuarj apologizes for the way this project started out and that is why we are here to explain the proposal. There was an existing 1-story framed residence and the intent is to square the building off with a small addition to make it rectangular. There was a garage attached to the structure, which the intent was to remove that garage and currently the garage is already gone. The proposal is to create a very simple plan with seating, a kitchen, a small food prep area and 2 handicap bathrooms. It would be a typical counter service takeout pizza type of business. The intent would be to gut the structure and rebuild the building with a new roof, new windows and new siding. Also, there would be new parking, new landscaping and lighting. I went to the site at 6:00 pm this evening with Mr. Lulgjuarj and this is the first time I have seen what is there. When I was at

the site in January everything was still standing. There was another general contractor who was involved who I was actually dealing with and he was telling me to do this and do that and I was trying to explain to this contractor that he needed to submit plans to the Planning Board for a change of use. This general contractor was responsible for the demolition of the building and has since taken off and is nowhere to be found and that is when Mr. Lulgjuarj got me involved in this project. Mr. George Lulgjuarj, the applicant, stated the following: My wife and I hired the general contractor, we gave him the money and he came in and destroyed the whole house. The contractor told me he got all the permits and everything was ready to be picked up. Mr. Watts stated our Code Enforcement Department put a stop work order on the site. Mr. Lulgjuarj stated the following: I was busy working and I trusted this guy to do the construction and he told me he had all the permits. He then came and destroyed the house and I do not know what to do and that is why I came to the Town. Mr. Watts stated a demolition permit was issued recently to take down the rest of the structure. Mr. Lulgjuarj stated that permit was only for the garage. Mr. Defino stated the following: There is a whole cast of characters and I apologize for that and I have been trying to explain to Mr. Lulgjuarj to stop having these guys go to the Town asking for this and that because you have to go through the process with the Planning Board for site approval and get approvals. I don't have a problem with tearing down what is there because there is not much left but they need to get approvals and permission to do this. Mr. Watts stated the following: I remember a guy being at the Town last week getting a demolition permit and my assumption is that we have had numerous complaints from people in the area about what was going on there. Somehow when we believed the demolition permit was issued before a second floor was being put on the building. Mr. DeFino stated the following: That is when I first heard about it because there is no second floor. I am trying to explain to Mr. Lulgjuarj that I want to deal with this structure in terms of a maximum height of 10 FT and as far as I am concerned they should tear down that whole structure and start new. Mr. Watts asked Mr. Williams whom he was dealing with on this project. Mr. Williams stated the following: The first time we talked about this site was with the general contractor who is now gone. This general contractor obtained a demolition permit and I explained to him he was demolishing the building at his own risk with taking the garage down and then we explained to him further that they need a site plan approval before any construction could begin. Then the whole mess was created and then I spoke with Mr. Lulgjuarj and I re-explained to him the process of a site plan approval before construction can begin. We asked them to button up the structure because of safety concerns, which I believe he did and he cleaned up the site. Mr. Watts asked if the current structure was being demolished. Mrs. Zepko stated part of the building has been taken down. Mr. Higgins asked what the applicant planned on doing with the site. Mr. DeFino stated the proposal is for an I Love New York Pizzeria with a combination of eat-in and take-out service. There would be seating where people could sit down. Mr. Higgins asked how the applicant planned on handling the traffic in that area where you are proposing a restaurant where there is already existing traffic concerns and traffic problems. Mr. DeFino stated the following: There is an existing driveway off of Plant Road. The garage would be removed to allow for 12 parking spaces, which are required. I don't see that there would be any problem with traffic. Mr. Higgins asked Mr. DeFino if he had ever driven in the area. Mr. DeFino stated yes. Mr. Higgins stated the following: The traffic stacks past that driveway all the time. Right now the site is an existing residential site and you are talking about traffic trying to go in and out besides people eating there. We have had numerous complaints from Town residents previously about traffic concerns at that intersection already when it was a residence. Mr. DeFino stated the existing zoning is commercial. Mr. Higgins stated the existing zoning is commercial but the existing use is residential and there are definite concerns about

traffic. Mr. Watts asked if there was just an incident at the site where a tree fell onto the fence next to Wendy's. Mr. Lulgjuarj stated the fence has been repaired. Mr. Berkowitz asked if the driveway was wide enough for 2-way traffic. Mr. Lulgjuarj stated yes it was. Mr. Berkowitz asked if they had given any thought about talking to the person who owns the road behind them for an ingress and egress because this would alleviate the traffic on Plant Road. Mr. Nadeau stated we did do that with Wendy's because we had traffic issues with Wendy's as well and we asked them to exit on the backside and asked if there was any way that could be done with this lot. Mr. DeFino stated this type of business would not generate a lot of traffic. Mr. Nadeau stated that type of business would have in and out traffic constantly. Mr. Berkowitz stated the following: Which makes it worse because there would be more people going in and out. If people sit down and eat there, it would slow the traffic down. But if people were coming in for a pick up they would be coming and going pretty quickly. Mr. Watts stated you have indicated in your application that you are going to have 26 seats so apparently it won't all be take-out service. Mr. DeFino stated we have reduced the number of seats to 24. Mr. Watts asked Mrs. Zepko if she had talked with the Saratoga County Planning Department. Mrs. Zepko stated yes and they also had concerns regarding traffic and stacking with pulling in and out of that lot.

This item was tabled and referred to CHA for technical review including traffic concerns.

08.065 NB Bank of America (ATM Kiosk), 476 Route 146 (Lowe's) – Addition to Site Plan

Mr. Rob Streker, of Bohler Engineering, stated the following: I am here tonight representing Bank of America who are proposing to construct a freestanding ATM in the Lowe's parking lot. I have an aerial photograph of the site and we are depicting the proposed location for the ATM kiosk in the northwest corner of Lowe's parking lot. This ATM kiosk is essentially the same as the photo mats that used to be located in parking lots. The ATM would be in a small enclosure. The proposed ATM would be approximately 67 SF. The ATM would be located in the landscaped portion of the parking lot. The ATM would be accessible to vehicles. The existing Lowe's property consists of 135,000 SF of space. There are 625 parking spaces on the property and also there is 137 land banked parking spaces for a total of 772 parking spaces. We would be disrupting 4 parking spaces. We intend to relocate some of the banked spaces and propose a few new spaces in order to maintain existing parking space requirements. As I mentioned the ATM would service drive-up customers and there would be an area in the back for 2 parking spaces. We are also proposing lighting that would be specific to the ATM. The lighting would be similar to the existing lighting in the parking lot. There would also be 3 small recessed lights associated with the ATM kiosk. The proposed ATM kiosk would be 7.6 FT by 2.9 FT and the ATM itself would have an overhang and the height of that is 10.5 FT and there would also be a clearance bar. We are proposing to locate the kiosk right off of the Route 146 entrance on one of the parking lot dividers. A concrete island would then be added along the other side of the drive-thru to delineate the lane. Mr. Berkowitz asked Mr. Streker if he knew that Lowe's uses that area for a stacking area for snow. Mr. Streker stated no, I did not know that but we can work this out with Lowe's and we would address this issue. Mr. Higgins asked what is the light level required by the State for an ATM. Mr. Streker stated the State requires 5 FT candles 5 FT away from the ATM and as you move out the light levels drop off. AT 30 FT away it requires 2 FT candles and at 60 FT away 1 FT candles are required. Mr. Higgins stated the present parking lot is probably about 1 or 2 FT. So don't you think driving along Route 146 this is going to look a little weird with all this light in this one little area? Mr. Streker stated the ATM is going

to be located a fair distance off of Route 146. Mr. Higgins stated the following: Yes, but it is right at the end of the parking lot where it is a very visible area. This ATM was strictly intended for drive-thru customers and it is not intended for walk-up customers. Mr. Streker stated the following: Walk-up customers can use it but it is intended for drive-up customers. There would be no advertising out to the highway. Mr. Higgins asked why they didn't put the kiosk right up next to the building. Mr. Streker stated the following: I can't answer that because I don't know what is going on behind the scenes with Lowe's and the Bank of America. I do know that I am looking at 9 or 10 of these right now and they are focusing on the parking lot area so it would be convenient to people coming in and out of the center without conducting business with Lowe's. So we are locating them in an area of the Lowe's parking lot that is the most under utilized which is typically near their lumberyard or where their garden center is. Mr. Higgins stated we understand that because we have done ATM's before but the question that comes up is when we approved the Lowe's site this wasn't discussed and this is why we have to look at it all. Mr. Nadeau stated you are saying that this kiosk would be for Lowe's customers in general but it's not to stop anyone going by that would see the Bank of America sign that could also use the ATM as well. Mr. Streker stated the following: That is true but there is no real advertising off of the ATM. Lowe's has a number of freestanding signs out there but not for Bank of America and anyone in the neighborhood would realize that it is there. Mr. Ouimet asked if there were any Bank of America ATM's in the neighborhood other than this one that is proposed. Mr. Streker stated I am not sure how close the nearest Bank of America is. Mr. Ouimet stated there is a Bank of America on Route 146 near the Clifton Park Center Mall and there is a drive-thru ATM located at that site. Mr. Watts stated the drive-thru ATM at the Route 146 site is a little different than a kiosk. Mr. Ouimet asked if there was any intention on the part of Bank of America to do away with that ATM at that branch. Mr. Streker stated no, not that I am aware of. Mr. Berkowitz asked how this ATM kiosk is secured and how often is it serviced. Mr. Streker stated it would be serviced once a week for pick up of money and deposits of money. There would be security cameras on the remote wireless observation deck provided by a security port and the lighting itself would be security. Mr. Berkowitz asked how close that was to the entrance off of Route 146 because there are cars stacking at that location. Mr. Streker stated about 250 FT from the curb line on Route 146 to the center of the island of the ATM. Mr. Nadeau stated if you are coming out of Lowe's there is a stop sign and asked where the ATM kiosk would be in relation to the stop sign and asked if this would be located in that little corner there. Mr. Streker stated the stop sign was located on the northern end. Mr. Nadeau asked if this would be to the left of the stop sign. Mr. Streker stated right. Mr. Nadeau stated we have had issues there at one time where kids were hanging around and asked Mr. Watts what area the kids were in. Mr. Watts stated the following: We had issues in the back with noise and people using the dumpsters. Since that time they had some management changes at Lowe's and it seems like things have been addressed and this ATM would not be in that area. There were a number of issues at the Lowe's site that we have addressed with Lowe's successfully relative to general clean up of the site and now things are much better. Mr. Watts stated this application is new for us where we are putting some kind of business like this at a commercial site plan and asked Mr. Chauvin if he had any thoughts relative to this. Mr. Chauvin stated it is certainly significant in that you are going to put multiple uses on the same site when you have already approved the site plan and you have no stand alone lots for this parcel and you have no lot guidelines and area guidelines for the parcel. Whether or not it requires a variance or whether or not it can even be approved, I'll will have to research this. I note that Mrs. Murphy wasn't familiar enough with the application to have rendered an opinion before we came here tonight. The other things that I think about historically is that we denied

one on the Wal-Mart parcel, you have problems with precedent when you grant one, how do you deny the second, third, fourth and fifth and do you have these pop up all over Town. I could go on and on but I think this needs to be referred to CHA and Mrs. Murphy and I need to research it and give you an opinion at least so you can decide how to proceed. Mr. Nadeau asked who would have ownership of the ATM kiosk and would it be a lease type of situation. Mr. Streker stated it would be a lease situation. Mr. Nadeau stated because if we had issues, would we site Lowe's on this? Mr. Watts stated probably. Mr. Chauvin stated if Lowe's were the owner, you would site both Lowe's and Bank of America. Mr. Watts stated generally when we cite for Code Enforcement issues, we cite the owner of the property.

This item was tabled and referred to CHA for technical review and for the Town Attorney to review the proposed use and to render an opinion relative to it being a permitted use.

08.066 NB Halfmoon Family Dental, 1456 Vischer Ferry Road – Addition to Site Plan

Dr. Gary Swalsky, the applicant, stated the following: I am the owner of Halfmoon Family Dental and I am seeking to add an additional 5 parking spots to my existing site. I am finding that on some days that I am very busy, or if I have sales representatives coming in, repairman or whatever, I am getting very short on space. In order to prevent any future problems I would like to add these 5 parking spots and hopefully I will not have any issues in the future. We would use the existing grade of the parking lot for drainage. The dumpster would be pushed back with the same enclosure and I don't think I would be encroaching on anybody's property or would have any issues with any of the neighbors or anything like that. Mr. Watts stated I know at your site we have had some issues relative to drainage. Dr. Swalsky stated right. Mr. Watts asked what are your thoughts on how this might affect the drainage at that site. Dr. Swalsky stated the following: It shouldn't affect it at all because the additional parking is going to be graded toward the drainage of the parking lot itself. I have had no problems with the drainage of the parking lot. The only issues have been in the back corner and that has been resolved to a degree anyhow. I am going to make sure that everything is continually flowing properly. The new parking shouldn't have any impact at all. Mr. Watts stated I have asked Mr. Bob Lockwood, of CHA, to look at this site on his way up here because we have had issues relative to drainage and asked Mr. Lockwood if he had any issues or concerns. Mr. Lockwood stated the following: Firstly, regarding the additional parking; when the original site plan was done there seemed to be a conscience effort to keep the parking lot away from your leach field area or septic tank area. It appears that the spaces you want to add might be headed back into that area. Dr. Swalsky stated I think the leach field is still further behind that. Mr. Lockwood stated there is an outline shown on the plans that indicates the septic area and asked if this was an accurate survey of the location or is that just something shown on the plans to represent the site. Dr. Swalsky stated as far as I know it is accurate. Mr. Lockwood stated the following: As I said, the original site plan seemed to make a concerted effort to stay out of that area and this seems to go into that area so this is something that we would want to take a look at as far as how close is too close and if you would be getting into something that you might not want to get into. I didn't have the site plan with me at the time I was at your site but it seems like if you take what is there and you push it toward your neighbor, it gets awful near your neighbor and asked if Dr. Swalsky was sure that this site would have the proper setbacks by the time he is done with this. Dr. Swalsky stated as far as I know. Mr. Lockwood stated it just appears that if you pick this up and move the whole thing over, you are going to be a lot nearer that line than it appears on the drawing. Dr. Swalsky

stated I left it up to the professionals that I hired to do the site plan so I assume that he followed all the proper codes and so forth. Mr. Lockwood stated just standing out there it appears that the water is trying to get around the backside of that but I am not sure if it does or not. There is a lot of water there now that seems to be sitting there. Dr. Swalsky stated the water definitely flows. It is slow and there is a very mild pitch but it definitely flows and I am making sure that it continues to flow and I check it regularly. Mr. Lockwood stated there is a lot of vegetation back there now that hasn't been mowed and hasn't been maintained and that obviously is going to impede the flow. I think the reason why it hasn't been maintained is because it is awful wet back there. The original site plan that we were provided and we reviewed was enough to convince us at that time that with the proper grading you were going to be able to move the water from this area to another location. Dr. Swalsky stated yes. Mr. Lockwood stated I believe that Code Enforcement has been to this site to look at things and I guess your engineer on that phase of the project impressed on you that it is your responsibility to maintain that flow. Dr. Swalsky stated correct. Mr. Lockwood stated the following: It appears to be very marginal with the amount of grade that you have to move the water from here around to where you want it to go. Your engineer was able to convince us that there was enough of a pitch to maintain drainage flow around the parameter of the property and it is up to you to make sure that continues to drain. Dr. Swalsky stated yes. Mr. Lockwood stated once again, I am not going to say that it isn't, but if it is, it is draining very slowly. Mr. Polak stated the following: Could he make sure that they attack that drainage because it is not working there. We have received calls from residences there and he should address that issue because in the original presentation that was brought up by the neighbors to get that water away from the property and it is not happening. I want to make sure that they physically take a look at it. Dr. Swalsky stated the following: I would like to note that the neighbor had a pre-existing condition before we did anything there at all. The drainage is moving slowly, but it does move.

This item was tabled and referred to CHA for technical review including existing drainage pattern concerns.

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

Mr. Chauvin recused himself from this item. Mr. Gordon Nicholson, of Environmental Design Partnership, stated the following: I have been working with Legacy Builders for about 2 years on the expansion of Arlington Heights Phase II. Phase I of Arlington Heights, which is under construction and Phase II is in the Northern Halfmoon GEIS. The density calculation that we have illustrated on the plan is consistent with the density calculation required for the GEIS. We have deducted constrained lands, 15% slopes, wetlands and 20% of the site for roads and utilities, which leaves us with the developable acreage of approximately 15-acres. For half-acre building lots divided into that give us a rough based density of 33 lots. We are proposing 30 units also consistent with Halfmoon GEIS and the County Highway access curb cut management program. There are no entrances on Farm to Market Road. We are using the existing entrance into Arlington Heights and we have also provided a second future stub street because the Klersy Subdivision will eventually have a site access out onto Farm to Market Road creating a loop through all 3 subdivisions at some point in the future. It is also important to note that the old farmstead, which is the rural character along Farm to Market Road, obviously is being retained. A portion of the Tribley parcel was subdivided out of the Tribley Farm in 2006 and at that point in time we discussed our plans with the Planning Board to eventually add this to

Arlington Heights either as an amendment to the PDD or as it's own Phase II PDD Amendment. As you can see there is a simple loop road out of Arlington Heights Phase I and it is going to connect to the County Sewer and connect to the Town of Halfmoon water supply. The zoning is Agricultural-Residential (A-R). We are proposing 15 great lots on which there would be 30 twin homes situated and I think it is important to note that the twin home lot sizes on the plans are not as small as a twin home lot that has been constructed in Sheldon Hills. I think the smallest lot in Sheldon Hills in the first phase is approximately 500 SF less than the smallest twin home half lot that is located in the center of the court area. There was a discussion with the Town Board on the stormwater management because Mrs. Ruchlicki's property along the property line had a concern about the outfall to the storm drainage basin. We are proposing to move that overflow channel and reconstruct it into the northwest corner completely eliminating the potential for any overflow drainage into the Ruchlicki property at any point during any type of a storm event. So far to date the sub consulting studies that we have looked at here is the Army Corp. wetlands delineation and there are no New York State DEC wetlands on the site. We have the Phase I and II archeological sign-off from the Office of Parks and Recreation and we have also been in contact with the New York Natural Heritage Program and the U.S. Fish and Wildlife and there are no endangered species on the site. This is our first presentation to the Planning Board for Phase II of the project. Twin homes are a permitted use in the general neighborhood and I think there is an advantage to developing twin homes within the framework of the PDD because it gives the Planning Board and the Town Board more control over that type of a layout. Mr. Nadeau stated on your storm management you said you were going to do away with it there and asked where they would be placing it and controlling it. Mr. Nicholson stated there is a drainage corridor that goes off to the northwest and it is going to tie in with the drainage corridor. Mr. Nadeau asked whose properties could it possibly impact at a later time? Mr. Nicholson stated to the north is the Sysco Subdivision and there are some drainage corridors through that. Mr. Nadeau stated because we did have issues with Sysco as well and that is my concern. Mr. Higgins stated I think that eventually ends up on the Ruchlicki property. Mr. Gerry Magoolaghan, of Belmonte Builders, stated the following: It is important to note that we are not changing the outlet of the detention basin. We are only changing the emergency storm outlet. Mr. Nadeau stated in a perfect world it works but I am just concerned if it doesn't. Mr. Magoolaghan stated the outfall goes over to the side of the property where there is approximately 5-acres of land to absorb that water before it hits any adjoining properties. Mr. Nicholson stated an entire portion of the property is going to remain undeveloped. Mr. Polak stated the following: That issue did arise at a previous Town Board meeting and they actually went on-site with their engineers and they met with the Ruchlicki's who had a concern about this and they did change to back and the outfall of that pipe. For the record the Ruchlicki's are fine with that. Mr. Watts asked if there was any further correspondence from Mrs. Ruchlicki relative to this and were there any secondary complaints. Mrs. Zepko stated the following: Yes, there is a letter in the file from Mrs. Ruchlicki who has further concerns with the drainage on the site. Mrs. Ruchlicki was happy with the changes that Mr. Nicholson made with the emergency storm outlet but still has some concerns with the additional lots being proposed. Mr. Watts asked if this was part of the file and will it be part of the review process. Mrs. Zepko stated I believe it is in the first phase of the Arlington Heights PDD file and it will be addressed. Mr. Higgins stated I am a little confused on something Mr. Nicholson mentioned regarding the front property not being part of this. Mr. Nicholson stated yes, that is correct. Mr. Higgins stated so it really can't be considered quality green space per GEIS requirements because it is not part of this piece. Mr. Nicholson stated I would agree with that. Mr. Higgins stated I was just interested to see how you rationalized that it could be part

of it because it is not even part of this piece. Mr. Nicholson stated I think when we originally talked about this at that time Belmonte was developing this and wanted to subdivide this out and I think the idea was attractive to the Planning Board that this large chunk of farmland along Farm to Market Road would remain in its natural state. Mr. Higgins stated yes but we can't guarantee that it is going to remain natural if it is not part of this. Mr. Watts asked who owned that piece. Mr. Nicholson stated the Tribley's. Mr. Watts asked if the Tribley's could sell it tomorrow and somebody could come in with a subdivision. Mr. Nicholson stated I believe so. Mr. Watts asked if the applicant owned this piece. Mr. Nicholson stated no. Mr. Watts stated so it just happens to be a vacant piece of land at this point. Mr. Nicholson stated that is correct. Mr. Higgins stated the following: On the original Arlington we discussed twin homes on that and the fact that the character in the neighborhood and the fact that the neighborhood is all single-family I think is the reason why Mr. Belmonte went with the single-families on that. I am wondering why you are going to twin homes on this when we discussed on the first Arlington that they decided to go with single-families. Mr. Magoolaghan stated the following: It will come as no surprise to anybody that the market conditions and the customer demand has changed dramatically. Number 1 – the market price and the size of homes have all gone downward since we have come up with the concept of Arlington Heights and we are addressing the needs and wants of the consumer. We have all seen the success of the twin homes in Sheldon Hills, which was also built in a single-family neighborhood. It has been very successful and it is a very attractive neighborhood and we think there is further demand for that product type and we get requests for that product type. One of the things that twin homes allow us to do is to control the cost of the units so that we can provide a more cost effective unit for the consumer. Mr. Lockwood stated when you combine Phase I and Phase II, you end up with about 80-units with only one access point. Mr. Nicholson stated there would be 75-units. Mr. Lockwood stated the following: With only one access point, there is really no assurance that anything else is going to happen to get back out of here and asked if there is anyway of getting some sort of a temporary second access to the site. Keep in mind that the road section in Phase I is relatively narrow with only one access within the site and you could get cars that are parked on the street that could block emergency vehicles from getting back there. Mr. Magoolaghan stated the following: You make a good point. We have increased the road width 4 FT from Prospect Meadows, which was our first attempt at the maintenance free community with sidewalks and curbs, and this will make a dramatic difference that we can see already with the roads now being paved. I don't think we will have any kind of issue regarding car parking like we've had with Prospect Meadows where it is rather tight and you have to know how to drive to get through Prospect Meadows. As far as the emergency access possibility, I don't have an answer for you at this point but we can always investigate that situation. There are only 2 adjoining parcels that this would be possible through and we will investigate both of those parcels. Regarding Mrs. Ruchlicki, I met with her personally and I will follow up on that because she also asked us for a few additional trees on the property line which we also have committed to plant for her. Other than that she had absolutely no objection to the twin homes in Phase II. I will confirm this and ask her to send that in to you in writing. Again, I met with her personally and I got that commitment from her. Mr. Nadeau asked if the road width was increased in Arlington Heights or that Phase II has been increased. Mr. Magoolaghan stated Arlington Heights Phase I is 4 FT wider than Prospect Meadows. Mr. Nadeau asked if it would be the same for Phase II. Mr. Magoolaghan stated the following: Yes, and it is a dramatic difference and it really feels comfortable in there. Even with a car parked on the road I don't expect that anybody is going to have any problem driving the roads in Arlington Heights. Mr. Watts asked if a public hearing was held yet at the Town Board level. Mr. Polak stated no, the

project was just presented to the Board. Mr. Watts stated it was presented to Board and then now it has been referred back to the Planning Board for the first time tonight. We could hold a public informational meeting if we so chose because I have heard Mr. Higgins' concerns relative to everything around there being single-family and we would want to give an opportunity to residents in the area to speak. Mrs. Ruchlicki's letter is in this file and we will make sure that you see it but there is something about a buffer relative to the Tribley parcel that was clear-cut and you agreed to plant some trees and there was something about swales. Mr. Nadeau stated the following: I agree that we should hold a public informational meeting because there are some very high-end homes up in that area and well kept nice developments in that area. I think the neighbors would be very interested to know what is proposed. Mr. Higgins stated I think it would be a good idea to refer it to CHA at this point and let them have some time to look it over especially concerning a secondary access and things like that before we present it to the public.

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

08.068 NB Plant Road PDD, 91 Plant Road – Major Subdivision/PDD

Mr. Gordon Nicholson, of Environmental Design Partnership, stated the following: I am here this evening representing TRA-TOM Development and Mr. George Amedore is going to be the builder in this development. The history behind this project was that we made an original submission to the Town Board in May of 2007 and it took until May of 2008 before we got through some revisions for the plan. The site is approximately 53-acres in size. The changes that we discussed with Town Board from the original application are that we reduced the density from 190-units to 150-units. We have created a 100 FT wide buffer strip against the orchard because there were some extensive concerns about the right to farm at that location. We have added sidewalks and paths in the spirit of the linkage study along the frontage on Plant Road and as well in the buffer strip with the intent of hopefully someday this linkage would be able to be extended out to Route 9. We moved units away from Plant Road and created more green space along the edge of Plant Road. The site is zoned R-1 Residential and we are proposing 110 town home style units and 40 senior condominiums with a condominium association and a homeowners association (HOA). There would also be a HOA that would own and manage the open space on the west side of the road as well as the buffer strip along the orchard property. We are proposing a clubhouse with a pond with a fountain in it, a swimming pool and a fitness center. Approximately 35 to 40% of the site would remain as open space. The HOA and the condo association are going to be responsible for lawn care, snow removal, the clubhouse area, the general open space, the orchard buffer and complete maintenance of the roadway system on east side of the road. One of the important points that we discussed with the Town Board was that all the deeds in the project are going to contain language that there is the right to farm here and the buffer strip remains undisturbed. Also the residents in this proposed development would be made completely aware of the orchard operation at the time they purchase a unit, which would creates noise, spraying and things of that nature and whatever goes along with farming. We are well aware of the fact that traffic on Plant Road is an issue. We originally had a traffic engineer that recommended where the site entrance be because there is a safe location here and a window of opportunity for site access on both sides of the road. That traffic engineer also initially looked at the southern intersection with Plant Road on Route 9 as well as the northwest intersection with Route 146, the northeast intersection with Route 146 and the triangular intersection. The applicant also purchased the single-family home that is next Stewarts opposite the entrance to the Auto Auction with the

intent of using that for public benefit so at some point in the future the road could be extended out to Route 146. The project itself at this density we are estimating at this point that it would generate approximately 68 trips in the a.m. peak and the 81 trips in the p.m. peak. What we would like to do at this point in time is to set up some kind of workshop with our traffic engineer, the Planning Board, with any other Town representatives and CHA to try and reach some kind of conclusion on what everyone feels would be the most beneficial public benefit, which we believe would focus on traffic improvements on Plant Road or intersections associated with Plant Road. I don't know to what extent that would be. Obviously a project of this scale can only carry a certain amount of traffic improvements. We think that this would be a good point to start before we finalize or propose a public benefit to see what the people in the community think makes the most sense with Plant Road. The applicants are more than willing to sit down and look at that. The Town of Halfmoon would supply water and sewer would be supplied by Saratoga County Sewer District. There would be on-site stormwater management with discharge to drainage corridors. To date the sub consulting studies that we have completed are preliminary traffic studies, Phase I environmental assessment, US Army Corp of Engineers have looked at the site and have issued jurisdictional determination. The NYSDEC has been on the site and has issued jurisdictional determination for their wetlands. Phase I and Phase II cultural resources for archeology has been completed. U.S. Fish and Wildlife has been on the site as well as Natural Heritage and we have an endangered species sign-off. At this point we are here to get the Board's input on traffic and density. Mr. Berkowitz asked if the senior housing was on the east side of the property. Mr. Nicholson stated the following: Yes and there was some discussion with the Town Board who suggested for a crosswalk but at a subsequent meeting there was some disagreement as to whether a crosswalk would even make sense with the speed of traffic on Plant Road. The senior housing would be for active adults, which would be 55 years old and older. The question was if those active adults would want to cross Plant Road to get to the benefit of the clubhouse, fitness center and swimming pool and the Town Board had concerns with the current traffic and the speed on Plant Road. That is something that we would continue to look at with the traffic study work. Mr. Berkowitz asked if they had considered moving the senior part over to the west side of Plant Road. Mr. Nicholson stated that was a suggestion and if not all of them, to mix some of them on the west side and we said we would take a look at that and we have not made a decision one way or another. Mr. Berkowitz stated even though the speed limit is 40, no one goes 40 on that road. Mr. Nicholson stated this is something that we would consider and this is a valid point. Mr. Watts stated the senior component was the suggestion of previous meetings that we have had and this is certainly a need in the Town of Halfmoon. We have many people who want to get rid of their single-family home and I think that was suggested by us at various meetings. Mr. Watts asked if the pricing would be somewhat affordable for seniors. Mr. Nicholson stated the following: We had that discussion and the senior housing would be 4-unit buildings and Tandy Associates, of which Tom Ferrone is one of the principals in it, just finished a 68-unit project that would be identical to these buildings and this type of a layout in the Town of Milton. I think the price range on those units range from the high \$190,000's to maybe \$220,000 per unit. When you consider some of the other units and the pricing that is going on in Southern Saratoga County it is pretty realistic. Mr. Nadeau asked if anyone considered a stop sign at that intersection on both sides of Plant Road. Mr. Nicholson stated we would consider this but we really haven't had the traffic engineer involved because we are waiting to get a sense on what makes the most sense to move forward with the traffic study. Obviously this is something that would be part of the technical aspect of the application. Mr. Nadeau asked if the applicant owns the property where it Y's from where it ends up at Stewarts out to Route 146. Mr.

Nicholson stated yes that is correct. The applicant has purchased that single-family house next to Stewarts and it was my understanding that the Town was interested in that piece of property for years but the price was too high and didn't make sense. The applicant paid a relatively large amount for this property with the idea that it could go a long way toward public benefit. Mr. Watts stated the following: Along with correcting that intersection that always has been a problem. I did receive a call from, I presume, your traffic engineer relative to having a meeting set up to discuss what issues might be resolved relative to all of that and you have clarified it a bit. Mr. Nicholson stated the following: That was the traffic engineer that we used for the preliminary work and that traffic engineer is not necessarily the one we are continuing with because I made some representation to the Town Board that we were interviewing other traffic engineers. We think it is important that in this part of the process of sitting down and having a meeting with the Town, whoever our traffic engineer is, to get a sense on what public benefit makes the most sense for the people who make the planning decisions. Mr. Berkowitz asked if the trail system was for the whole Town or just for the development. Mr. Nicholson stated I think the only caveat on that was that we had decided to date that it would be closed from dusk until dawn. Mr. Berkowitz so would it be open to anybody in the Town. Mr. Nicholson stated yes and there is a public sidewalk at the edge of the right-of-way that would be owned and maintained by the HOA if the Town doesn't have the mechanism to plow the sidewalks and things. Mr. Berkowitz asked how close is that to the proposed road that is supposed to go east-west between Plant Road. Mr. Nicholson stated I don't know where that road is supposed to go but Mr. Devoe owns the chunk of land that is about 100 FT wide that goes out to Route 9. We are proposing a triangular piece of property in that area so when that road comes in at some point in the future it can get over to there. I don't think there was any specific north-south alignment for that. Mr. Nadeau stated there was one at the Hess Station and Phelan's where the ultimate entrance was supposed to end up. How it meandered through over to Plant Road is still open but that was the objective to come out into that area when it was done some 10 to 15 years ago. Mr. Polak stated the Devoe piece comes out where the Italian Ice place was but it only goes back to the Hess lot. Mr. Williams stated the access that Mr. Nicholson is talking about out to Route 9 was part of the Town Center Plan that we adopted 2 to 3 years ago. Mr. Nicholson stated at the point when we prepared the application we were trying to meet as many of the long range planning things that were on the table with the Town but things may have evolved differently since then. Mr. Watts stated anything like that is a moving target because you have surrounding properties that have various interests. Mr. Nicholson stated we have heard many different scenarios on how to deal with how Plant Road comes out to Route 146 and that may be why some type of a traffic/planning workshop for Plant Road makes more sense.

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

08.069 NB Intersource Management Group, Inc. – 7 Corporate Drive – Change of Tenant

Mr. Brian Sleasman, of ABD Engineering and Surveyors, stated the following: I am here for a proposed change of tenant request located at 7 Corporate Drive. Intersource Management Group proposes to occupy the currently vacant office space at that location. Intersource Management group does all their work over the telephone and Internet so no clients would be coming to the site. They have 7 employees and their regular business hours are 8:00 am to 5:00 pm Monday through Friday. Mr. Higgins asked if there was any inventory on the site. Mr. Sleasman stated no. Mr. Watts asked if there was adequate parking at that site. Mr. Sleasman

stated yes. Mr. Watts asked exactly what do they do. Mr. Sleasman stated they are a management group and do contracts for the distribution of power and the global power generation industry but all the contracts are done on the Internet and telephone. Mr. Watts asked Mr. Sleasman to ask the applicant to please do all their advertising as being located in Halfmoon. Mr. Watts asked if they had a sign application. Mr. Sleasman stated no, not that I am aware of.

Mr. Berkowitz made a motion to approve the change of tenant application for Intersource Management Group, Inc. Mr. Higgins seconded. Motion carried.

08.070 NB Gabriel Retail Group, 1581 Route 9 (Rekucki Plaza) – Change of Tenant

Mr. Brian Sleasman, of ABD Engineering, stated the following: The Gabriel Retail Group is proposing to occupy the vacant space located at 1581 Route 9. They would be selling health foods, dietary supplements and items like that. There is a lower level at this location that they would be using for storage. A carpet installer previously occupied this vacant space. There would be 4 employees and their hours of operation would be Monday through Friday 10:00 am to 6:00 pm, Saturday 9:00 am to 3:00 pm and Sunday noon to 6:00 pm. Mr. Watts asked if this would be a retail outlet for health food. Mr. Sleasman stated yes it would be a small retail outlet. Mr. Nadeau stated I am not sure what site this was but I thought there were some issues with someone who wanted to come in with storage at that plaza. Mr. Higgins asked what the lower level would be used for. Mr. Sleasman stated storage of their inventory. Mr. Higgins asked if there was public access to the lower level. Mr. Sleasman stated no. Mr. Higgins stated there were some concerns about access and stairs and things like that. Mr. Berkowitz stated I Love My Heart used to be there. Mr. Sleasman stated the Flooring Environment moved out on July 1st and Gabriel Retail Group would only occupy half of that vacant space. Mr. Watts stated the applicant would have to come in for a building permit to occupy that space. Mr. Sleasman stated yes, they would come in for a building permit. Mr. Higgins stated over the years there were some concerns about whether or not the paving had been completed, sufficient lighting and things like that and asked if all of that has been resolved. Mr. Watts asked Mrs. Zepko to visit the site since Mr. Higgins' has raised that point and if there is an issue we can go out and look at the site and make sure that everything has been done. Mr. Williams stated the applicant also needs to submit a sign application. Mr. Watts stated okay. Mrs. Zepko stated I will look at the file and do a site visit. Mr. Berkowitz asked are we comfortable with that storage. Mr. Watts stated yes. Mr. Higgins asked if it would be strictly storage with no retail on the lower level with no customer access. Mr. Sleasman stated the lower level would be for storage only with no customer access.

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

08.071 NB Parkford Square II, Freeman Lane & Route 146 – Concept-Commercial Site Plan

Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: I am here tonight representing Parkford Development. This application proposes to construct a 12,000 SF office building in a C-1 Commercial zone on approximately 1.4-acres of land. The property is located at the corner of Freeman Lane and Route 146. The location of the proposed building is just to the west of the existing Parkford Development Project, Parkford Square, which is a

15,000 SF building that was recently constructed within the last couple of years by the same applicant for this project. The applicant purchased 3 parcels of land next to it in order to construct a very similar type of site and office building on the premises. Their interest is to construct a building that would be a one-story building with the same architectural style that you see now at the existing site almost like a mirrored image of it on the other property. The site itself would have a single access off of Freeman Lane along with a connection to the existing parking lot. We left sort of a stub parking lot in the front of existing site. We would be connecting that so that these parcels would be able to access one property to the other. The site is currently heavily vegetated along the property of the existing building. There are 2 single-family residential structures on the property that would be removed as part of this project. These 2 structures are located on the rear parcel, which are the northern parcel and the parcel on the corner. From there we would construct a parking lot mainly fronting on Freeman Lane trying to limit the amount of parking that is visible from Route 146. The only thing that is really visible there along that edge would be a stormwater management pond. We would also make our utility connections, both sanitary and water, at that location on Route 146. We would be providing 30 percent green space along with a vegetated buffer along the northern property where there is a single-family home within that C-1 Commercial zone. Mr. Watts stated the current project was done well and looks good and has no issues. Mr. Higgins stated the following: I sentiment Mr. Watts' comments also. I think the existing location is a definite benefit to the Town. My question is do you have 61 proposed parking spaces? Mr. Vuillaume stated correct, for the proposed 12,000 SF building. Mr. Higgins asked if 2 of those parking spaces were on the existing site. Mr. Vuillaume stated correct, there are 1 or 2 parking spaces there. Mr. Higgins stated I think you need to change that because those 2 parking spaces have to stay on the existing site. Mr. Vuillaume stated okay. Mr. Watts asked the size of the proposed parking spaces. Mr. Vuillaume stated they were all 10 FT x 20 FT but we revised the site plan showing some of parking spaces to be 9 FT x 20 FT. Mr. Watts asked if there were some smaller ones at the existing site. Mr. Vuillaume stated yes, we ended up doing some smaller ones. Mr. Watts asked if the proposed building would be all office space and not a pizza take-out place? Mr. Vuillaume stated correct, they would be all offices so if we needed to we could reduce some of the parking spaces with the employee parking using the smaller spaces. Mr. Nadeau stated I think we had some issues with Crew Road on the first portion of this which became quite extensive and asked if there were any issues with Freeman Lane. Mr. Chauvin stated not that I know of. Mr. Vuillaume stated Freeman Lane is a Town Road. Mr. Chauvin stated the following: There is a portion of Freeman Lane that was dedicated to the Town and portion that was not dedicated to the Town. I don't know where the break point is but it should show on the tax map. Mrs. Zepko stated the following: I believe that was Crew Road. Freeman Lane is a Town deadend road.

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

Old Business:

07.122 OB Architectural Glass & Mirror, 11 Solar Drive/Crew Road – Amendment to PDD/Addition to Site Plan

Ms. Stefani Bitter, Attorney for Architectural Glass & Mirror, stated the following: I am here with Mr. Dan Hershberg, of Hershberg & Hershberg Consulting Engineers and Land Surveyors, and Mr. Jay Hopeck, General Contractor, as well as Mark Haverly. As the Board will recall, we were before you on March 24, 2008 at which time we received subdivision approval. We then had to go to the Town Board for the re-zoning request of the parcel, which we did receive on

May 6, 2008. We are now before the Board for site plan review approval. Architectural Glass & Mirror (AGM) currently operates at 11 Solar Drive. AGM's business is for fabrication of aluminum framed doors and associated glass glazing and also acts as a commercial glazing contractor. Due to AGM's success over the past 22 years, they need to expand. Unfortunately, they could not expand on the site they are currently located at. So they purchased the property immediately behind them from Mr. Johnson. That property was originally zoned C-1 Commercial but since that time it has been placed in the Parkford PDD so it is compliant with this proposed use. As you know, during the subdivision process it was necessary that we configure the original 3-acre lot so that frontage was obtained over 11 Solar Drive. So it was created into what is called a flagpole lot. The IDA who is the record owner of that parcel has agreed to that and we are working on transferring that over to finalize that subdivision that is a 3.1-acre lot. The development that is being proposed is a 30,000 SF building, 20,000 SF would be for AGM and 10,000 SF would be used for a new tenant that has not yet been determined. The new building would face Solar Drive and it would have public water and private sewer and will have a similar traffic pattern as exists there today. They are proposing about 12 employees because of the fact that a majority of the employees are site workers. Once the product is complete it is shipped to the site for installation. No noise or odor is affiliated with this use. We do have an acceptance letter from CHA. I will now turn this over to Mr. Hershberg who will address any of your concerns. Mr. Hershberg stated the following: The key element that we reviewed with CHA had to do with stormwater management issues. The soil here is all sandy and is very porous. We are using ground water infiltration and are proposing to have a sedimentation basin in one area and a re-charge basin in another area. All the stormwater is piped to that location. There would be septic on-site and that will serve all of the 20,000 SF portion and the 10,000 SF for a future tenant. In order to demonstrate that we have adequate parking if a more intense use was made to the 10,000 SF, we do have parking spots that we have land banked. At full buildout level with all that is built there would be over 40% green space. We have a total of 65 parking spots shown on the plans; 38 would be for parking spots and 27 spots would be land banked for future use. Initially a portion of the drainage went to west towards the NYSDOT access road and a portion came down towards Solar Drive in two different locations. Yet even at the 100-year storm, virtually no flow came off the site because it was unpaved and has very porous soil. In order to replicate that we used ground water infiltration and we did prepare a SWPPP application in conformance with GP-0-008-01. We think the project works well and we were please to work with the planner and CHA to have a successful solution through you. Mr. Watts asked Mrs. Zepko if everything was okay with the stormwater issues. Mrs. Zepko stated yes, both Mr. Lockwood and I are comfortable at this point with the stormwater. Mr. Higgins stated when this project was first presented, there was some questions about parking with the existing facility and that there were cases where cars were parking on the road and that was discussed with the applicant and asked if this would still be a problem. Mr. Hershberg stated the following: Parking would not be a problem because we have excess parking over what is needed. As Ms. Bitter mentioned there would be either 10 or 12 employees in the proposed 20,000 SF building and we are currently showing 38 parking spots so it would well exceeds that need. If there is a more intense use for 10,000 SF tenant space, there is excess parking available on the site. Mr. Higgins stated we don't have a drawing here so could you please highlight where the access is to get back to that site. Mr. Hershberg stated the existing driveway would be used to access the rear of the parcel. Mr. Higgins asked if the rear would be used for mainly storage or would they have production also? Mr. Hershberg stated I think it is production and storage.

Mr. Berkowitz made a motion to approve the addition to site plan for Architectural Glass & Mirror. Mr. Higgins seconded. Motion carried.

07.129 OB Sheldon Hills PDD-Phase 3, Route 146 & Upper Newtown Road – Major Subdivision/GEIS/PDD

Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: This evening we are presenting to you the detailed site plan or final subdivision plans for Phase 3 of Sheldon Hills. Phase 3 is the last phase of the project. The overall project began at least 4 to 5 years ago. Phase 1 has been fully builtout, Phase 2 is currently under construction and Phase 3 contains 102 multi-family units is up for final approval and will hopefully be beginning construction in the fall. The Sheldon Hills PDD is still proposed for 323 units. Phase 1 had 140 units with 88 single-family homes and 52 twin homes. Phase 2, which is under construction, contains 81 units with 29 single-family homes and 52 twin homes. Phase 3 would be a mix of twin homes and condos; multi-family units and has 102 units for the grand total of 323 units. The plan for the Phase 3 project is conceptually presented to the Planning Board back in December 2008. The Board seemed comfortable with the proposal so we prepared the detailed site plan for it. The roadway layout is essentially the same for Phase 3. There would be a single access off of Covington Drive, which is in Phase 2 and another single entrance into Phase 3 off of Sheldon Drive. Those two roadways would provide access in and out of Phase 3. We reviewed the road layout and the configuration of the streets themselves with the fire department very early on and supplied them with a detail plan. I don't know if we have received any final word from them and asked Mr. Williams if he had heard anything from the fire department. Mr. Williams stated no, I haven't had any recent correspondence with them. Mr. Vuillaume stated the following: We are pretty much under the assumption that they are okay with. I did speak with the fire chief early on and he said he would contact us if there were anything that we needed to address. I think the only thing we were talking about back then was maybe the placement of the hydrants and things like that. The layout contains two types of these twin homes or condos and the twin homes or town homes are basically a mixture of 2-unit and 3-unit buildings. There are 28 units that would be the 2-unit variety and there are 42 units that would be 3-unit. Most of those are mixed on the northern portion of the property. There is a small area about 8 to 10-acres in size that would contain the condos. The condos would be in their own area. The condos are mostly 6-units and I think there is one 8-unit building. Mr. David Michaels is here tonight if you would like to take a look at those buildings again. The style and architecture of those buildings are very consistently with the buildings that were built in Phase 2. I believe those buildings would be a 2 – 4 mix with 2 units up and 4 units down. The last time we had met it was 100 units that we were proposing. We are now going to further subdivide one of the 2-unit lots in Phase 2 and take that out of Phase 2 and put a 3-unit building in. Basically we are just taking those 2 units from Phase 2 and putting them in Phase 3. Mr. Berkowitz asked about the status of the traffic light. Mr. Watts stated the following: We have received a number of inquiries from residents there relative to the traffic light and the Town asked the applicant to re-evaluate the traffic conditions and to perform another study to determine if the traffic light would be warranted. They have provided all of that information and the NYSDOT said it still doesn't meet the warrant so the NYSDOT runs the show. The Town did everything it possibly could to get a traffic light and this is dealt with by a NYSDOT traffic warrant. Mr. Williams stated the traffic light would be warranted at 75% buildout. Mr. Nadeau stated at some point a traffic light would be warranted and NYSDOT approved it but not until 75% buildout. Mr. Michaels stated the following: The NYSDOT wanted it at that threshold and as far as we are concerned we would like to see it sooner if

possible. We would like to see the traffic light as much as the residents do because it is a safety issue. Mr. Nadeau stated what you are saying is not that NYSDOT wouldn't allow it, it is part of this and the NYSDOT was onboard to approve it at 75% buildout. Mr. Berkowitz stated the following: When do you actually start to build it, at the 75% level or as you are reaching 75%? Could you put it in, keep it dark and then turn it on once you hit 75%? Mr. Michaels stated I don't think they will allow any permitting or any inspection on their end until we meet the threshold. Mr. Berkowitz asked so you can't even begin the process until you hit 75%. Mr. Michaels stated that is how we understand it but it's not to say that the residents in the community could start a petition and submit it to the NYSDOT. Mr. Polak stated I believe this was presented to the Town Board and Mrs. Wormuth has been in contact with the residents letting them know that she did follow up on it. Mr. Watts stated the following: It is going to be done. The Planning Board can make our feelings known and the Town Supervisor and the Town Board certainly have and I think this falls more under their aegis then under ours. Mr. Nadeau asked when the applicant anticipated the 75% buildout. Mr. Michaels stated realistically it would be some time in 2010 based on our current projections. Mr. Higgins asked if the trails were all set and was the problem with the runoff all taken care of. Mrs. Zepko stated yes. Mr. Watts stated I respect the question but this is not the proper forum for trail questions. Mr. Higgins stated I know that there were some approved trails on the earlier portions. Mr. Watts stated yes and we are okay with those.

Mr. Nadeau made a motion to approve the major subdivision application for Sheldon Hills PDD, Phase 3. Mr. Higgins seconded. Motion carried.

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

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, stated the following: This is an application for a 81-lot Planned Development District (PDD) by Landmark Development Group. This is the first presentation to the Board after the public informational meeting, which was held on May 12, 2008. I have submitted correspondence to the Board dated June 5, 2008 summarizing responses to specific issues that were raised at a meeting. I would like to go over with the Board the latest changes, which were incorporated to the plan subsequent to that meeting and also based on the comments, which we received from the Board in the meeting prior to the public informational meeting. We have provided a potential right-of-way for a possible future connection to the existing vacant properties located to the east. In regards to the concerns of the neighbors on the westerly side of project, we are proposing to construct fencing along the property line to clearly identify where the boundary of the project or property is. I have met in the field with two adjoining property owners at the end of Locust Lane to discuss the location of the stormwater management areas and I explained to them what it would look like. We also committed to removing some of the bad looking old overgrown locust trees in that area, which are a danger to this property, and we would plant a few evergreen trees in that area. There were also concerns about the extent of the vegetation removal and also how it is going to impact the neighboring properties so we have increased the land preservation area further on this project site where we have a continuous land preservation area along the project. We have widened the land preservation area due to a comment for one of the adjoining landowners, Mr. Suchocki. We also have widened the land preservation area with respect to the comments from neighboring properties from the Stage Run Plantation Subdivision. The combined land preservation area now stands at 32-acres. This is the combined area of the common open space parcels, the land preservation area over future individual lots and the stormwater

management areas. This describes briefly the latest changes we have made to the plans and the supplements the previous documentation, which we submitted on the project. The major document was the development proposal report, which was submitted for the first presentation, which was submitted to the Town Board and then presented to the Planning Board. The development proposal report analyzes this site completely regarding both State and Federal wetlands. We are providing drainage analysis and drainage evaluation for the entire project and we have submitted a complete traffic study. This is an outline of the project at this point and I would like to answer any questions that the Board might have and possibly ask the Board for a referral to the Town Board for a positive recommendation. Mr. Nadeau stated one of the neighbors who fronts on Harris Road had concern regarding the drainage onto his property and asked what has been addressed to change that. Mr. Zdrahal stated this gentleman was Mr. Douglas and I have not had a chance to meet with him yet but at the present time there are 2 existing drainage channels; one in front of his property and one on the back. The final design would be in such a way that we would not adversely affect anything on his problem. In addition I spoke with Mr. Douglas briefly about a plan we are working on to potentially ask him if he would consider that we move his driveway from Harris Road on the proposed Town road and we would landscape the corner of his lot. Mr. Higgins stated the following: I see that you responded to our request for a paper road for a possible future connection. Is that the optimum place for the placement of that road? It appears that there is some wetlands that used to be between the previous lots 62 and 63 and are now between lots 40 and 42 and where that road goes into the adjoining property I can't tell but it appears that there some drainage swales that it is going to be effecting when it goes on to the other property. I want to make sure that this is the right place for the placement of that road and if it doesn't make more sense to bring a little further south. Mr. Zdrahal stated the following: I did a layout for that site in the past because we are looking at the whole area comprehensively. It would be like an eyebrow on Harris Road and bring the road down to another location because there another point of access and this is a major drainage course to cross and we are not planning to cross it. Mr. Higgins stated okay then it is in a high point and I could not tell by your drawing whether it was in a low point. Mr. Zdrahal stated that is a swale. Mr. Higgins stated all I was concerned about is that we are putting the road where it makes the most sense. Mr. Watts stated the following: What we are doing at this point is making a recommendation back to the Town Board relative to the zoning change and then a lot of these engineering issues we would review during the site plan review. I know that we did have a large number of people here at the public informational meeting where some concerns are great and have been addressed and others are not addressable. Mr. Williams have you looked this over and do you feel that in the main all the issues have been addressed or will be addressed during the site plan review process. Mr. Williams stated yes I feel comfortable with that. Mr. Higgins asked is this recommendation just for a zoning change to the Town Board for the PDD or does our recommendation also address density? Mr. Williams stated CHA has issued an April 15, 2008 review letter on the density and some SEQR and they were pretty much favorable on all the responses back. They are consistent with the standards set by the PDD's ordinance and their zoning. Mr. Watts stated the public benefit is still to be worked out with the Town Board. Mr. Williams stated the following: With a conventional subdivision we get 15 less lots but we also get less green space. The PDD proposal gives more open space. Mr. Watts stated and then there are the public benefits with running the sewer line and the traffic lights, which are still being negotiated. Mr. Zdrahal stated I am working with the Town Board for the public benefits. Mr. Polak stated the following: Mr. Zdrahal has talked to the land owners surrounding that site that had any major issues and Mr. Zdrahal had due diligence and met with them on site to try

to resolve any issues that they may have had. Mr. Zdrahal has gone above and beyond to help the surrounding property owners. As Mr. Watts said they are some issues that can't be addressed. Mr. Watts stated the following: Right, you can't make them all happy. Similarly the same things happened over at Elsworth Landing too with the water issues over there and if you look at it, everybody is fine. Mr. Polak stated when the basins get developed and cleaned up, that will allow some of the drainage to flow through there a lot easier than it does now because a lot of those areas are massively grown out and it takes forever for that water to flow through there.

Mr. Berkowitz made a motion to pass a positive recommendation to the Town Board for the proposed Brookfield Place PDD. Mr. Ouimet seconded. Motion carried.

08.060 OB Donati Subdivision, 172 Anthony Road – Minor Subdivision/Lot Line Adjustment

Mr. Duane Rabideau, of Gilbert VanGuilder & Associates, stated the following: I am representing the Donati's. This is a resubmission of our plans that we presented a month ago. We are proposing a 5-lot layout that we initially proposed preferring to use the flaglot configuration with the multiple flaglots. What's different about this proposal is the fact that we have been able to reconfigure the conventional layout to get 5-lots as per zoning. Previously we had 4-lots and we were trying to use the multiple flaglot criteria to have an additional lot. We reworked this and came up with this new configuration where we would get 5-lots by conventional zoning. Lot #1 has an existing single-family residence on it, Lot #2 has 150 FT of road frontage, Lot #3 also with 150 FT of frontage and Lot #4 with 150 FT frontage with the one keyhole allowable lot. From my understanding that was the sticking point from the last proposal. Mr. Watts asked if a public hearing needed to be scheduled for this project. Mrs. Zepko stated yes we do but we are requesting a Stormwater Pollution Prevention Plan (SWPPP) for this project due to the number of lots so we would like this to be referred to CHA for review of that SWPPP. Mr. Williams stated the following: We brought this back in front of the Board because there was an issue with a multiple flaglot layout verses the conventional layout that has skewed lines. Once we get to that point, we would ask the applicant to provide a SWPPP and then refer that to CHA for review. Once CHA has completed their review then we can set a public hearing. Mr. Nadeau asked if there was an in place easement for everyone to use that driveway. Mr. Rabideau stated yes, that is correct. Mr. Higgins asked if the large area down below was all wetlands. Mr. Rabideau stated that is correct. Mr. Higgins asked if the lower area was accessible and is not something that someone would come in later on and want to subdivide. Mr. Rabideau stated no it couldn't be done. Mr. Higgins asked if the wetland area was DEC or Federal mandated wetlands. Mr. Rabideau stated DEC and nothing can happen there. Mr. Nadeau asked if the remainder of that parcel was all wetlands. Mr. Rabideau stated yes. Mr. Williams stated with the multiple flaglot layout one of the lots is going to contain all of those wetlands. Mr. Rabideau stated yes lot #2 would have the wetlands. Mr. Nadeau stated the following: I believe that on some subdivisions we have previously put in the approval that the purchaser of that lot should definitely know that they couldn't do anything with it and whoever buys it should be aware they are buying wetland. We have had issues where people say, "I don't want that". Mr. Higgins stated previously we have put notes on the deed that said "no further subdivisions" but that has come back to question it. Mr. Williams stated the following: Mrs. Murphy recently told me that through court studies that now notes on plans do stick in court. I think this is one thing that you have to consider with putting the notes on plans. Also, I would like to see when we make a recommendation when we get to the approval

stage that they are all single-family lots. These lots are large enough for a duplex whereas that would double the density on each lot and would result in greater impacts. Mr. Nadeau stated the objective is not to set a precedent for 4, 5 or 8, 9, 10, 12 flaglots off of one access. Mr. Higgins stated as far as the common driveway or common roadway access, who would own that? Mr. Rabideau stated it is an easement that has a maintenance agreement on it. With this configuration they will all own portions of it but it is all within the easement area. So wherever they put the drive, everybody would have access and with a maintenance agreement to maintain it. Mr. Ouimet said yes, but somebody has to own it. Mrs. Zepko stated it would be on all of the properties because the easement runs through all of the flaglots. Mr. Chauvin stated to clarify things when they are finished here we will have a shared access agreement with the proper verbiage in the easement that lays out maintenance and other responsibilities for the access areas and utilities. They will all have a portion of it and they will all have the right to ingress and egress over it and the right to maintain the utilities and that has to be documented in a written permitted easement. Mr. Higgins stated we want to make sure of that because of the nature of this particular project and because of the fact that it can be subdivided in a conventional manner, that the proposed subdivision with the common driveway and multiple flaglots doesn't become a matter of course that each individual subdivision of this nature will be looked at individually. I think we want to put some kind of a note regarding any future approval. Mr. Watts stated the following: I think what Mr. Higgins' has said makes sense and asked if anyone from the Planning Board have any objection to what Mr. Higgins' has stated? We are not setting any dangerous precedents here that we have reviewed carefully and this particular plan worked and the next one might not because sometimes people say "well, you did it the last time". Mr. Chauvin stated the following: This particular proposed subdivision is unique and the Planning Board used its discretion to review multiple flaglots where it has been found that this subdivision with the multiple flaglots makes sense. That being said, the next proposed multiple flaglot subdivision may not make sense and the Board can use its discretion to make that determination.

This item was tabled and referred to CHA for technical review of the required the Stormwater Pollution Prevention Plan (SWPPP).

Mr. Nadeau made a motion to adjourn the July 14, 2008 Planning Board Meeting at 9:08 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary