

Town of Halfmoon Planning Board

August 25, 2008 Minutes

Those present at the August 25, 2008 Planning Board meeting were:

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

Alternate

Planning Board Members: Bob Beck

Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Paul Hotaling
Walt Polak

CHA Representative: Bob Lockwood

Mr. Watts opened the August 25, 2008 Planning Board Meeting at 7:01 pm. Mr. Watts asked the Planning Board Members if they had reviewed the August 11, 2008 Planning Board Minutes. Mr. Roberts made a motion to approve the August 11, 2008 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

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

Public Informational Meeting:

08.046 PIM John Deere Landscapes, 1641 Route 9 (Casale Rent-All) – Addition to Site Plan

Mr. Higgins recused himself from this item. Mr. Watts opened the Public Informational Meeting at 7:01 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Tom Andress, of ABD Engineering, stated the following: I am here tonight representing Mr. Tony Casale. The proposal is to construct an 8,000 SF building on the rear of the parcel. They would have access to this area with the private drive and the newly paved road coming in off of Route 9. The project is for the rear portion of the property, which is approximately 2 to 2.5-acres. John Deere Landscapes are currently located off of Exit 10 on the Northway at Ushers Road and Route 9. They would be moving from that facility and consolidating a couple of their other facilities and putting them in at this site. John Deere Landscapes sells landscape products to the trades. They are open for retail if someone wants to come in there but mostly the trades. They would sell landscape fabric, retaining wall material, hoses, rakes, some plantings and anything else that is related to landscaping. They

would occupy the proposed building and they would have a large area behind the building where there would be crusher run that would be used for outdoor storage. Mr. Watts asked if anyone from the public wished to speak. Mr. Rich Wheeler, of 122 Plant Road, stated the following: A proposal has been made to build a new retail building adjacent to my property. The entire southern boundary of my property, which is approximately 432 FT, borders on the proposed site plan for the John Deere Landscaping and Retail Storage Yard. This proposal raises several concerns and these concerns are as follows: My first concern is noise pollution. For the past 6 months we have endured the constant noise from trucks. This noise has been from sunrise to sunset, often 7 days a week. This includes but is not limited to the reverse warning beeps from the heavy equipment vehicles plus the banging of the dump trucks as they dump their loads. I can only hope that once construction is completed, these types of noises will abate. A larger concern is the level of noise that would originate from the proposed outdoor storage area for the landscape products that are going to be sold. If these noises would be confined to normal business hours Monday through Friday, they should not be an issue. If, however, they would occur outside of those hours and/or on the weekend, I would strongly object. My second concern is one of light and visibility pollution. My largest concern is the exact positioning of the proposed fence in relationship to my property line. I have been able to locate the iron pipe, which marks the western most terminus of my property but no such marker exists for the eastern end. This eastern end terminus is my biggest concern. Not having access to any surveying equipment and only a basic compass and a measuring tape, I can only get close. If my estimates are correct, the corner of the proposed fence would come within 100 FT of my house and the entire storage area would be highly visible especially from the windows in house. This view would be especially undesirable as my house sits on a bit of hill and we would get a birds eye view of this storage yard. In my opinion no amount of fencing would have any affect on this. Speaking of the fence; the current plot plan calls for a 6 FT wooden stockade fence. Wooden stockade fences look nice for a year or two but I can guarantee given the wooden nature of the property that the fence will quickly begin to decay and would become an eyesore. I request something more of a longer lasting nature. The plot plan also currently calls for a supplemental evergreen planting buffer. Now that may be fine for a couple of open areas, but along the western most property line, there is an existing line of old established trees. My preference is to leave those trees and shrubs exactly as they are now and only fill in the open areas. The buffer to me is the most important piece of this proposal if not the most important. Not only do I want to minimize the amount of the retail frontage that I would have to view each day but I want to minimize the amount of light that would impact my house at night. The last thing I want is a security light flooding the back of the house. I also ask that change of the seasons be taken into account when the final decision is made. All those trees are currently of a deciduous nature, so come late fall when all those leaves come down, the entire area would be mine to see. A further concern is small creek, which flows in the rear of my property. This creek has already been channeled through a culvert and my concern is that if that culvert were to ever get blocked, that the water would back up into my backyard. This would especially be bad if the blockage were to occur during a summer thunderstorm. The surface water flows down and away from my house and my backyard is a naturally wet area and it would not take much for that water to back up. My final concern is one of the future. Once this building goes up and the property line is defined, what is to prevent a future proposal to locate a new building even closer to my house? I moved to Halfmoon over 20 years ago and each day I watch the roads get busier and busier and green space get smaller and smaller. I know progress is inevitable but now that it is knocking at my door I can only hope that we can come to a mutual agreement, which would have a minimum impact on the quality of life I have

enjoyed since moving here. Mr. Andress stated the following: I know Mr. Casale had an opportunity to speak with Mr. and Mrs. Wheeler earlier today and they had some objections recently to the late use of the facility. Unfortunately, a lot of it had to do with the construction of the road with the weather and everything and obviously it was an obligation that we had before this Board to get done. We did do some work that was after hours and once this is completed we won't have that issue. The hours of operation for the proposed John Deere Landscapes would be 7:00 am to 5:00 pm Monday through Friday with very limited Saturday hours. Also their principle season is spring through the fall and they would have much more limited hours in the wintertime because there are not as many landscapers doing work during that time. That is when the foliage would be down and you would have the best chance to have some noise coming through and they would have very limited hours at that point. We did show a buffer on the rear of site. It started out at 10 FT and I think there was a suggestion from this Board to go to 25 FT. We have maintained the 25 FT with the existing trees and the fence is 25 FT off the property line. We had changed it to a wooden fence from a chained link fence at the request of the CHA's review. We can certainly take a look at that fence to try to beef up the wood on it. We do have the building in the area that is deciduous or brush so we have added a lot of supplement pines through that area. We have indicated this to the Wheeler's and to this Board that as we construct the building if there are openings in the existing wood line that we would supplement the openings with additional plantings. There was a concern regarding one of the lights on the back of the building shining onto the Wheeler's property and we would take care of that and make sure that we don't have any lights in that area. We do have a pole light in one area that is specified for a down mount and it also has a house shield on the back. Hopefully this should handle the lighting. The culvert has been in there for a long period of time and I think we probably had about the worse we could ever have from a rainfall standpoint this summer and there has not been any back up or any problem with it. The contour change between Mr. Wheeler's house to the rear is on the order of somewhere from 15 to 20 FT where his house is higher in that area. We certainly don't expect it to pond although the area above it is wet and I don't picture that becoming a problem especially after this summer's rainfall. In the future if there was another proposal, it would have to come before this Board so I think this Board would look very carefully if there was a proposal to build another building behind this closer to Mr. Wheeler's house. Mr. Watts asked the length of the fence that buffers that area. Mr. Andress stated it comes from the back of the building to the property line, which is approximately 230 FT. Mr. Watts asked what the hours of operation were for Casale Rent-All. Mr. Anthony Casale, the applicant, stated the following: Our hours of operation are Monday through Saturday 7:30 am to 5:00 pm. Mr. Watts asked about the 6:00 am hours that Mr. Wheeler just mentioned. Mr. Casale stated the following: I have never been there at 6:00 am. When we got the millings in for the road, and you were aware of this, that was the only late night thing that we have done. I usually stay until 7:00 pm and I think in our proposal we were open for Sunday hours and we are not open for Sunday hours anymore. But for a couple of hours I was there on Sunday when we were trying to get the road ready and there was no machinery even around. We certainly are not open to 9:00 pm and we are not open before 7:00 am. Mr. Watts stated the following: We did get a letter of concern from a resident of the apartment complex that was unable to make tonight's meeting. Are there any other residents here tonight from the apartment complex? No one responded. The letter that I am referring to mentioned the concern about the general noise from the access road. Mr. Andress stated the following: With the new driveway open on Route 9 and a new sign that is going to be brought in for approval by this Board, everyone is going to use the Route 9 access. Because there is no signage, people really don't know how to get into the site. The other

access would still be available but it would have very limited use. As Mr. Casale mentioned, there was a lot of work and now almost everything is paved at the site. The construction work that went into this site is pretty much done. The only issue we have now is constructing the John Deere site. Mr. Nadeau stated the following: Mr. Address talked about buffering something to the extent of at a later time if something showed up, you would go back and probably put in more buffering. Where is the mechanism to tie that in for the adjacent neighbor? Mr. Address stated the following: We have no problem putting that on the plan to note for this area to have a site walk once it has been cleared. If we want to set a number of trees in there, we will work with the neighbor to put in whatever we need to in that area. We would put a note on the plan that this is required and we can place trees as needed up to a certain number or we just place the trees as needed to work with the neighbor. Mr. Nadeau stated I think we need a number there so both parties could at a later time say "well you told me 10" and then they could say "no I only said 5" so at least everyone would be on the same path. Mr. Address stated the following: We can come up with a number. We do have 20 proposed and so you could have another 15 if you took that same density across there. Mr. Watts asked what kind of trees and how high would the trees be. Mr. Address stated pines and spruces that would be 7 to 8 FT high. Mr. Watts asked if the trees would be replaced if they didn't make it. Mr. Address stated yes, we have a year guarantee from the landscaper. Mr. Nadeau stated the following: Another concern was the road and somebody was mentioning that they were turning there. This is a Town access road so people can go down that road. Mr. Watts stated correct. Mr. Roberts stated I would like to make sure that the Wheeler's concerns are addressed as best they can be. Mr. Address stated Mr. Casale did have a meeting with the Wheeler's and I spoke with the Wheeler's briefly before this public informational meeting so we certainly will work with them so they don't have any issues. Mr. Wheeler asked if someone could show him exactly where the corner of the property is. Mr. Address stated we would have no problem putting a survey point there for them. Mr. Tom Blass, of Mabey Self-Storage, stated the following: We border Mr. Casale's property. Since Mr. Casale has been at this site we have had a few instances with people pulling down and then jumping the fence and breaking into our facility and our outside storage. I am wondering if Mr. Casale is going to relocate his fence and gate closer to Route 9 to make people stop coming in after hours. With everything else Mr. Casale has been very cooperative and we have worked together very well. Mr. Casale stated the reason we put the gate in was for this purpose and we can look at moving it closer to Route 9. Mr. Blass stated the access near the apartment complex has nice fencing and no one can get near the property and up on the Route 9 side it is very open where people can pull down and do whatever they want so if we can protect that it would be a great thing. Mr. Watts asked Mr. Blass to state what he would want. Mr. Blass stated the following: Mr. Casale is creating his main access for the complex off of Route 9 where it borders our property. Currently all there is 2 posts with a little swing gate that is not fenced or a real slide gate or anything like that and that is way down in the site. If the gate is relocated closer to Route 9 and there is new signing, everything would help. Mr. Watts stated we never looked at this because this was going to be an open access point at all times. Mr. Address stated yes, that was the initial intent. Mr. Nadeau stated I am a little confused regarding the gate. Mr. Casale stated the following: They have had some problems where people were accessing their property and they were climbing over the fence. Mabey's went in and put in some barbed wire fence in but previous to that we got a gate and put the gate up and limited people driving down there. In an effort to try and solve the problem with them, we put a gate there and we plan on keeping that gate there. John Deere will have a fenced in lot and we intend on keeping that gate there. Mr. Address and I have talked about this before is that in addition to the gate we

would put some sort of fence up there. We have rocks and mounds so people can drive in and out of there which is our big concern but we have never had any concern for people climbing a fence. Our equipment cannot leave the site unless it goes through a gate so we never really had that concern and we thought we addressed the problem that they were having by putting a gate up for them so cars couldn't go down there. Mr. Nadeau asked by moving the gate further up would that solve the problem? Mr. Casale stated the following: I don't know that it does or it doesn't. We certainly can look at moving the gate. We planned on putting some mounds there so we can landscape it and then people wouldn't drive over it. We have mounds of dirt there now that we are going to landscape and we are going to put rocks on the other side. We haven't had a problem and to my knowledge Mr. Blass hasn't had a problem since we have taken those steps. Mr. Watts asked Mr. Blass how many break-ins he has reported to the police in the last year. Mr. Blass stated two. Mr. Watts asked the approximate dates of the break-ins. Mr. Blass stated I believe one was in March and the other one was in the winter around November. Mr. Casale asked Mr. Blass if this was before they put in the barbed wire fence. Mr. Blass stated yes the break-ins were prior to us changing the fence. Mr. Watts stated the following: It hasn't occurred again in six months so it is kind of hard to do much about that. There are access points from other sides also. Mr. Polak stated with that site being active now that may deter a lot of people from getting in. Mr. Nadeau stated in respect to the neighbors I don't see where it is Mr. Casale's responsibility to protect the neighbor's property. Mr. Ouimet asked how the gate was secured; is it secured at night after business hours and then opened in the morning when you open for business. Mr. Casale stated I usually open at 7:00 am in the morning. Mr. Ouimet asked if the gate was secured in some manner. Mr. Casale stated the gate has a lock on it. Mr. Watts asked if the gate had a Knox Box. Mr. Casale stated the lock just came in on Friday. Mr. Watts stated I know we previously had an issue at that site with the Knox Box. Mr. Ouimet stated the following: This raises two additional questions. The first question has to do with after hours deliveries which I know was one of the questions raised by the neighbor in the rear. Can there be after hours deliveries? Mr. Casale stated not down that road. Mr. Ouimet stated not down that road but can there be an after hours delivery of materials or supplies into the other access point? Mr. Casale stated the following: We don't have any truck traffic go down the access road to the apartments whatsoever. The only exception was the two days that they paved. The only vehicles that go down the other road are cars. We require all of our trucks and all of the delivery trucks to use the dirt road, which is now paved. So we don't want anything going down there. In fact Fed-EX came today and I told them don't deliver unless you go down that road. Mr. Watts stated now that the new road is finally constructed some of these concerns would have been alleviated this summer. Mr. Watts closed the Public Informational Meeting at 7:28 pm. Mrs. Murphy stated the following: For clarification purposes; is the proposal that you would put in 35 deciduous trees period? Mr. Andress stated the proposal was to put in 20 and up to 15 on the additional area. Mrs. Murphy asked who is going to regulate whether or not it is 15 or 2? Mr. Andress stated the following: It would be mutually between the applicant and the adjoining landowner. If the adjoining landowner says they want 15 that is what we will put in. If there is an open area, we will put them in and if there is not, they won't need it. Mrs. Murphy stated the following: So the Board is aware, if it is not on the site plan, you would not have the ability to require them to add additional trees should this Board feel it would be appropriate. The Board can decide what it wants to but if it is not a requirement on the site plan, you cannot then turn around and make them put in more. Whereas if you say 20 and 15 for a total of 35 accept as provided for by the Planning Board then you would be in control as to what is going there.

Mr. Roberts made a motion to approve John Deere Landscapes addition to site plan contingent upon the 35 trees shown on the site plan are to be planted as a buffer to the rear of the new structure. Mr. Ruchlicki seconded. Motion carried.

Public Hearing:

08.074 PH Johnson Subdivision, 23 Johnson Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:29 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau, of Gilbert VanGuilder and Associates, stated the following: I am here tonight representing Wanda Johnson in her request subdivide a 7.2-acre parcel of land into 3 residential building lots. The parcel is located at the intersection of Johnson Road and Pruyn Hill Road and also along the southerly side of Johnson Road. The parcel is located in the Agricultural-Residential (A-R) zone. Lot #1 would be 1.1-acres, Lot #2 would be approximately 1.3-acres and Lot #3 would be the remaining 4.8-acres. The lots would have public water and on-site septic. The driveway for Lot #3 would be an ingress/egress easement through the easterly portion of Lot #2. Mr. Watts asked if anyone from the public wished to speak. Mr. John Ciulla stated the following: My wife Linda and I live at 18 Johnson Road. I have some very serious concerns about the driveway on Lots #2 and #3. This parcel has some very significant wetlands. In a normal year I have difficulty with my back property line in maintaining my fence because of the erosion. I would be very concerned about how this driveway is going to be sloped and how it is going to be faced because as it is now the water from this parcel runs not only to the south but it also flows to the east. This has some serious potential especially if we are getting significant sized houses here to further impact the area. I would also be really concerned about the impact of this house because there are a number of trees that are in this area and if we could get some assurances that the trees would remain, it would be less of an impact for us to have a house right behind our house. Again, there are a lot of wetlands in here and we have a lot of concerns about that. Mr. Rabideau stated the following: As Mr. Ciulla has said there is a portion of the parcel that is basically open and another section is all wooded. We could put a vegetative no-cut buffer in so the drainage can be directed through the natural corridor. As far as the road, we could set it up so that it would cut the lateral drainage that may go that way. The lots really do slope in one direction and then go in another direction. We have identified all the wetlands on this parcel. We can direct the drainage through the natural corridors. Mr. Watts asked Mr. Ciulla if Mr. Rabideau addressed all of his concerns. Mr. Ciulla stated yes, but what happens if when the new home is built and then we get significant run-off? Mr. Watts asked Mr. Lockwood if this all made sense. Mr. Lockwood stated yes. Mr. Ciulla stated if most of the trees could be maintained that would be ideal for us. Mr. Nadeau asked who monitors that when they are saying they will do that drainage? Mr. Watts stated our Building Department would monitor it. Mr. Lockwood stated CHA would rarely get involved unless some unique incident occurred. Mr. Rabideau stated the land slopes one way and with good construction practices and once the grass is established then the run-off would be directed through the natural corridor. Mr. Ciulla asked if the homes would be one single-family residence per lot including the large 4-acre parcel and with no additional subdivision in the future. Mr. Rabideau stated correct. Mr. Watts closed the Public Hearing at 7:37 pm.

Mr. Ruchlicki made a motion to approve the Johnson minor subdivision contingent upon a no-cut buffer be placed on Lot #3, the natural drainage pattern is to be maintained and a note on the plans stating there cannot be any further subdivisions and the homes are to be single-family homes only. Mr. Higgins seconded. Motion carried.

New Business:**08.082 NB Torres Tae Kwon Do, 1410A & B Route 9 (Garden Gate Plaza) – Sign**

Mr. Fred Torres, the applicant, stated the following: I am proposing to replace two tenant panel spaces on the existing Garden Gate Plaza freestanding sign. The sign dimensions are 60 FT x 54", two-sided sign for a total of 45 SF. The height of the existing sign is 13.5 FT.

Mr. Roberts made a motion to approve the sign application for Torres Tae Kwon Do. Mr. Nadeau seconded. Motion carried.

08.083 NB Alliance Worldwide, 4 Halfmoon Executive Park Drive – Change of Tenant

Mr. Tim Conley, of Conley Associates, stated the following: I am here representing the owners of 4 Halfmoon Executive Park. We have a tenant who has moved out and a new tenant moving in with 17 employees. We have 45 parking spaces and the new tenant that is moving in is an investigative firm who do all their work outside of the office. Mr. Watts asked is their hours of operation would be 7:30 am to 5:30 pm, Monday through Saturday. Mr. Conley stated yes. Mr. Watts asked Mrs. Zepko if they would have adequate parking. Mrs. Zepko stated yes they would have adequate parking at that site. Mr. Roberts asked if the applicant is going to have a sign. Mr. Conley stated the following: Yes, a sign application was submitted and I believe that is scheduled for the next agenda. The applicant wanted to start construction and they hadn't decided on their signage yet.

Mr. Roberts made a motion to approve the change of tenant application for Alliance Worldwide. Mr. Nadeau seconded. Motion carried.

08.084 NB 1475 Route 9 Café, 1475 Route 9 – Addition to Site Plan (formerly Romano's Restaurant)

Mr. Kevin Mickels stated the following: I am representing the former Romano's Restaurant. I apologize for not having my exhibits to post due to car fire and I left my site plan in the car. We are proposing a small 20 FT x 30 FT greenhouse room on the northeast inset corner of the building. This would be like an interior seating glass front so that on the parameter there would be window boxes where we would be growing vegetables, herbs and things like that. This would be a 3-season room with a small amount of interior seating. We are also proposing a 13 FT x 23 FT open deck on the southeast corner of the building. This would provide a safer ingress/egress from what we have with possibly 3 exterior tables with awnings or umbrellas over them for fair weather seating. Mr. Watts asked if the vindicated hours of operation would be 6:00 am to midnight. Mr. Mickels stated the following: Yes, that is what we previous proposed but I don't think we would have any exterior seating past those hours. We are considering in the interior areas of possibly having a 24-hour internet café where people could come in and do internet searches, a coffee house café and vegetarian eating and things like that. Mr. Watts stated to the applicant that he would have to come back in with a change for the hours of operation. Mr. MickelS stated okay we will do that but we still haven't decided on the sign or the business name yet and we will propose the change when we submit our sign application. Mr. Watts asked if they were proposing any outside entertainment or music on the outside deck. Mr. Mickels stated no, there would be nothing exterior at all and there would be no speakers or anything like that. Mr. Watts asked if the deck would be used just for dining. Mr. Mickels stated the following: There would be a stairway going down to the parking lot

access at that deck that we would access through the existing smaller deck. This would increase that area and we would still have ingress/egress through that door. Mr. Watts asked if there would be adequate parking at the site. Mrs. Zepko stated yes. Mr. Roberts stated the Romano's sign has been taken down but the frame is still there and asked if the frame would also be removed. Mr. Mickels stated yes that frame is also coming down.

Mr. Roberts made a motion to approve the addition to site plan for the 1475 Route 9 café. Mr. Ruchlicki seconded. Motion carried.

08.085 NB Parkford Development Mixed-Use Office Building, Route 146 & Lawrence Circle – Concept-Commercial Site Plan

Mr. Gavin Vuillaume, of Environmental Design Partnership, stated the following: I am representing Parkford Development in their proposal for a 2-story office building on Route 146. The parcel is approximately 3.8-acres and is located almost directly across from the Old Route 146 intersection with Route 146 and just to the east of Lawrence Circle. The surrounding land uses in the area are in the C-1 Commercial zoning district. There is a variety of land uses and currently there is a several residential structures on Lawrence Circle. To the north we have a proposed Planned Development District (PDD) which our office is working on and I believe there are 24-units being proposed on that parcel. Just to the east is the Northway Auto Auction and another single-family development. A portion of this area was looked at a few years ago for a Dunkin' Donuts and I don't believe it included this parcel that we are looking at but it did include a portion of one of the parcels in the front. Again, we are proposing a 2-story office building with only one access off of Route 146. We are trying to be a little sensitive to some of the conditions out on Lawrence Circle. A lot of the roads in there are rather narrow and at this point we feel most of, if not all, of the access should come off of Route 146. With that type of arrangement we have about a 200 FT driveway that comes off of Route 146 and empties into our field of parking in the center of the parcel. The parcel is fairly heavily wooded and there is not a lot of topographic relief there but the highest part of the parcel is towards the rear where we have the proposed building located. This is one of the reasons why we chose this area after doing several design studies and this would be the best location for the proposed structure. Another reason why we look at this area was the possible development of that vacant parcel on the corner would mostly likely have a building closer to the road with parking in the rear. We would like to keep our parking adjacent to that for perhaps some type of cross easement to alleviate some of the traffic emptying either onto Route 146 or Lawrence Circle. With this type of arrangement we feel this is a pretty good design layout and it is just the beginning stages of the project. We are before the Board for a conceptual review to get any comments the Board may have before we progress a little further with the plans. There are existing utilities here with water service and I believe there is a force main on Route 146 for sanitary sewer and we will be proposing stormwater water management and maybe possibly doing a little bit under the parking lot. I think we are well within the criteria for minimum green space and right now we are showing 42 percent. Mr. Higgins asked if the adjoining properties were residential or business. Mr. Vuillaume stated it is a mix, the Northway Auto Auction is a business, the PDD would be a residential land use and the homes on Lawrence Circle are residential. Once you get across the street on Route 146 it becomes more commercial and further down is the Shoppes of Halfmoon Plaza. Mr. Ruchlicki asked isn't there two residences before you get to the car auction? Mr. Vuillaume stated yes, there might be another residence there. Mr. Higgins stated the setback is 15 FT if it is adjoining a commercial parcel and I think there is a 25 FT setback for adjoining residential. Mr. Vuillaume stated those lots are residential land but the

property is zoned C-1 Commercial. Mr. Higgins stated it is not just the zoning but it is what they are being used for and this Board has established that previously. Mr. Vuillaume stated the following: Okay. Certainly if there is an opportunity there for us to add some additional screening or if we are required to put 25 FT there we will increase that. I think I'm showing maybe 20 FT there now and an extra 5 Ft shouldn't be a problem. Mr. Watts stated with the proposed building being placed in the rear of the lot, what is the visibility of this from Route 146? Mr. Vuillaume stated the following: It wouldn't be entirely visible because of some of the existing land use and vegetation that is there. We are really just opening up the area in the front of the lot for access and maybe possibly stormwater management. I don't think it would be very highly visible from Route 146. Mr. Watts stated that is a question because many of our office building complexes of late have been put where the parking is less visible. As we get to part of the review process, we may think about putting that building in a different location. Mr. Vuillaume stated the following: I could share some of our sketches for the Board to look at. Circulation became a little problematic only because we are so narrow at the front. Mr. Higgins stated I assume the reason you put the stormwater up front was because of the natural topography of the site. Mr. Vuillaume stated yes, again the site has very little topographic relief and that is the lowest section of our property down in the front corner. Mr. Ouimet asked where the proposed curb cut driveway in lines up with the existing light on the corner of Old Route 146 and Route 146. Mr. Vuillaume stated there is a light right in front of Lowe's and asked Mr. Ouimet if that was the light he was referring to. Mr. Ouimet stated yes. Mr. Vuillaume stated the distance I would say is probably about 300 FT to that light. Mr. Nadeau asked what the anticipated traffic would be on a daily basis. Mr. Vuillaume stated the following: We are thinking the proposed use may be a medical use or just general offices. I am working on a project right now in Malta that has a 2 or 3-story building about 60,000 SF and they are anticipating for that project about 200 trips for a peak hour generator. So, I would say probably half of that or maybe a little over 100. Mr. Nadeau stated when we looked at the Dunkin' Donuts we had great issues with the traffic in that area because that is a tough area. Mr. Vuillaume stated yes, it is tough and we realize that and I think that is why we have tried to keep away from Lawrence Circle. I don't know what a trip generation would be on a retail use for this parcel. I would suspect that any kind of retail use on this parcel would generate more than what we are proposing. Mr. Watts stated the following: The traffic will be looked at, along with the trip generations onto Route 146 and the volume of traffic in that area. Please make sure that is a concern. Mr. Vuillaume stated we would have a traffic study ready for the next meeting. Mr. Higgins asked if Old Route 146 is proposed to be eliminated and is that where Plant Road splits into two. If so, in essence that should help with the traffic impact because you are not going to have two roads across from each other. Mr. Watts stated that is all being looked at. Mr. Nadeau stated the following: One of my concerns was a stacking effect in the early morning peak hours. Traffic is backed up in that area from the Route 9 light all the way up to Lowe's and beyond. If you got people trying to come in here in the morning, you are going to have stacking issues on both sides. Mr. Higgins stated the point that I am trying to make is if they are going to do a traffic study, maybe they should look at if that Old Route 146 intersection is eliminated it would probably actually benefit this. Mr. Higgins stated if there is a proposal with another project, you could potentially combine the two of them into a single outlet onto Route 146. Mr. Vuillaume stated yes. Mr. Nadeau stated it is called Old State Route 146, which has been eliminated for the last 15 years, but it is not gone yet. Mr. Ruchlicki stated Mr. Nadeau has made a good point with the traffic stacking from the light back. It would be difficult for anyone going east on Route 146 to make a left into the site. This would create a problem with all that east flow traffic because if there is somebody sitting there waiting to make

a left hand turn, it would cause a traffic backup. This would get pretty nasty pretty fast. Mr. Nadeau stated keep in mind that on Thursday's there is the auction, which also stacks the traffic and the trailer trucks as well. Mr. Vuillaume stated you might want to also note that there is a medium there for a turning lane that might help. Mr. Polak asked if they had any idea what they were going to do with the snow so it doesn't interfere. Mr. Vuillaume stated the following: We would probably reserve several areas on the site adjacent to the stormwater management areas for the storage of snow. We can identify those on the next version of the site plan. Mr. Watts asked how many employees would you anticipate in the proposed 34,000 SF building. Mr. Vuillaume stated with a 2-story building I think they would be anticipating about roughly 100 employees and this also depends on what kind of office it is. Mr. Watts stated the following: The traffic issues are issues and the volume of people that come in and out at a single access point like that are issues. We will make sure that CHA looks closely at that with the traffic studies. Mr. Vuillaume stated the following: I do remember when we were working on Inglewood; we spoke with the fire department on possibly having a emergency access in through an area of the site. They were worried about some trees that were up close to the right-of-way so I will have the fire department take a look at this as well. Mr. Watts stated the following: Right, please look at this because there is a lot that could happen there. At Lawrence Circle at that other piece I think there was one proposal for a Dunkin' Donuts that wanted to go in there and there was another proposal for a funeral home that wanted to go in there and that didn't work because of all the traffic. Please keep that in mind. Mr. Vuillaume stated I can provide some additional information and then I will get it over to CHA to have them comment on it. Mr. Jim Loiselle, of Parkford Development, asked the Board if they could give them some general comments as to what you would like to see there for a use for that particular piece because we know retail doesn't work. Mr. Nadeau stated something with a lot less traffic. Mr. Vuillaume stated we will have a traffic study and I guess we will go from there. Mr. Watts stated it is just that it is getting tight up in that area. Mr. Vuillaume stated yes, we understand.

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

08.086 NB Dolce and Biscotti, 1603 Route 9 (Towne Center Plaza) – Change of Tenant

Ms. Mary Baldi-Fron, the applicant, stated the following: I am the chef and owner of Dolce and Biscotti Cookies and Cakes. Currently we are located in Clifton Park in approximately 560 SF in a section of our basement. We are proposing to move out into this existing vacant space in the Towne Center facility, which is roughly 900 SF. Right now my business is at the maximum that I can handle out of my home. I service a lot of restaurants and caterers and I do about 30 percent retail business on top of that. So I am looking to capitalize on the retail more as well as be able to service the restaurants and caterers that I currently have as clients. Mr. Watts stated this would be Dolce and Biscotti of Halfmoon when you advertise. Ms. Baldi-Fron stated absolutely. Mr. Watts stated there would be adequate parking and 2 employees and asked if there would be any table service. Ms. Baldi-Fron stated the following: No, but we will have a couple of tables set up in the front to discuss wedding cakes and specialty cookie orders with clients that come in that are going to have big purchases. I do need a place where the clients can sit down and look through the book to see what they are going to order. This is not a traditional bakery so we are not going to be selling bread and doughnuts. We specialize in cakes and Italian cookies and that is it. This will limit some of the customers coming in. People know me for the cakes and the cookies. Mr. Watts asked if there would be any need for a

grease trap and you will not be deep-frying. Ms. Baldi-Fron stated the following: No, we don't do anything like that. At most what we done is some breads at Christmastime which are yeast breads but none of that requires any frying of any sort. Mr. Roberts asked the applicant if she would be having a sign later on. Ms. Baldi-Fron stated yes, we would just change out the current signage with our sign. Mr. Watts stated good luck and welcome to Halfmoon.

Mr. Roberts made a motion to approve the change of tenant application for Dolce and Biscotti. Mr. Ouimet seconded. Motion carried.

08.087 NB Key Bank, 1703 Route 9 (Shoppes of Halfmoon) - Sign

Mr. Craig Pixley, of Marshall Sign Co., stated the following: We are here to propose new signage for the Key Bank at 1703 Route 9, Clifton Park. We are going to install one internally illuminated sign with a set of channel letters on each façade of the building. There would also be one ATM surround and two directional signs. Mr. Higgins stated you mentioned that the Key Bank was located in Clifton Park but the bank is actually located in Halfmoon. Mr. Pixley stated all the paperwork that we received from Key Bank states their address as being in Clifton Park. Mr. Watts stated Clifton Park is their mailing address but the bank is actually located in the Town of Halfmoon. Mr. Roberts asked if they are proposing 4 signs total. Mr. Pixley stated yes, there are 4 wall signs on the building and in addition to that we would like to do a new ATM surround on the existing ATM surround and a couple of small non-illuminated directional signs. Mrs. Zepko stated the following: In looking at this now my assumption is that the directional signs were not included because they are usually not counted towards the square footage allotted for a parcel. They are proposing 4 new signs that would be placed on all 4 sides of the building façade for a total of 123.85 SF. The other signage would be an open/closed sign, an ATM sign, clearance signage, teller service directional signage, two directional signage and a do not enter sign that adds up to 37.40 SF that are not included in the square footage allotted for the site. Mr. Pixley stated the existing signage wouldn't total more than 40 or 45 SF and there are only two old signs on that building. Mr. Watts stated the following: Mr. Williams' topic write-up states "along with the 4 building signs the applicant is proposing to install secondary bank signs; i.e. open/closed signage, ATM signage, clearance signage, teller service directional signage and "Key Bank". The total area of the secondary bank signage adds up to 37.40 SF". We still have to approve that signage and that still counts as part of their total signage. Mrs. Zepko stated with directional signage we usually do not count towards the allotted square footage. Mr. Watts asked usually or always? Mrs. Zepko stated always. Mr. Roberts stated they are well under the square footage allowed for this site.

Mr. Roberts made a motion to approve the sign applicant for Key Bank. Mr. Nadeau seconded. Motion carried.

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

Mr. Roberts recused himself from this item. Mr. Scott Lansing, of Lansing Engineering, stated the following: We are here tonight for the Fellows Road PDD Amendments. The Fellows Road PDD is approximately 176 apartments, 141 town homes and 4 duplex units. The town homes are located on the western side of Fellows Road and the apartments being located on the eastern side of Fellows Road. The applicant has seen a tremendous demand for the apartment units and a good demand with the town house units but more of a demand for the apartment units. The applicant is trying to fit the community's needs so the applicant is proposing to do a PDD Amendment to modify a small section of the project. That would include modification of

the town house units, which is approximately 22-acres in size in this section only and the balance of the PDD would remain completely unchanged. That change would be changing from the eight 3-unit buildings to five 11-unit buildings. It would be a change from 24 town house units to 55 apartment units. Water would be served by the existing water line along Fellows Road and would be extended in to service the five buildings. Sanitary sewer for the existing PDD we are proposing a low-pressure force main to go in to service the project and likewise for the PDD Amendment that would be served by a low-pressure force main. For the stormwater management, even though there are more units with the impervious area, the roof area and the pavement area is relatively the same so we would be utilizing the same stormwater management areas for the project with slight modifications to those stormwater management areas. The community benefits for the existing PDD would remain unchanged, which is 60-acres of land located along Vosburgh Road and Route 146 donated to the Town for parkland. The second part was approximately 6.71-acres of land on the eastern side of project was also donated to the Town to annex on to the Town Park to the east of the project. The reconfiguration of Fellows Road which would be the termination of the western leg of Fellows Road and the extension of the eastern leg to tie into Route 146. Also, the extension of public sanitary sewer to service not only the applicant's project but to also service the Town Park and the expanded area around the project to alleviate some pressures on the sanitary sewer to the western portion of the project. Also there is a contribution of \$400 per unit for the overall PDD. The PDD modification would uphold those existing community benefits plus with the additional units there would be an additional \$400 per unit for a total of \$12,400. The applicant has also offered something that was not outlined with the Town Board. The applicant is now also proposing to extend the sanitary sewer to serve the existing residents in the Gauthier Drive area. The main line would be extended up and terminate in the project and then when and if the septic systems of those various owners in that project do fail, the owners in that area could tie into the sewer main that the applicant is proposing to install for the Town and for those residents. Mr. Watts asked how many homes on Gauthier Drive might that serve. Mr. Lansing stated the following: I would estimate about 20 homes. We are here for questions and comments from the Board and we are hoping for a possible referral to CHA and possibly set up a public informational meeting so we can obtain public comment and hopefully advance towards a positive referral back to the Town Board. Mr. Nadeau asked when the road would close. Mr. Tanski, the applicant, stated right now everything is in CHA's hands are we are waiting for their review. Mr. Nadeau asked the applicant if he knew how long before the Fellows Road construction would begin. Mr. Tanski stated it would probably not begin until the springtime. Mr. Nadeau stated with the additional 31-units there would be approximately 62 more vehicles per area. Mr. Lansing stated yes, roughly. Mr. Nadeau stated the following: When we looked at this initial project we talked about a traffic light on Route 146. At that time I believe Creighton-Manning said it was very close to the threshold of requiring a traffic light. Now that we are going to add 60 more cars would that be crossing the threshold? Mr. Lansing stated we could take a look at the closeness of what Creighton-Manning had estimated and compare the trips that we would be generating from this.

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

Old Business:**06.212 OB Schuyler Hollow Subdivision, Pruyn Hill Road – Major Subdivision/GEIS**

Mr. Lynn Sipperly, of L. Sipperly & Associates, stated the following: I am here tonight to present the Schuyler Hollow residential subdivision located on Pruyn Hill Road opposite Johnson Road. We have received concept approval from this Board a while ago and we have spent the intervening time doing our site design and also doing studies. We have completed the design of the water, sewer, stormwater management, subdivision lots and also grading. We are proposing 79-lots with an entrance off of Pruyn Hill Road which would be at Putnam Blvd. The first 500 FT of street is proposed as a boulevard, which is two carriageways into the project at that location that creates a loop type street for the westerly half of the development. We originally proposed as a multi-use trail or path to connect from the development back over to Pruyn Hill Road but that has been increased to actually function as an emergency ingress/egress roadway. It is designed at 18 FT wide and is designed to Town highway standards with regard to the pavement section and the sub-base sections. We are proposing to barricade it off at both ends with removal barricades, which would be post in the ground with a chain that could be removed in case it needed to be an emergency access to the development. The green area indicates the limits of land to be conveyed to a Homeowner's Association (HOA) to be left as open space. The site is 179-acres of which 90.5-acres is proposed as open space lands to be owned and managed by the HOA set up for this development. What we envision in the HOA is really the preservation of the land and not a lot of active use. There could be some passive trails developed if this HOA or this neighborhood decides to do that. We have also proposed a connection or another extension of the multi-use trail down a steep slope to the base, which could in the future provide linkage to the trail system that the Town has on their master plan. This would now provide circulation to get over to Pruyn Hill Road. The development is proposed to be serviced by public sewer and sewer. There is public water on Pruyn Hill Road with a 12-inch water main with plenty of capacity. Sanitary sewer is proposed to flow easterly down to the intersection of Pruyn Hill Road and Columbus Avenue. At that point the sewer is owned by Saratoga County Sewer District and we would bring a new sewer line up to service the full development by gravity. The blue area on the plans is the stormwater management area that we are proposing. We are proposing 3 stormwater management areas that intercept and take care of new water that would be coming off of the development. There are 3 ravine systems on the property where the water is going now and we propose to continue to discharge the water to the same watersheds that currently exists. In our original concept plan we proposed 89-lots and as we further refined the engineering of the development we found that that number of lots didn't work so now we are proposing 79-lots. Because this is a large level plateau of land surrounded by some ravine systems, we have also done a slopes stability study. We have had a geotechnical engineering company come in and do that to establish what is the safe setback line from the streambeds in the bottom of these ravines and that is outlined by the brown line on the drawing. This is a line that we have earmarked as the safe building line. What the geotechnical report recommends is that a site-specific geotechnical report be prepared if a developer is looking to build behind this line then at that time that construction should be evaluated on it's own merits. Any construction between the street and that line is perfectly safe and acceptable to the geotechnical study. If our proposal is satisfactory to this Board, we would like to request the Board to conduct a public hearing and perhaps then vote on it with regard to final subdivision approval. Mr. Watts asked if CHA concerns have all been addressed. Mr. Lockwood stated yes and the applicant has been very responsive to all our comments. Mr. Higgins asked if the existing structures would all be

removed from the site. Mr. Sipperly stated the following: Yes. In fact one of the investigative studies that we have done is we have done an archeological investigation for the property. That initially was identified as a site of further concern. The report was submitted to New York State Historical Preservation Office (NYSHPO) and they have indicated that this is not a historical site in their review and they have signed off that there is no impact. Mr. Higgins inquired if the HOA was going to own the 90-acres. Mr. Sipperly stated yes that is correct and the 90-acres would be deeded to the HOA. Mr. Higgins asked if the HOA would be responsible for paying taxes, the maintenance and everything else on those 90-acres. Mr. Sipperly stated yes that is correct; taxes, maintenance and insurance. Mr. Higgins stated that Mrs. Murphy would have to review that HOA agreement. Mr. Sipperly stated okay. Mr. Roberts stated I am a little leery of the HOA's. Mr. Watts stated there were a few bad HOA's in the past but I think with the reviews that Mrs. Murphy does and things that have transpired of late, I don't think we are having that problem. Mrs. Murphy stated the following: There are two things that we do now that we did not do a while back; one being that if they fail to pay their HOA dues, I make sure that part of the HOA proposal allows for the HOA group to actually put a lien on their property. Some of the HOA's that have collapse in the past was because that capability was not included in the approval with the Department of State so that caused some enforcement problems. The second thing that the Town requires is that the HOA have some other purpose other than maintaining vacant land; that be it plowing, mowing or whatever so that there is an actual benefit to the homeowners to be a part of the HOA. Since those two things have been enacted, we have not had one cause a problem. Mr. Roberts stated so you are confident then in the unlikely event that does fail the Town would not be put in bad position. Mrs. Murphy stated if it were to fail, the issue would be that this property would probably go up for tax sale because there would be nobody who would pay the taxes, and then the Town would become the owner of this property. Mr. Watts the HOA's are subject to considerable more scrutiny as the Town has grown and Mr. Roberts' concerns are valid. Mrs. Murphy stated the following: At one time we asked that they draw the lots right back through the main parcel of the property so we wouldn't run into that but then we found that what was happening was the people who were deeded, even through there were deed restrictions which is clear cut, and then the deed restriction is not enforceable by the Town it is enforceable by the other landowners and not put us in a negative position as well. So this new way seems to be working. Mr. Watts stated as we have come across more parcels that have site constraints, we will probably see more of that but this particular site has been engineered.

Mr. Roberts made a motion to set a public hearing for the September 8, 2008 Planning Board Meeting. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the August 25, 2008 Planning Board Meeting at 8:31 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Department Secretary