

**Town of Halfmoon Planning Board**  
**Meeting Minutes – April 22, 2013**

Those present at the April 22, 2013 Planning Board meeting were:

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

**Director of Planning:** Richard Harris  
**Planner:** Roy Casper

**Town Attorney:** Lyn Murphy

**Town Board Liaisons:** Walt Polak

**CHA Representative:** Mike Bianchino

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Mr. Watts opened the April 22, 2013 Planning Board Meeting at 7:04pm. Mr. Watts asked the Planning Board Members if they had reviewed the April 8, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the April 8, 2013 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

**A statement from Chairman Steve Watts:** *For those of you who may not know, tonight will be my last meeting. I'm resigning my position as the Planning Board Chairman effective at the end of tonight's meeting. I've had some various health issues, which I have addressed, but it's time to go and it's time to move on. I want to spend more time with my family and I would like to spend some time in Florida. I want to thank the Planning Board members, our attorneys, the staff, our Town Supervisor Mindy Wormuth and our Liaison Walt Polak for their kindness, assistance and who have been very supportive. Although not everybody agrees with where the Town is, and some people think it's a great place and I'd like to think that we were some part of the commercial and residential growth of the Town, and that things have worked out pretty well. We don't see schools closing, we don't see businesses moving out, we don't see employees being laid off and those are in fact fueled by residential and commercial growth. It has been a good run and I've enjoyed it and now it's time for golf, the track and my granddaughter. For all of you, thank you*

**Public Hearings:****08.068 PIM Pleasant Valley Estates PDD, 91 Plant Road – Major Subdivision/PDD**

Mr. Watts opened the Public Informational Meeting at 7:05pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Mike McNamara of Environmental Design Partnership, stated he was here tonight representing the applicant, Tra-Tom Development regarding Pleasant Valley Estates. The project is a 150 unit PDD, arranged in fifty 3-unit town home-style buildings on both sides of Plant Road, and does include a clubhouse building and pool area. Of the 150 units, there are 40 units that are set aside for residents age 55 and older, and those are shown shaded on the map and arranged closest to the clubhouse. There is a 100ft no-cut buffer along the southerly boundary, and along that property line there is also proposed a 6 ft stockade style fence to border the apple orchard. Sanitary sewer and public water will service the site. Stormwater will be managed on site on both sides of Plant Road. There is proposed intersection work on either end of Plant Road for a public benefit for the project. At the intersection of Plant Road and Old Plant Road, north of the project, the 'Y' intersection will be converted to a standard 'T', approximately a mile south, at the intersection with Route 9, there will be a left hand turn lane added. There have been several rounds of comments back and forth between the Town's engineer and us, and many changes were made to the plans. There has been a note added to the deeds for the properties, at this Board's request, notifying new residents of the apple orchard and all of the activity that goes along with that. We would be happy to answer any questions. Mr. Watts stated that for the public hearing, anyone wishing to ask questions, please try to limit your thoughts to 5 minutes and be sure to state your name and address for the record. Mr. Darren Phelps of 48 Plant Road stated that he has a concern with the traffic on Route 146 and the difficulty exiting out of Plant Road onto Route 146. What will be done to help that? Mr. McNamara stated that with him tonight was Ms. Kelly Kircher from Creighton Manning and Associates to answer that. Ms. Kircher stated that they completed a traffic study for the project originally in 2006, which was updated in 2009. Based on that study, and potential for other developments, the proposed improvements were determined to be sufficient. The study is performed based on a formula that was developed from other similar projects. Based on that formula, the project would create about 61 new traffic trips in the morning peak hour and approximately 71 trips in the afternoon peak hour. Those figures are then divided on what percentage of traffic would head north and what percentage may head south. Mr. Phelps stated that he would like to know what happens in the event that the project is built and then it is discovered that the impact on the traffic in that area is worse than predicted. Would it be revisited? Ms. Kircher stated that to her knowledge, there has been no after study proposed. Mrs. Brenda Lemeer, 124 Dunsbach Road, stated that she was here for information purposes. For PDD's, it appears that traffic studies are performed, and public benefits are made, but the truth is that if the residents in the area are not in favor of the project, then they should let this Board know as there is no obligation for the Town to approve a PDD. Ms. Murphy stated that she just wanted to make it clear to the audience that the PDD has already been approved and that this project is now before this Board for Site Plan/Subdivision approval. Mr. Watts stated that the Town has been using expanded notification areas to notify residents of Public Hearings. Mrs. Lucy Healey, 33 Plant Road, stated that her concern is the lack of shoulder on that road for pedestrians to walk. Mr. Berkowitz asked the applicant to more fully describe the age restrictions for the senior component of the project. Mr. Watts asked the traffic engineer to please go more in depth with the explanation of the traffic study that was performed. Mr. McNamara, stated that 50 units would be designated for 55 years and older. Ms. Kircher stated that regarding the traffic study, when it was updated in 2009, they looked at both ends of Plant Road including the northern intersection of Old Plant Road and Plant, Plant

and Route 146, and to the south, Plant and Route 9. We compared the existing traffic counts and projected them into the future at a half percent growth rate annually then added potential development projects provided by the Town, then added trips generated by the project. The intersection to the south is currently a 'B' and will continue to operate at a 'B'. The intersection to the north of Plant Road and Old Plant Road is an 'A' and will continue to be so. The intersection of Old Plant and Route 146 is currently a 'C' or a 'D' level of service and will remain so through 2018. A maximum of a 2-3 second increase in delay is predicted. For levels of service, an 'A' is defined as less than 10 seconds of delay, a 'B' is less than 20 seconds of delay, a 'C' is less than 25 seconds of delay. A failing intersection with an 'F' rating is over a one minute delay. These numbers are all based on the peak hour. Ms. Deanna Stevenson, 7 Cindy Lane, stated that the population of the Town cannot keep increasing at this rate and the Town Board need to look at legislation that would remove PDD's from the table as they are not working. There is currently Windsor Woods, Stone Crest, Anna's Place, and multiple other developments going in around there. Everyone is cutting through Stone Crest and dumping out onto Route 146. Was this study updated in 2009 and were the counts re-done at that time. Ms. Kircher stated it was basically a new document that was created. Ms. Stevenson asked if the other developments were accounted for at that time. Ms. Kircher stated yes, any projects that were on the table as of 2009 were included. Ms. Stevenson stated that some of the projects changed since then so the study is not entirely accurate. Now, another question is how the houses are described. What is a tri-plex? Mr. McNamara stated that they are townhouses that are arranged in 3-unit clusters. Ms. Stevenson asked if the PDD legislation has already been approved, does this public comment affect the outcome of the subdivision for this project. Mr. Watts stated that depending on the outcome of the Public Hearing tonight, the Board can either ask the applicant for more information or a preliminary approval can be granted at the Board's discretion. Mrs. Marsha Johnson of 445 Route 146 stated that she feels that there is some confusion of the process of a PDD. The PDD was before the Town Board, and they are the ones to act on that. For this purpose, this Board is only doing site plan approval right now. Mr. Watts stated that is correct. Mrs. Johnson stated that in the wintertime, the changes, including Stewarts, has created a site view straight through to Plant Road. The traffic there is already a nightmare. The 25-second delay that was stated by the traffic engineer is not accurate. It takes three times that to take a right hand turn off of my property. I am in favor of development on Route 146 as my property is commercial, but there needs to be a greater improvement than a 'T' on Plant Road which is simply going to push traffic through the Stewarts parking lot and out onto Route 146. Mr. Watts asked for a better explanation of how the 'T' is intended to function. Ms. Kircher showed the Board and the audience a map that showed the intersection of Plant Road and Old Plant Road. The proposed improvements are more efficient from a traffic standpoint because it will make the intersection much less confusing and it will be very obvious who has the right of way through there. The purpose is not to add capacity but to make it safer. The senior housing aspect with 40 units being dedicated to that, the traffic study computes fewer trips per development unit, as they are not always traveling at the peak hour. Ms. Tammy Sabourin, 35 Plant Road, stated that she has lived on Plant Road for 46 years and that is not the problem area. It is the two ends of Old Plant Road that intersect with Route 146. Mr. Dick Moy, 77 Orchardview Drive, changing the speed limit on Plant Road may encourage people not to use it as a cut through. Plant Road should be brought straight through to Route 146 and a light needs to be added to help the traffic flow. Mr. John Wojtowicz of 14 Plant Road stated that the development straddles Plant Road. The people that live on the opposite side of the road than the clubhouse will have to cross the road. Do you propose a stop sign for pedestrians to safely cross Plant Road or will you put a tunnel underneath. Mr. McNamara stated that there is no provision for a crosswalk as the New York State Department of Transportation (NYSDOT) will not approve it. The parking lot has been

designed to accommodate people driving over and parking. Mr. Wojtowicz stated that if traffic stops to allow a pedestrian to cross on Plant Road they would get rear-ended. Mr. Ouimet asked Mr. McNamara to show where the senior units were proposed. Mr. McNamara pointed to the units on the map and stated that they are on the same side of the road as the clubhouse. Mr. Sam Travis of 124 Plant Road stated that he was concerned with the traffic. With 150 units there will be 2.8 cars per unit. Plant Road is a cut through. There were a couple of serious accidents there recently. At a minimum we need to reduce the traffic and lower the speed limit. Mr. Watts stated that the Town Board would need to make the request to lower the speed limit and that request will be passed along. Mr. Ernest Cusick, 30 Marcel Road, stated that he is not clear on the procedure, why has the property been cleared prior to this approval? As far as the traffic, he believes that the Town sent a letter to the Sheriffs regarding the speed people travel on Plant Road. There were increased patrols for a while, now it has gone back to what it was. It's dangerous. The addition of more cars is only inviting more danger. If there were families with little kids trying to cross to get to the pool it could be very dangerous. They run and are excited. That is an invitation for disaster. What is the tax benefit for the Town for this development to be built? Has anyone spoken with the Shenendehowa School District regarding their capacity to take on more students? Mr. McNamara stated that the density was reviewed thoroughly when the PDD proposal was before the Town Board and with the SEQRA review process. Impacts on schools were dealt with at that time. We are here tonight simply for the site plan review. Mr. Richard Wheeler of 122 Plant Road stated that there was an accident on Friday night with a drunk driver doing 75 MPH and flipped his car over. That is the third time this has happened in the last year. He would like to see the angle of Plant Road fixed and the road extended out to Route 146. How do we slow people down? Could we get a sidewalk installed for pedestrians? Mr. Watts stated that the Highway Superintendent is present tonight and Walt Polak from the Town Board is present and will convey these concerns to the Town Board. Mr. Watts stated that he has to pull out onto Grooms Road everyday and he wishes that people could just be civil to each other including when they are in their cars. No matter what, people are on their phones, texting, and not paying attention driving around. Ms. Hanna Christopher, 96 Werner Road, stated that she is opposed to the Pleasant Valley estates because it is a very dense subdivision with 150 units; it is too large for Halfmoon. Classroom sizes cannot continue to handle the added stress at this time. The current roads cannot handle more traffic. Halfmoon should encourage less of a transient population. Tri-plexes are not attractive and do not fit in with the landscape of the road. The traffic study from 2009 is outdated. Do we want our Town filled to the brim with an overabundance of multi-family housing and increased traffic? Mr. Bruce Rachaud, 18 Willowbrook Terrace, stated he would like to say that he opposes this project based on density and the character that multi-family housing brings to Halfmoon. Mr. Larry DeVoe of 38 Plant Road stated that this project borders his farm. He would like to not see this project approved. He does not feel like it is a proper place for it. This is the only self-supported farm in Halfmoon. He would like to see a road that goes out to Route 9 from this project and he would have been willing to work with the applicant to furnish that land. The schools are overburdened with students. Mr. Higgins stated that the placement of sidewalks and other infrastructure is an act of the Town Board. The Town Board has already approved the PDD. This Board is now trying to work through the final stages of the subdivision review. Mr. Roberts asked if the Board may wish to look again at the PDD that was approved; can we re-visit that? Mrs. Murphy stated that the mitigation that was approved in the PDD for the road infrastructure was what was agreed upon from an engineering standpoint at the time of that review. Mr. Watts stated that he understands that some people are not in favor of growth or that transient people only populate multi-family dwellings. He wishes that people would consider the full context of all of the statements that are made. Mr. Watts closed the Public Hearing at 8:20pm. Mr. Ouimet asked if the project was going

to be phased. Mr. McNamara stated, yes there would be 4 phases. Mr. Ouimet asked at what phase would the road improvements be made? Mr. McNamara stated that the developer intends to make the road improvements after the completion of the first phase, which would have approximately 30-35 units. Mr. Farone, the developer, confirmed that Mr. Ouimet stated that this Board had made the request to shift the senior units to the same side of Plant Road as the Clubhouse, correct? Mr. McNamara stated yes, and that change has been made.

Mr. Ouimet made a motion to grant preliminary approval for the Pleasant Valley PDD contingent on the applicant completing the proposed road improvements at the completion of Phase I of the project and that all remaining items are met to Clough Harbour's satisfaction. Mr. Berkowitz seconded. Motion carried as follows: Mr. Higgins-nay, Mr. Ruchlicki-nay, Mr. Berkowitz-aye, Mr. Watts-aye, Mr. Ouimet-aye, Mr. Nadeau-aye, Mr. Roberts-aye.

**13.041 PH      Hansen Subdivision, 65 Plant Road – Minor Subdivision**

Mr. Watts opened the Public Hearing at 8:25pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. George Hansen, the applicant, stated that he lives at 65 Plant Road and he is hoping to subdivide his existing lot to give it to his son to build a home. The lot is a little over 1-acre with 240 ft of frontage. He plans to split it approximately in half. The portion with the existing house will remain with a little over .5-acres and the new lot for our son will be a little less than .5-acres. The house is currently serviced by a private septic, which we intend to eliminate by connecting to county sewer. The new single-family house will also be connected to the county sewer. Both houses will also be connected to the municipal water system. Mr. Roberts asked if anyone from the public wished to speak. No one responded. Mr. Roberts closed the public hearing at 8:27pm.

Mr. Nadeau made a motion approve to declare a negative declaration in regards to SEQRA in that this action will not have a significant environmental impact. Mr. Ruchlicki seconded. Mr. Nadeau made a motion to approve the Hansen subdivision. Mr. Ruchlicki seconded. All-aye. Motion carried.

**13.042 PH      Marchand – Duplex, 87 Button Road – Special Use Permit (Duplex)**

Mr. Roberts opened the Public Hearing at 8:25pm. Mr. Roberts asked if anyone would like to have the public notice read. No one responded. Mr. Chris Marchand stated that he wishes to build a duplex at 87 Button Road. He wishes to reside in one half and rent the other half. He does not have the architectural drawings available at this time, as everything is contingent on this Board's approval. At the last meeting I was asked about the maximum square footage of the building and I had stated 4000 SF and I submitted a letter to the Board to that regard. Also, I was asked about any wells or septic systems that may be located within 100 ft of the property. I did some research and there are not any wells or septic systems within that proximity. I submitted a map to the Board that shows the property with the surrounding parcels and existing structures on those parcels. There are some single-family homes and a commercial garage up the hill and all of them are at least a minimum of 500 ft away or more. I am here tonight seeking the Board's approval on this. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 8:30pm. Mr. Higgins stated that he would like to see a note made on the plans that there are no wells or septic systems within 100 ft of the property for the record. Mr. Marchand stated okay. Mr. Ouimet asked would the total square footage for the structure be limited to 4000 SF? Mr. Marchand stated yes.

Mr. Berkowitz made a motion to approve the special use permit for a duplex at 87 Button Road contingent on the maximum square footage being 4000 SF and also a negative declaration regarding SEQRA in that there will be no significant environmental impacts. Mr. Ouimet seconded. All-aye. Motion carried.

**13.043 PH      Busch Subdivision (Lot 1), 68 Route 236 – Special Use Permit**

Mr. Watts opened the Public Hearing at 8:25pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Duane Rabideau of Gilbert VanGuilder Land Surveying and Associates stated that he was present tonight representing Triple M Enterprises to propose a special use permit to allow for a duplex located at 68 Route 236. This parcel was created in 2007 with the intent of building either a single-family structure or a duplex. It meets all of the spatial requirements for a duplex. Basically, we are here because of the change to the zoning code since that time, which requires a special use permit for duplexes. The buildout in the area consists of multi-family units with the Knox Woods Complex, and there are also 5 other duplexes in close proximity. We have added the neighboring septic system to the map as per the request of the Planning Board. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the public hearing at 8:32pm.

Mr. Higgins made a motion the special use permit for a duplex at 68 Route 236 and also a negative declaration regarding SEQRA in that there will be no significant environmental impacts. Mr. Roberts seconded. All-aye. Motion carried.

**New Business:**

**13.048 NB      Saratoga County Subdivision-Zim Smith Trail ROW, Staniak Road – Minor Subdivision (former Rucinski property)**

Mr. Jason Kemper, Director of the Saratoga County Planning Department, stated that he was present tonight to present a subdivision for a piece of property that the County acquired in December of 2012 for failure to pay taxes. It is an existing 145-acre parcel on Staniak Road. The County is proposing to take 4-acres off of the northern border of the property which would be the future right of way if we move forward with the extension of the Zim-Smith Trail. The remaining 141-acres, once this subdivision is completed, would be placed back on the auction block. Mr. Nadeau asked if the owner of the property could have the opportunity to purchase his property back? Mr. Kemper stated that attempts had been made with the property owner and at this point it would go to auction, if the property owner wishes to buy the property back it is at the discretion of the Board of Supervisors. If that happens, then this subdivision is a condition of that property going back into his ownership. Ms. Murphy read the resolution as stated by the Board of Supervisors which stated that the original owner would only be able to purchase back the remaining 141-acres, minus this subdivision. Mrs. Murphy will confer with the County Attorney on this matter prior to the public hearing.

Mr. Ouimet made a motion to set the public hearing for the May 13, 2013 Planning Board meeting. Mr. Nadeau seconded. All-aye. Motion carried.

**13.046 NB      Clifton Park Landscape, 1537 Route 9 (Lindsey's Country Store) – Addition to Site Plan**

Mr. Tom Andress, ADB Engineers and Surveyors stated that he was present tonight representing the applicant for this project that had been originally before this Board in 2009, at which time we created a section in the rear of the site for this business to store equipment. At the time of that

approval, there was a residential structure at the front. The house has since burned down. At this time the applicant wishes to have a retail presence on Route 9 by utilizing the place where the house burned down to display bulk mulch, stone, and topsoil. There would not be any patio block on site. One of the remaining sheds is proposed to be converted into an office for an employee and would only be operational through the spring, summer, and fall months. Mr. Ouimet asked if the storage bins would be visible from Route 9. Mr. Andress stated yes. There would be a berm with plantings in the front and the storage bins would be behind those. They may still be somewhat visible from Route 9 because of the angle. Mr. Ouimet asked if the service shed could be moved to the front with the storage bins behind it. Mr. Andress stated that he does not feel confident that the building could be moved because of its condition. They were only seeking to rehab it. Because we are only allowed one pylon sign the applicant wishes to have some product visible from Route 9. Mr. Ouimet stated that he is not comfortable with the storage of such materials that prominent on Route 9. Mr. Higgins stated that it is contrary to Town Code to allow storage in the front of a building. Mr. Ouimet asked Mr. Andress if he had spoken to the Town Planning Department prior to making this application. Mr. Andress stated yes, there were discussions in regard to the visibility from Route 9. The applicant was intending to have the majority of the storage to be behind the building and the front area would be more of a display area. Mr. Ouimet stated that a sample out front may be possible, but large bulk amounts cannot be put out front. Mr. Louis Darian, Clifton Park Landscape, stated that he would be willing to limit the amount out in the front along Route 9 to the Boards discretion. If it was possible to have a sign, then they could move all storage to the back. The existing Lindsey's sign is on the opposite side of the parcel. Ms. Murphy stated that the County has yet to respond to this proposal, so the Planning Department has time to review the sign ordinance to see what may be permissible. Mr. Watts asked what is the extent of the business as it operates at this site. Mr. Darian stated that he runs the business from there; he meets his employees and plans the days for site visits to his customers. There is stone, mulch, vehicles, and equipment stored there. Mr. Watts stated so now you are going to have retail sales from this location as well? Mr. Andress stated correct, we did not have a retail component in the last approval.

This item was tabled awaiting additional information.

**13.047 NB Grecian Gardens, 1612 Route 9 – Sign**

Mr. Bill Klementzos, business owner stated that they wish to replace the existing freestanding sign with one of the same dimensions, just square instead of oval. This new sign will be interior lit.

Mr. Roberts made a motion to approve the sign as presented. Mr. Nadeau seconded. All-aye. Motion carried.

**Old Business:**

**11.143 OB Linden Village PDD, Dunsbach Road – Mixed Residential PDD**

Mr. Robert Marini, Jr. of Marine Builders stated that they were last before this Board last year on May 9<sup>th</sup> of 2012 at which time we presented a proposal for twin homes, condominiums, and apartment units. We then took the information that we received from the Board. He is present tonight to propose a new configuration that consists of 468 apartment units. We eliminated the use of only Dunsbach Road for all of the traffic to empty out on. We are now proposing to split that traffic flow by the addition of another road that would come out between the Hess Mart and McDonalds on Crescent Road. Approximately 80 percent of the traffic would use this route with only about 80 units that would use Dunsbach Road. So essentially most of the traffic would come

out on Crescent-Vischer Ferry Road and only a small portion of the traffic would come out onto Dunsbach Road. We have thus removed the proposal to add a round-a-bout on Dunsbach Road. One of the things that the Board had wanted was to see two points of ingress/egress. The road system is now separated with bollards that can be removed in the event of an emergency. The density is still at 6.5 units per acre. 42% of the site excluding the driving range is greenspace. Other comments that came out of the last meeting were the inclusion of a boulevard entrance; that is no longer applicable here. We have added turning lanes on the way out onto Crescent-Vischer Ferry Road. Also there will be left turn lanes on Crescent-Vischer Ferry Road. The project and the new trail on Crescent Road will work well with pedestrians and bicyclists traveling toward the retail areas in Clifton Park. I have Ken Worsted of Creighton Manning here with me tonight to further explain the traffic changes in the area. Mr. Worsted stated that he was here to address specific comments that the Board made last time about the proposal. We have defined the peak hour of traffic by performing traffic counts on both Dunsbach and Crescent-Vischer Ferry Road and they are 7:15am-8:15am and 5pm-6pm. Our traffic counts did include the proposed Halfmoon Yacht Club in the study. We also reviewed the specific delay on Dunsbach Road on the southbound approach. In relationship to the study performed on the projected delay, which was 25 seconds, the actual delay was 12 seconds. If we take that and project that through the rest of the analysis, our study was very conservative. That count was performed in October 2012. The question regarding the impact on Woodin Road and Dunsbach Road, and the concern of all of the traffic from this project emptying out there has been addressed in that now, only about 17% of the traffic would not empty out onto Dunsbach. This would relieve the impact on that intersection. We were also asked to review a scenario where the Northway was backed up for any number of reasons such as an accident or a storm, the residents of this project would behave in a similar fashion of the other neighborhoods in the area in that they would go down to Exit 8 or take Route 9. There are some resources that drivers can use such as checking the news prior to your trip. All of this information was submitted in a report dated November 30<sup>th</sup> of 2012 and was submitted to NYSDOT as well as the Town. Mr. Nadeau asked what the level of service was at those intersections. Mr. Worsted stated that he would start with the Dunsbach Road intersection with Crescent-Vischer Ferry Road is an 'A' for traffic traveling on Crescent, there is no traffic control there. Traveling south on Dunsbach the intersection is a 'B' in the morning, and a 'D' in the afternoon. The northbound approach of Dunsbach is a level of service of 'E' in the morning and 'F' in the afternoon. The Dunsbach Road and the site access is a level of service 'A' in both the morning and afternoon. The site access with Crescent-Vischer Ferry is a level of service of 'A' on Crescent, southbound left turn is a 'B'- 'C', and turning left it is a 'C' in the morning and 'E' in the afternoon. The two interchange ramps for the Northway have a number of movements but in general, the northbound ramp operates at a 'B' in the morning and 'C' in the afternoon while the southbound ramps operate at an 'A' in the am and 'B' in the pm. Mr. Nadeau asked with the inclusion of this project and the Belmonte project, what would that change those intersections to? Mr. Worsted stated that the southbound ramps change from a 'B' to a 'C'. The northbound ramps it does not change. At the intersection of Crescent-Vischer Ferry and Dunsbach, the southbound approach will go from a 'B' to a 'C' in the morning and a 'D' to an 'F' in the afternoon. The site access will remain unchanged. Mr. Higgins asked if any of this would trigger a light at Dunsbach and Crescent? Mr. Worsted stated that not with the change to the project with the split that moves most of the traffic to Crescent. Mr. Higgins stated that the NYSDOT study stated that with increased traffic in the future there might be a need to make the access onto Crescent a right in/right out only. Mr. Worsted stated that, yes that had been discussed when there had been discussion of future development in and around the site such as the development of the driving range or changes to the Mabey storage site. Those improvements would trigger a turn restriction at that driveway. Mr. Higgins asked if



the driving range was intended to be developed in the future. Mr. Worsted stated no. Mr. Higgins stated that if the Northway backs up, a large number of people use Exit 8 to get to Route 9 and that would greatly impact people trying to exit the site. Mr. Higgins asked who made the decision as to why the project traffic was split? Mr. Marini stated that they went back and took a look at the flow for the project and how to control the movements. Mr. Higgins asked if the traffic was free to move in either direction into or out of the site, would that have triggered the need for a traffic signal at Dunsbach and Crescent-Vischer Ferry Road? Mr. Marini stated that he did not know. Mr. Worsted stated that no, it still would not be warranted. Mr. Higgins asked if the 6.5 units per acre were applied to buildable acres or total acreage? Mr. Marini stated buildable. Mr. Ouimet asked if the applicant was familiar with the supplemental traffic study dated November 30, 2012. Mr. Worsted stated that he had a copy in front of him. Mr. Ouimet asked when the counts were made for this study? Mr. Worsted stated they were part of the original study dated November 15, 2011. Mr. Ouimet stated that in the executive summary submitted to the Town, you indicated that the peak period in the morning was 7:15am-8:15am? Mr. Worsted stated that the traffic counters determined the peak period by using the 60-minute highest count hour. Mr. Ouimet stated that you had said that the proposed Halfmoon Yacht Club, the Hudson Ridge Apartment Complex, and the Belmonte project had been considered in the traffic study, but I do not see any reference to that in the executive summary. Mr. Worsted quoted a section from the report that clarified those inclusions. Mr. Ouimet stated to Mr. Marini that at every meeting he and the Board has expressed concern over the number of units within this project. He feels that 468 apartment units is simply too many to add to this area of Town. He feels that a real consideration for a reduction in the units proposed needs to occur. Mr. Marini stated that the economics involved in the project restricts how far he could reduce the density and still make the traffic improvements that would be required. He feels that the project is in a great location. It is a transitional zone in the Town with commercial businesses and the Northway in close proximity. He feels that the project is viable for this area. He showed the Board an architectural rendering of the structures within the proposed project. Bottom line is that the density is triggered by economics. Mr. Ouimet stated that he found that it is interesting to hear that the property is not suitable for single-family residential use as Belmonte Builders is proposing their project with 50 plus units along the Northway. Mr. Marini stated that he has tried that in the past and it doesn't work. Mr. Nadeau stated that he feels that the applicant will certainly hear a great deal of comment from the residents in the Town at the public comment phase of the proposal. Mr. Higgins asked if the Shenendehowa School buses would travel on the private roads. Mr. Watts stated that he is sure that if the roads are built to proper standards that buses will use them. Mr. Higgins asked where the Belmonte proposal was in relation to this project. Mr. Marini showed the Board on the map and stated just north of the site. Mr. Marini stated that the road improvements are outside of the scope of the public benefit for this project. Ms. Murphy stated that she would suggest that the applicant also meet with the Town Highway Superintendent to go over this iteration of the project. Mr. Ouimet asked if they should schedule a Public Informational Meeting for this project. Mr. Watts asked the applicant if he wished to move forward with the project as presented. Mr. Marini asked if the main concern was the split layout or the density of the project? Mr. Higgins stated both. Mr. Watts asked Mr. Bianchino to clarify what would happen in the scenario that a right in/right out was required for the site access at Crescent Road. Mr. Bianchino stated that with future development, with more traffic occurring, NYSDOT would force some restrictions. Those future improvements would require review from this Board so there is some control over that. Mr. Marini stated that they would like to move forward as presented and schedule a Public Informational Meeting.

Mr. Nadeau made a motion to schedule a Public Informational Meeting for the next meeting. Mr. Higgins seconded. All-aye. Motion carried. Mr. Ouimet suggested an expanded notification area for the Public Informational meeting.

**13.024 OB      Garden Time, Inc., 1467 Route 9 – Addition to Site Plan**

Mr. Roger Keating, of the Chazen Company, stated that he was here tonight of behalf of the business owner to present the proposed site plan changes. At the last meeting the Chairman suggested that a site visit be performed. It was a good experience for everyone to get a better understanding of what some of the concerns were. Since that meeting they have received comments from Rich Harris and they have made some changes to the site plan to address some of those comments. The applicant has revised the site plan to remove the displays to provide a 40ft no display zone at the northern end of the property. Also, at the intersection of Stone Quarry Road and Route 9 we are proposing to also add a 40ft no display zone. We have also added some no display areas along Route 9 to reduce distraction on Route 9, which was a concern of the Board. Garden Time also has a large number of swing sets and there was concern over the colors as a distraction. We have moved all of the swing sets off of the Route 9 frontage with the exception that they would want 1 on display in this area so customers would be aware of them for sale at the site. There was also some discussion of the display areas versus storage areas on the site. We have looked at placing a fence at the rear so that the storage and deliveries would happen in the closed off area. We have dropped the proposed number of units from 150 to 135. Garden Time has prepared the definition of a unit and they would classify anything that was larger than a 4x8ft display as a unit. The Board was not agreeable to that. The revised definition that was prepared by the site visit committee has been reviewed by Garden Time and they are ok with that definition with exception that tables and chairs could be displayed if they were contained within a gazebo as that would not expand the square footage of the display area. Mr. Berkowitz asked if anything was stored within the units on the site. Mr. Troelstra, business owner, stated no, maybe a table and chairs. Mr. Berkowitz asked what would then happen to that table and chairs? Mr. Troelstra stated they would move it to another shed. Mr. Berkowitz asked what if they were all full? Mr. Roberts stated that the 130-unit proposal is still too crowded. He was also in favor of the definition of units as proposed by the committee with no revisions. Also, why not simply offer a small display of sheds on site and a catalog to the customers that they can review other options in. That many displays are too much for the site. Mr. Nadeau asked the applicant to show the Board the limits of the previous approval versus the new approval. Previously this Board had stated that they were concerned with the original approval of 57 units on the site was and now you are asking to more than double that? That is too much for me to approve. Mr. Ouimet stated that he was troubled by the fact that the committee counted 58 units at the first visit on the site and on March 29<sup>th</sup> members of the committee counted 82 units. Why did you increase it by 30 units, on your own, without approval by this Board between when the committee first visited the site and March 29<sup>th</sup>? Mr. Keating stated that to be fair, the back and forth came from the discussion of what a unit was defined as. The new definition was used for the latter count. Mr. Ouimet asked Mr. Harris if by any definition were there more than 57 units there? Mr. Harris stated yes. Mr. Ouimet stated that they applicant has repeatedly added more units to the site without approval by this Board. I can't see how we could possibly allow for more units to be displayed when no matter how many we approve you will probably go and add however many you want anyway. That's what history is telling us. This proposal has been referred to Saratoga County for their review on May 16<sup>th</sup>. This Board cannot act on this until a response is received. Mr. Berkowitz asked that there be no increase in deliveries on the site according to the definition of a unit as approved by the Town

Attorney. Ms. Murphy stated that the new resolution would include the definition of a unit as defined by the site committee.

This item was tabled for response from Saratoga County Planning Board.

**13.038 OB Pride Fitness Center, 215 Guideboard Road – Change of Tenant**

Mr. Michael Wright, business owner, stated that he was here tonight to clarify some of the questions that the Board had regarding the parking on the site. Mr. Vasilakos, property owner, stated that they could add eight more spaces in the greenspace. Ms. Murphy asked if the Gil's Garage was on the same parcel as the Salty's Plaza. Mr. Vasilakos stated that a lot line adjustment was made last year. Ms. Murphy stated that the Planning Department needs to verify where the parcel boundaries are and what the actual amount of parking spaces is on the site. Mr. Ouimet stated that this business would limit the future tenant use of the building. Mr. Roberts stated that the committee reviewed how much parking might be needed for this use. Mr. Wright stated that there are 30-35 units of equipment but personal training is a large component that will limit the number of people working out at any given time. This is a different use from Gold's Gym or the YMCA. Mr. Roberts stated that the committee came up with a number of spaces for about 20 cars. Mr. Ouimet asked if membership numbers would be limited? Mr. Wright stated they could not handle more than 600 members. Mr. Ouimet asked how many could be in the building/suite at one time? Mr. Wright stated usually 3-4 people would be at the gym at any given time. There may be some increased volumes first thing in the morning and the hour right after work.

This item was table for Planning Department review relating to parking and the status of the lots.

**13.039 OB CGM Construction, Inc., Equipment Garage, Corner of Brookwood Road and Hudson River Road – Commercial Site Plan**

Mr. Chris Marchand stated that he was here tonight to present the revisions to the proposed site plan for CGM Construction to place an equipment garage on the corner of Brookwood and Hudson River Road. I was here two weeks ago for the proposal at which time the Board was waiting on a decision from the Saratoga County Planning Board. They have responded with 'No Significant County Wide or Inter-municipal Impact'. The second issue was an easement for a trail connection along Hudson River Road and Brookwood Road. We have amended the maps to show that easement. Those were the two outstanding issues. Ms. Murphy stated that an actual easement language would need to be presented to the Town Board and approved. Mr. Marchand stated that he understands.

Mr. Nadeau made a motion to approve contingent upon the easement information being provided. Mr. Ouimet seconded. All-aye. Motion carried.

**A statement from Vice Chairman Don Roberts:** *Chairman Watts has been an excellent Chairman to our Planning Board. I appreciate all your hard work, you were an asset to the Town and I'm going to miss you and I'm will also miss your humor and hard work. Thank you very much. Mr. Nadeau stated I will second that.*

Mr. Roberts made a motion to adjourn the April 22, 2013 Planning Board Meeting at 10:30pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary