

Town of Halfmoon Planning Board

October 23, 2006 Minutes

Those present at the October 23, 2006 Planning Board meeting were:

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

Alternate

Planning Board Members: Bob Beck

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth

CHA Representative: Bob Lockwood

Mr. Watts opened the October 23, 2006 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they have reviewed the October 10, 2006 Planning Board Minutes. Mr. Berkowitz made a motion to approve the October 10, 2006 Planning Board Minutes. Mr. Ouimet seconded. Motion carried. Mr. Watts, Mr. Roberts and Mr. Nadeau abstained due to their absence from the October 10, 2006 Planning Board Meeting.

Public Informational Meeting:

06.123 PIM Hudson Ridge PDD, Stone Quarry Road/Route 9 – Multi-Family PDD

Mr. Watts opened the Public Informational Meeting at 7:03 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Bill Hoblock, of Capital District Properties, LLC, stated the following:* This project has been before the Board over the last 8 months. Creighton-Manning Engineering & Associates are also in attendance at tonight's meeting to answer any questions from the public relating to the traffic impact study as well as the proposed traffic improvements for this project. The original Hudson Ridge PDD proposal was for a luxury multi-family community in 2005. They have worked with the Town for approximately 6 months decreasing density, working on the traffic impact study with the Town, the Town's Engineer and the NYSDOT. They also have worked with the Town for a public benefit that would work best for the Town. In February 2006 the Town Board referred this application to the Planning Board. We have been working with the Planning Board working through the technical and the site issues in hopes of getting a referral back to the Town Board. The site is a 32-acre parcel located on Route 9 and Stone Quarry Road. The surrounding uses

include: the Crescent City Mobile Home Park to the north, to the south are a few single-family homes on the other side of Stone Quarry Road, to the west is undeveloped land with a few homes and more undeveloped land. Most of the area is constrained and would never be developed due to topography and other environmental reasons and to the east is the main commercial corridor through Route 9. The site would consist of 21 buildings and each building would be a mix of 6, 8 or 12 units. The site has been designed with a boulevard entrance. The site would have Old English cast lamps and courtyards between the buildings. The site has some wetlands, rolling hills, and outcroppings and was designed to take advantage of these features. When this site is built, 70% will remain either untouched or green space. There would be sidewalks throughout the community and walking trails. We are designing a site that we like to call "the next generation in rentals" and not an apartment complex. The buildings do not look like typical apartments and each building would have attached garages that would lead directly into the home. We are trying to create a condominium or owner occupied product but in a rental community. We are gearing this project to empty nesters who would like to downsize out of a home and no longer want the burdens of homeownership. This project is also geared toward young professionals who are not ready for a home or the burden of a home. The exterior of the buildings will have top of the line materials. Every residence would have a patio or a balcony. There will be no exposed beams. The interior of the buildings would have wood flooring, cathedral ceilings; the master baths would have double vanities, ceramic tiles and walk-in closets. Every residence would have a private entry with no common hallway. These homes would be equipped with high-speed internet and wireless capability. These residences would be built for people who demand a quality product because that is what they are use to and will accept nothing less. There would also be a mix of flats and town home units. They would have a clubhouse that would be the focal point of the community. The clubhouse would have a great room, offices, a state of the art fitness facility and a pool. We believe that this vacant parcel would make a good luxury multi-family community setting. The parcel is in the core area in the Town's Comprehensive Plan and the Town of Halfmoon targets multi-family development in the core area up and down Route 9. This parcel is zoned C-1 Commercial and we believe this parcel of land is not a viable commercial piece of property. There is 100 FT of frontage on Route 9 that is wetlands. With the proximity of this parcel to Route 9 the property is not the best candidate for traditional single-family home development. We view this multi-family project as a good solution to an awkward piece of property and this is probably why the land is vacant today. We feel that this type of quality high-end multi-family community would be a better use than the permitted uses that are allowed in the C-1 Commercial zone such as offices, retail, restaurants or auto sales. These types of commercial uses would be more intense, especially with respect to traffic. The first public benefit that we are proposing to the Town is \$1,000 per unit for a contribution to the Town of Halfmoon to use at their discretion. The second public benefit would be to alleviate a capacity issue in the sewer gravity line at Grooms Road & Guideboard Road. We would hook into the Birchwood pump station to the west of the property. The sewer gravity line in Mapleridge and Woodin Oaks goes into the Grooms Road/Guideboard Road that is currently maxed out and causing some issues across Route 9 with some of the homes. We would take this entire community of almost 200 homes off of this gravity line and they would go directly into the County force main that runs up Route 236. This would take about 20% of the capacity out of the maxed out gravity line. We have had discussions with the County Sewer District as well as the Town Engineer to alleviate this problem. The third public benefit would be traffic improvements on Stone Quarry Road and Woodin Road. We propose to redesign the Stone Quarry/Woodin Road intersection, which has an existing serious public safety condition. We would pull the rock back and cut the

vertical alignment to increase sight distance where there is a hump in the road. There is also a dangerous hill at the Route 9 & Stone Quarry Road intersection that they would cut down to increase sight to the intersection and they would add a right-hand turn lane on Route 9 from Stone Quarry Road to ease traffic congestion. While these benefits would benefit the project and the community, they will also benefit the existing conditions. *Mr. Mark Nadolny, of Creighton-Manning Engineering & Associates, stated the following:* Mr. Ken Worsted is also present from Creighton-Manning to answer questions. The traffic study was conducted for the Hudson Ridge PDD, which originally was proposed for 228 multi-family residences. That density has decreased to 200 multi-family residences so the figures that we have are conservative, as 28 of the residences have been removed from the development. They looked at the 2007 design year and there would be site driveways into the development. They looked at 3 study area intersections: Route 9 and Stone Quarry Road, Stone Quarry Road and Woodin Road and at Woodin Road and Vischer Ferry Road. We collected traffic turning movement counts at each of these intersections during the AM and PM peak hours for two hours each peak period and took the worse case one-hour period. We installed an automatic traffic recorder in the vicinity of the proposed site driveways in order to determine daily traffic and also speeds on Stone Quarry Road. The posted speed limit on Stone Quarry Road is 40 mph with the 85th percentile speed, which is the operating speed of the road and what you would design for, at 46 mph, which is 6 mph higher than the posted speed. This is typical of what you would see on this type of collector roadway. The hourly traffic on Stone Quarry Road there was 55 vehicles during the AM peak hour, which works out to 1 trip every minute and about 95 vehicles during the PM peak hour of adjacent street traffic, which is about 1.5 vehicles every minute. They took inventories of the existing geometry to determine what would be out there in the future with and without the proposed development. We increased background traffic by a general growth rate for traffic in the area and we also increased it for other known approved and proposed developments in the Town. Some of these developments include: Sheldon Hills, the Tanski PDD, the Stone Crest Subdivision and the Fellows Road PDD. With the understanding of what traffic would be out there in the future, we wanted to determine what would be there with our development so we used the ITE (Institute of Traffic Engineers) trip generation handbook. This determines how many trips are generated by a development of this size and it is the standard traffic procedure to use this method. This procedure accumulates information from all across the country of other similar developments and determines how much traffic goes out. The initial 220 residences that we looked at estimated that they will generate 116 trips in the AM peak and 141 trips in the PM peak which will be lower now that there will only be 200 residences. All the numbers that will be given will be based on the 220 residences. With this proposed development being geared toward empty nesters the numbers would be lower during the AM and PM peak hours since some of these residences will be retired and would be traveling to stores, etc. during the middle of the day. We recently did a study of traffic from an apartment complex in the city of Troy to get an idea on how many trips this complex would generate and it was a little lower than the rates that we use. They projected 40% of the traffic going towards Route 9 and 60% of the traffic going towards Vischer Ferry Road to the Northway. We used evaluation software to determine the level of average delay per vehicle at each of the intersections in order to determine what amount of traffic there would be in the future with or without this development. This is based on a scale of an "A" to "F" with a level service "A" being 0 to 10 seconds and a level service "F" that is over a minute of delay. At the un-signalized intersection at Stone Quarry Road and Route 9 – the eastbound approach currently operates at a level service "F" which reflects the through volumes on Route 9, has heavy flows in both directions. With this development the traffic volumes will increase, however, the

applicant is prepared to construct a right-hand turn lane on this eastbound approach that will allow vehicles to make the right-hand turn onto Route 9 from Stone Quarry Road without having to wait for the vehicles that are waiting to make a left-hand turn on to Route 9. They looked at installing a traffic signal at this location; however, the NYSDOT feels a signal is not warranted at this location. However, the public benefit of \$200,000 would be put into the Town's fund and if in the future the signal were warranted, the funds would be available to do this. If a signal is not warranted in the future at this location, the Town can use the funds at their discretion. An additional improvement at this location would be to remove a vertical curve, which would allow people traveling eastbound toward Route 9 to see vehicles that are stopped at this intersection. The Woodin Road/Stone Quarry Road intersection has significant sight distance issues with the rock embankment and a vertical curve. The rock embankment would be removed, which would improve the sight distance as you are looking left and also coming from the opposite direction (eastbound direction on Stone Quarry Road). There would not be a significant increase in delay because this intersection can handle the capacity. The Vischer Ferry Road/Woodin Road intersection will continue to operate very similar to no-build conditions so there would be no improvements recommended at this intersection. We also looked at the variable accident information and the latest 3 years of available data from the NYSDOT indicated that there were 9 accidents at Route 9 and Stone Quarry Road, 1 non-reportable accident (where there was less than \$1,000 damage), 5 injury accidents, 2 property damage accidents and 1 fatality. The fatality accident was a result of a car turning in front of motorcycle and not yielding the right-of-way, which is considered driver error and did not have anything to do with the geometry of the intersection. Within the last year there was 1 other fatality that was a result of alcohol involvement and again this was due to driver error. Also, 4 of the 9 accidents were rear-end accidents before the left-hand turn lane was constructed on Route 9. There were 3 accidents at Stone Quarry Road and Woodin Road and it wasn't very clear that these accidents were due to poor sight distance but the improvements that they are proposing at this location would enhance the sight distance turning from Stone Quarry Road onto Woodin Road in either direction. These are the topics that we approached with our traffic study. Mr. Ken Worsted or I would be happy to answer any questions that you may have. Mr. Watts asked if anyone from the public wished to speak. Mr. Greg Mayo, of 108 Stone Quarry Road, asked about the realignment of the vertical curve on Woodin Road. Mr. Nadolny stated that the hump would be completely taken out so there would be a gradual grade as you are approaching Vischer Ferry. Mr. George Medick, of 1470 Route 9, asked if any consideration had been taken in regards to stormwater run-off and if it would affect any of the surrounding development. *Mr. Fleming stated the following:* We would adhere to NYS Department of Environmental Conservation regulations. These details would be worked on in the later phases of the site plan development. At this time they have identified some of the stormwater management basins. The general practice when a plan like this is developed is that the amount of run-off that is leaving the site at the current time can't be enhanced or increased in post-development. Mr. Watts stated that the Planning Board makes every effort through our Town Engineers, Clough Harbour, and the applicants to look at any issues relative to run-off, bad situations or situations that could be made better in any project. *Ms. Deborah Conte, of 107 Cemetery Road, stated the following:* She is a real estate agent with REMAX and she is for this project because most of her cliental are empty nesters. These empty nesters are looking for places to reside in after they sell their properties. Some of them want to vacation and enjoy life and do not want the responsibility of home ownership. My husband and I also fall into this category and we have been looking for the last 2 years for a place such as they are proposing here and there isn't that much out there. Most of the developments have complexes or

apartment living with small children and that is not something we are looking for. Most of my cliental are looking for the same thing. I have my senior real estate specialist designation so I know exactly what the senior population is looking for. I have sold hundreds of properties and 75% of the properties I have sold have been within the empty nester population and again I am for this project. *Ms. Joan Langan, of 19 Katherine Place, stated the following:* She is a senior citizen and she knows at least ½ dozen other seniors who are looking for housing like this. I am currently living in an apartment where the owner will not put in a sidewalk to give us better access to our garages. We have to walk through the parking lot that is very slippery in the winter and this is exactly what we seniors are looking for. *Ms. Jennifer Grass, Crescent Road stated the following:* She previously lived in Halfmoon and she recently moved to Crescent Road and she drives Stone Quarry Road on a daily basis. In the wintertime when she travels east toward Route 9, no matter how slow she is approaching Route 9, she slides and she feels like she is going to slide right on to Route 9. I think it is a good idea that the road will be leveled. I also am in real estate and work with a lot of residents in Halfmoon that are selling their homes and have to move out of the town because they don't have a community that is going to meet their needs with garages, etc. I am definitely for this project. Mr. Kevin Koval, a resident of Halfmoon, stated he approves of this project because of the benefit of the improvement to the infrastructure in the Town with the sewer line and the road improvements because the intersections are very dangerous. Mr. Bill Roche, a resident of Halfmoon, stated he recently became an empty nester and a project like this is something that he would definitely look at to move into and spend the better years of his life living here. *Ms. Joann Shay, of 116 Stone Quarry Road stated the following:* She and her husband live on Stone Quarry Road where there is a curve. The traffic study mentioned the intersections on Woodin Road and Route 9 but they did not address the blind curves, the gully, no shoulders and with the speed of 90+ vehicles traveling on Stone Quarry Road. She and her husband have difficulty getting out of their driveway and the neighbor across the street that have a blind driveway also have problems getting out of their driveway. With the excess speed that vehicles travel on Stone Quarry Road the applicant wants to increase the number of vehicles that will be traveling on Stone Quarry Road and this is a great concern of ours. *Mr. Nadolny stated the following:* It surprises him that they have difficulty getting out of their driveway, and he is not saying that they don't, but in real terms it is 1.5 cars every minute with the 95 cars at PM peak. There are significant gaps to make that turn with regard to exiting your driveway. *Ms. Shay stated the following:* Her concern was not a delay but it is a blind curve. Because of the blind curve you have to be cautious with oncoming traffic when they exit their driveway and they have to stop because you don't see the oncoming vehicles until you are crossing their lane of traffic and the cars do travel too fast. *Mr. Nadolny stated the following:* They did look to see what signs are posted on Stone Quarry Road and there are the appropriate curve warning signs. Other than totally redesigning the road and making the road straight and we obviously cannot do this with the existing homes on Stone Quarry Road, there are the appropriate stop ahead signs and curve warning signs. The speed count they performed calculated that the vehicles are going 6 mph over the speed limit, which is expected in this location. There is not much you can do slow traffic along Stone Quarry Road other than police enforcement. If these blind curves were removed, you would get people traveling faster on the road. Ms. Shay stated she is speaking for herself, her husband and her neighbors across the street and it is their position that with the proposed project there would be too much traffic for this stretch of Stone Quarry Road. *Mr. Mark Taylor, of 118 Stone Quarry road stated the following:* He lives next to the Shay's and they own a small hobby farm. We lose several cats a year, my heart doesn't go out for the cats, and I apologize because I do love the cats, however, when our 3 daughters are out

playing and one of the kittens wanders out into the road and are hit by cars speeding down the road at 60 mph plus I say "Thank God it was a cat and not one of my kids". There are skid marks in the road at least once weekly at the blind curve. My kids are picked up by the school bus and we have requested that the bus come from the Route 9 area so my kids do not have to cross the road and the bus is not stopped on the back side of this blind curve, and the school obliged to this and everything has been fine. However, there is at least 1 vehicle in the afternoon when the kids are being dropped off the school bus, that comes around that corner either doing the speed limit or going under or above the speed limit, and if there are 2 cars backed up behind the bus, they come around that corner and there are skid marks constantly at that location. A neighbors front step is literally a foot and half off the road and these cars that are slamming on their brakes are going up onto the embankment on both sides of the neighbors house to avoid hitting the car stopped in front of them. With this proposed development and increased traffic flow, sooner or later someone is going to get hit. Mr. and Mrs. Sicko could not be here tonight and I am speaking on their behalf regarding the intersection at Route 9. The Sicko's have expressed their concern regarding the lowering of the grade on Stone Quarry Road, as their property would now be ditched out on both sides. He is not insulting anyone and he believes it is common practice and if I were speaking to a Law Officer, it would be considered a bribe regarding the contribution for this development. He is in favor of what this project will do for the community with lessening the sewer load and using this property other than commercially as it will be very respectful of the land there as far as what is proposed. However, it bothers him regarding the \$1,000 per dwelling unit or \$200,000 going to the Town of Halfmoon. To him this means the Town will help the community in other ways totally irrelevant to this project and the residents on this street are getting nothing out of it other than increased traffic. All the residents are on sewer and wells and the septic would not affect us. On his hobby farm he has bees and he can guarantee that his bees will be trespassing on this development and there will be complaints coming back to him. He has roosters that crow and with the higher end living, the people of this development will be complaining and trying to change what is around them. This is a rural community and the other side of the power lines is zoned Agricultural. He does not want people knocking on his door or the Town telling him that he has to get rid of his bees, chickens, and sheep because he was there first and when it comes to this he knows he will lose. He understands that Halfmoon is not a farm friendly community any longer but he would like to retain his part of it. *Mr. Hoblock stated the following:* He would like to address the contribution to the Town. One reason this came up was because they met with the NYSDOT about Route 9 and Stone Quarry Road intersection. The obvious solution to the layman is a traffic light and it is NYSDOT's position that it is their road and it doesn't warrant a traffic light. However, we felt if in the future a traffic light were warranted, it would be a contribution to the Town. So, if the Town wanted to start a traffic light fund for that intersection, then the funds would be available. *Mr. Taylor stated the following:* Most of the delays he encountered at the Route 9 intersection in morning rush hour traffic were trying to turn right not left and the extra turn lane is going to change this. He asked the Board why not dead end Woodin Road instead of removing the embankment and then they would not have the traffic coming through. This would make this intersection safer and people would not have to make a left or right on Stone Quarry Road. *Mr. Hoblock stated the following:* They did look at this possibility but if the road was dead-ended then you have significant flows at one intersection and that one intersection would fail by forcing all the traffic into one location. This is why we decided to do the improvement with the 2 turn lanes at one location to keep this open. *Mr. Taylor stated the following:* At Crescent Road people come over the bridge by the culvert, come up the hill and they fall off the road on

the right hand side. There is a 6 inch drop that the Town has built in but cars continue to come over there because Crescent Road is off and with the added traffic with this project it would be another accident waiting to happen. Crescent Road wasn't built for a thoroughfare. Mr. Hoblock asked if there were bus stop up ahead signs. Mr. Taylor stated there were bus stop signs and blind intersection signs but when the sign has been there long enough, the people don't read it anymore. *Mr. Watts stated the following:* He would like to address Mr. Taylor's comment regarding the public benefits. The current Town Board and the current Planning Board have looked at the public benefits very carefully. I assure you that when this applicant first appeared before the Board, the public benefit that they proposed to the Town of Halfmoon was this wonderful project. Through negotiations, which are not complete at this time, we have received some significant donations of money to be used for other purposes. While we were discussing this, he pointed out to the Town Attorney that even with the traffic light at the intersection, we might look at bonding the money for traffic and using that money for other purposes. We have as part of our PDD application process received significant donations of lands to the Town that we are using for open space. We will have a 200 contiguous acre park that developers have provided free to the Town. I would like you to understand that we have moved significantly ahead in the Town of Halfmoon relative to what is perceived as a public benefit as part of our PDD zoning in terms of significant financial contributions to the Town, road improvements and improvements to possible intersections that need upgrading. While you might consider that this could be possibly a bribe, I think some of our builders and developers would tell you that as part of our negotiation process that we are not doing that. The integrity of this Planning Board and the integrity of the Town Board are of paramount concern to all of us relative to those things. My decision process when voting on a PDD is not affected by what the donations are but rather the essence of the project, but we do get significant donations from the builders and developers. We have come a long way with this developer relative to safety and road issues to make improvements. We are holding this Public Informational Meeting to find out what other needs there might be. Mr. Taylor asked if this development would be something that empty nesters could afford and would children be excluded from this development. *Mr. Hoblock stated the following:* Children will not be prohibited from this development as children cannot be prohibited from developments. We build a home in a community that is geared toward a specific demographic. These residences are limited to 1 and 2 bedroom and 2 bedrooms with dens. There are no 3 bedroom units. This development is not affordable housing. The price range for the smallest 1 bedroom unit will be approximately \$900. The larger units will go in excess of \$1,500-\$1,600. We are balancing a need between affordability and also building the nicest, newest rental property you can build in the area. Mr. Taylor asked how many units there would be in the development. *Mr. Hoblock stated the following:* The development started in 2005 with a total of 300 units. In discussions with the Town Board the number was dropped to 268 and in more discussions it was reduced to 228. Finally the number was decreased to 200 units. We feel this number is a very comfortable number where you can still maintain a quality layout site plan and also because of the number of units we are able to give the Town the public benefit that we are giving. It would be impossible to have all the public benefits with lower scale development. Mr. Taylor stated that if there are 200 proposed units that would create over 400 vehicles that would increase traffic on that road. *Mr. Nadolny stated the following:* It is a misconception when you go to peak hour traffic. For example: My wife and I have 2 cars and she works in Saratoga and I work in Albany and we leave for work about an hour and half apart. We may generate 2 cars over the course of the morning, but the one peak hour that we are looking at would be when I am leaving for work. In reality my home is only generating one car during that peak hour that we

are looking at. Over the course of the morning, yes, it will generate more vehicles but you have to look at it in terms of how much delay you are going to meet at that hour which is your worse hour, which is what we are looking at. Then you would not generate 400 cars during that peak hour but it would generate that many cars over the course of the day. *An unidentified resident stated the following:* The residents are not just talking about delay; we are talking about safety because of children playing near the road and safety getting in and out of our driveways. It is not volume that we are concerned about getting in and out of our driveways it is the blind curves and not being able to see a car that is coming in the other direction. Mr. Nadolny stated he understood. *Ms. Connie Harold, of 19 Plank Road, stated the following:* She lives on the opposite side of Route 9 and her property is in the low lands. Her concern is with stormwater run-off causing drainage problems with her property and asked where all the drainage would go. *Mr. Fleming stated the following:* In regards to the stormwater run-off, the NYSDEC has very tight restrictions and limits the amount of stormwater that can leave the site after we develop. The run-off can be no more than the condition that exist today and we will manage the drainage by means of the stormwater basins that will regulate the amount of the flow and the volume of flow that is going to leave the site. We have limited encroachment on the wetlands and all of this will be fully permitted with the Army Corp of Engineers. These details at this time have not been worked out. Again, that will not have any impact at all on the discharge leaving the site. *Ms. Harold stated the following:* She trusted Mr. Fleming to a point but not really because she knows about a case in Colonie where they had stormwater retention ponds and somebody's home was flooded and caused \$14,000 worth of damage to the home. So, this stormwater prevention plan wasn't enough to contain the drainage. *Mr. Fleming stated the following:* They have another site that they are developing at this time and it took almost a year to prepare what is known as a stormwater pollution prevention plan and it is very comprehensive and it details in very explicit terms how that volume of water is going to be managed and regulated. To satisfy the State's regulations, there are very specific inspection requirements through the course of construction and then thereafter. There are very tight regulations as to how stormwater is to be managed. *Mr. Phil Mooradian, of 17 Fieldstone Drive, stated the following:* His property would be behind this project. His kids play baseball on the Town field in the back and the Stone Quarry Road intersection is definitely a problem and overall he is in favor of the project to have that intersection corrected. He does have concerns about the kids that are walking Woodin Road going to the fields. It would be nice if people had a reasonable opportunity to see these kids walking down the road as their driving over the bridge and he would be in favor of getting rid of that problem. His mother would be a perfect type of candidate for this type of development and would benefit from having a place to move. Mr. Bill Shay, of 116 Stone Quarry Road, asked the Board if the Town is getting money from all of these developers why can't the roads and intersections be fixed without having this development at all. *Mr. Watts stated the following:* One of the issues that we have is that many of these roads are not Town roads they are either State roads or County roads. We have embarked upon the repair and reconstruction of Town roads. We are regularly and routinely in negotiations with the State and County Government to point out the same concerns on these roadways. He agrees with Mr. Shay and hopefully they will come through with some of these much-needed improvements. Mr. Paul Finnerty, of 17 Bayberry Drive, stated the following: He and his family drives on Woodin Road regularly and he is in the favor of the improvements to be made at Stone Quarry Road and Woodin Road as this intersection is very treacherous. I would like to see this part of the project go forward and would be in favor of this project. Mr. Watts closed the Public Informational Meeting at 8:05pm. *Mr. Hoblock stated the following:* Someone had mentioned that there was a landowner who couldn't attend tonight's meeting.

He has met with probably the largest adjacent landowner and he couldn't be here tonight and the landowner has submitted a letter in favor of this proposed PDD. Mr. Watts stated that the Board has seen this letter from Darryl and Lisa Bell dated October 11, 2006 that indicated that they were unable to attend tonight's meeting and they have met with representatives from Capital District Properties and they are in favor of this project and are pleased with the improvements to Stone Quarry Road and Route 9.

Mr. Nadeau stated that he would like to look at the concerns with the traffic situation and road improvements. Mr. Ruchlicki stated he agreed with Mr. Nadeau. Mr. Watts thanked the public for their comments and input.

This item was tabled to review the Public Comment.

Public Hearing:

**05.115 PH Windsor Woods, Vosburgh Road – Major Subdivision-GEIS
(formerly known as Ayva Acres)**

Mr. Watts opened the Public Hearing at 8:09 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. *Mr. Scott Lansing, of Lansing Engineering, stated the following:* Mr. Gerry Magoolaghan, of Belmonte Builders, the applicant for this project is also present here tonight. Windsor Woods is formerly known as the Ayva Acres Subdivision. The overall parcel is approximately 134-acres located to the north of Vosburgh Road and to the west of Route 146. The parcel is currently zoned A-R Agricultural-Residential. The minimum lot size for single-family residences is 20,000 SF with 50 FT front yard, 30 FT rear yard and 10 Ft side yard setbacks. We have been working with the Planning Board and CHA for approximately 18 months on this project to develop the plan that we are proposing to the Board and the Public tonight. We are proposing 34 units in accordance with A-R requirements that would include 22 single-family lots and 6 duplex lots. The roadways in the project for the single-family units are proposed to Town standards and we have worked with CHA on a design for those roadways to meet the Town standards. Public water will be provided from the water main on Vosburgh Road that would be extended into the project to serve all the units in the project. Sanitary sewer would be via the main trunk line on Route 146 and we are proposing individual grinder pumps for each one of these units and a low pressure force main going out to that systems. Stormwater would be managed on-site and we are proposing stormwater management areas in the front and back portion of the project. They are proposing water quality features that will meet the State's standards. This project would be located in the Northern Halfmoon GEIS area, which requires 100 FT of open space along the front portion of the project. This would be provided along Vosburgh Road. We would be dedicating 89.09-acres of open space to the Town. This open space area would be contiguous to other open space areas that the Town currently has or is about to have. One of those areas is the Smith Road PDD, which is approximately 43.56-acres and also the Vosburgh Road PDD that is immediately adjacent to the east, which is approximately 58-acres for a total of 190.65 total contiguous acres of passive active recreational land that would go to the Town. This project is also subject to the mitigation fees outlined in the Northern Halfmoon GEIS, which is approximately \$2,900 per unit. Again, we have been working with the Town and CHA over the past several months and it is his understanding that all of CHA's comments to date have been addressed. We are before the Board for the Public Hearing for the project to receive questions and comments from the Board and consideration from the Board for preliminary approval if deemed appropriate. Mr. Watts asked if anyone from the Public wished to speak. Mr. Mike Jones, of 28 Vosburgh Road, asked if 3 of the duplexes would access the site from Vosburgh Road. Mr. Lansing stated yes, the access would be a private driveway. Mr. Jones asked why

these duplexes would have a separate access instead of access through the rest of the development. *Mr. Lansing stated the following:* There are low-lying areas and wetland areas that we are trying to avoid wetland impacts to the greatest extent possible. This project shows has shown that there is less than 1/10th of an acre of wetland impact which is preferable from a development standpoint. Mr. Jones asked where the open space access would be located. Mr. Lansing stated there is an access up by the stormwater management area that would also be contiguous to the 58-acres as a part of the Vosburgh Road PDD that has access from Vosburgh Road and there is also the Smith Road PDD that has a trail system that would go towards that open space area. Mr. Jones stated he was curious about access to the open space for those of us who are already living here as oppose to people who are going to be in the new development. As part of the Vosburgh Road PDD, he believes a gravel access road was constructed or is going to be constructed towards the back open space area that Mr. Bruce Tanski donated to the Town that would potentially convey pedestrians over that way as well. Mr. Jones asked if the Vosburgh PDD was the development on the corner of Vosburgh Road and Route 146 where the Stewart's Shop was located. Mr. Lansing stated that Stewart's and the office building were about a 4-acre portion of the 62-acre parcel where 58-acres was donated to the Town. Mrs. Wormuth stated that the access point to that open space would be very close to where the entrance to the cell tower is located and there is an application on tonight's agenda for a lot line adjustment to the Vosburgh Road PDD for this access point. Mr. Jones stated that the open space was described, as a passive recreational area meaning presumably there would be trails as opposed to athletic fields and that sort of thing. Mr. Jones asked if there was a plan in place for when the trails will be built and will the Town or the developers build these trails. *Mrs. Murphy stated the following:* The Smith Road PDD has trails in it and this will be passive and they will not have delineated paved trail. The trail will be open for the public to access but there will not be a set marking. They may have nature trails, which are marked on the trees, but the route is not paved. Mr. Earl Kehoe, of 85 Vosburgh Road, stated that they have a well on this projects property. *Mr. Lansing stated the following:* On the subdivision plan they are showing the maintenance of that easement to that well. The lots on our project do not impact that well and we can maintain an easement over that well. We will make sure that we maintain this easement. Mr. Magoolaghan asked Mr. Kehoe if the well was used for drinking water or irrigation. Mr. Kehoe stated it was used for irrigation. Mr. Magoolaghan stated that they would not impact this well and it would not be a problem. Mr. Kehoe asked if the project would have septic systems. Mr. Lansing stated no, it would be public sewer. Mr. Kohoe asked what the distance was from his property line to the access. Mr. Lansing stated it was about 60 to 75 FT. Mr. Kehoe asked if there was a traffic study was performed relative to the curve. *Mr. Lansing stated the following:* A traffic study was not performed for this project. One of CHA's first comments was relative to curve. There is an adjacent project that will be performing mitigation to that curve as a part of their project. The other project has a much higher number of units than our project. Mr. Lockwood, of CHA, stated at the present time there are not any thoughts of doing any other improvements along Vosburgh Road. *Mr. Russ Heggen, of 47 Vosburgh Road, stated the following:* He purchased his home 5 years ago. He came to the Town Planning Board two times and asked the Board specifically what was going to be built behind his home. He was told both times that this property would remain forever wild and this is why he bought this house. Two to three years ago I again came to the Board because he heard that a development was going to be built behind his house. At that time I was told yes, there would be development but part of it would be wild and part would be developed. I feel the Board lied to me. He has a concern because this property is all wetlands and he is curious on how these lots will be configured into these

wetlands. Also there is a huge rock outcropping and asked how this would be removed. The property owners in this area all are on wells. *Mr. Lansing stated the following:* We have had a delineating of the wetlands done on the parcel by NYSDEC and Federal wetlands that was performed by qualified wetland scientist. The areas that we are proposing for development are the higher more consistent grades. The lots would be less than 1/10 of an acre of impact for the overall parcel. We are not proposing significant impacts to the wetlands. Regarding the rock on the parcel, we did perform test pits on the site to verify elevations of the rock and the plan profiles for the roadway have been designed with that in consideration so we would not go into the rock. There may be a portion where utilities might be slightly in the rock and any blasting, if needed, would be done by a licensed blasting company. The blasting would be minimal, as they have tried to minimize that to the greatest extent possible. *Mr. Heggen stated the following:* He has concern relative to the proposed home behind him because this house will be less than 30 FT away from his back barn. If the people decide to put a 15 FT deck behind their home, they will only be 15 FT away from his back barn. Mr. Lansing stated they would meet the setbacks for the structures. Mr. Heggen asked if there was a 50 FT setback. *Mr. Lansing stated the following:* The 50 FT setback was for the front yard and 30 FT for the rear yard and we do have a building envelope that can accommodate a home in that area. If somebody did want to add a deck or a pool, they would have to apply for a building permit with the Town. *Mr. John Watters, of 49 Vosburgh Road, stated the following:* Mr. Ivan Zdrahal was before the Board a few weeks ago with one of his projects and the Board asked for revised plans as Town did not want private roads in this development. He discussed this with Mr. Williams and asked what was the difference between Mr. Zdrahal's project and this project and Mr. Williams advised him it was because of the length of the road. He feels the length of the roads if about the same. He asked if there were any published criteria for maximum length of a private road in the Town of Halfmoon. Mrs. Murphy stated the following: There are no specific criteria with regards to a private road. This has to do with the safety, health and welfare issue based on the location, the condition and the amount of properties located on the private drive. We rely on our Town Engineers to give us this determination. *Mr. Lockwood stated the following:* Mr. Zdrahal had proposed private roads that were 1,700 FT and this project's private road would be approximately 500 FT. More specifically, it is not a private road, but is a private driveway for this project. Mr. Watters asked if this private road or driveway would accommodate a 50,000-pound fire truck. Mr. Lockwood stated the following: Yes, the road could accommodate a 50,000-pound fire truck and 16 FT wide. The length of the private road is what could possibly cause a problem and the private road in this project is relatively short. There are a lot of private driveways in the Town that are over 500 FT long so there isn't any restriction on a private house as far as how long a driveway can be. The only difference in this case is that there are 2 to 3 houses on it. Mr. Watters pointed to an area on the plans where people dump their trash and stated that some of the things that are dumped there are hazardous waste material such as; gasoline, motor oil, antifreeze and other items that are not environmentally friendly. He asked if there were any soil remediation done and boring evaluations. *Mr. Lansing stated the following:* The borings that they performed were strictly for identifying groundwater bedrock and things of that nature. A Phase I environmental site assessment was done prior to the applicants getting involved in the project. They looked at different debris piles and dug through the debris piles and nothing hazardous was found at the time of the Phase I. Mr. Watters asked if they specifically did borings. *Mr. Lansing stated the following:* The protocol at the ESA was performed under ASTM standards in accordance with the required standards and they did not find any hazardous materials. Excavations were done in the area that the preparer of the report deemed necessary. Otherwise, the applicants would

not have pursued this parcel. Mr. Watters asked if there was a report that shows definitively if borings were done in that area. Mr. Lansing stated he did not recall exactly where the borings were done but we can check the Phase ESA that was performed. *Mr. Watters stated the following:* There were 2 other areas that had a small amount of toxic waste dumping and they should be aware of this problem. The proposed cul-de-sac could cause a problem because of the proximity of proposed houses verses the existing houses. The existing houses on Vosburgh Road sit a distance back from the road and some of the existing homes would be approximately 45 FT from the property line. The new homes will diminish the value of the homes on Vosburgh Road. The rest of the project would not cause a major problem but the cul-de-sac homes would be too close to the existing homes. *Mr. Lansing stated the following:* The homes that are proposed are in accordance with the zoning ordinances and they do meet the required setbacks for the proposed structures from the property lines. In addition to this, the applicants are offering a portion of land to be conveyed to a few property owners along Vosburgh Road so the proper setbacks would be in accordance with the zoning regulations for the proper rear yard setbacks. Mr. Magoolaghan stated there are a number of gardens and garden sheds on the existing properties and they are proposing to convey land property to these homeowners to give them more space in their backyards. Mr. Watters asked for clarification regarding if there would be blasting because he is concerned about damage to the property owners' wells. Mr. Watts stated that the applicant would have to obtain a permit to do blasting. Mr. Tanski, of the Fairways of Halfmoon, stated the following: When they did blasting on one of his projects, they had to use blasting mats and had to notify all the neighbors. Anyone that is certified or licensed by the State has to carry enough insurance that if there was a problem, it would be taken care of civilly and there would be insurance to cover. Mr. Magoolaghan stated that they will be bringing public water down in front of these existing homes, should a well be damaged by the blasting, they could work something out. Mr. Lansing stated the blasting would be done on the knoll located at the higher portion of the parcel and the blasting would be done at the surface and not be to a depth of a well. Mr. Watters stated that there would be a public access near a stormwater management area that would be owned by the Town and stated this area could become a traffic problem. *Mr. Lansing stated the following:* This access would not necessarily be a public access; it would be more of a maintenance access to the stormwater management area. The Town would probably create some sort of a trailhead area on the Vosburgh Road PDD parcel. This could be a nice neighborhood linkage to a potential future trail system. He does not see this as a detriment; it could be an opportunity for a possible linkage. *Mr. Watters stated the following:* People could use this access as a shortcut and this could cause a problem with people parking on the cul-de-sac. He asked if the stormwater management areas are fenced. Mr. Lansing stated these areas are not proposed to be fenced. *Mrs. Murphy stated the following:* The Town's Highway Superintendent request that stormwater management be dedicated to the Town so he can insure that the stormwater management is maintained in accordance with the regulations accessed through New York State, therefore, we won't have the flooding issues that you heard concerns about earlier. In order to adequately maintain the stormwater management areas, the fences cannot be put up because of the changing nature of the level of the water. Mr. Watts closed the Public Hearing at 8:43pm. *Mrs. Wormuth stated the following:* There has been concerns in regards to the building envelopes to the neighboring properties. In the past the Planning Board has asked the applicant to make a note on a certain lots indicating that these lots would not have a large back yard or enough area to install a pool. When the final site plan is done this would be something the Board should consider. Mr. Watts stated the Board would do this. Mrs. Murphy stated that the Town Engineers have looked at the issues regarding Mr. Kehoe's well and they are aware of

the location of the well and they are working with the applicant to determine the easement language because this well will be located on the land that will be dedicated to the Town. Mr. Lockwood stated that the easement that is now in effect would remain in effect. Mr. Kehoe asked how this would affect his driveway. Mrs. Murphy stated that she has not seen the easement language, but the easement language probably pertains to usage of well in order to maintain the well.

This item was tabled to review the Public Comment and for a deed to be submitted to the Town Attorney in regards to an easement for Mr. Kehoe's well.

Old Business:

06.137 OB Auto America, 1540 Route 9 – Addition to Site Plan & Sign

Mr. Neal Rivchin, Attorney, stated the following: He is before the Board tonight representing Mr. Joel DeNooyer and Ms. Theresa Russell, of DeNooyer Chevrolet. This project was before the Board in January of this year for a site plan proposal for the use of the 2 buildings in the rear of Auto America's property located at 1540 Route 9. For over 20 years this property has been utilized for a used car sales area originally owned by Jerry Mackey. Auto America purchased the property in 2004 and continued using it for used car sales. The proposal was to use the 2 larger buildings in the rear of property for auto repair, auto washing and a customer waiting area. Part of the plan that was submitted was to show the use of those buildings and also to show the construction of a reverse osmosis system to take care of water that was being used for washing the automobiles and a separator tank for separating oil and water. The Board originally reviewed this application in June of 2006 and felt that this would require Zoning Board of Appeals review on the basis that this would be an enlargement of a non-conforming use. They applied to the ZBA in September 2006 and the ZBA approved the application for the expansion of the non-conforming use. We are now back before the Planning Board for approval of the original site plan. Auto America has met with the Planning Department and has submitted revised site plans to address some of the issues that were raised and a revised letter to provide details for such items as the shields for the lamps on the property and more details on the reverse osmosis system. Based on a letter they received from CHA all of the Town's concerns have been satisfied and therefore, we are here tonight requesting the site plan approval for this project so we may proceed with the proposed improvements. Mr. Higgins asked if this site was on a septic system and would they remain on a septic system. Mr. DeNooyer stated this was correct. Mr. Higgins stated that the property to the south of this site would be tying into the public sewer. Ms. Russell stated at the present time there is no existing sewer. Mr. Roberts stated he had reviewed the sign and asked the applicant if they would just be replacing the face of the sign. Ms. Russell stated just the insert would be replaced. Mr. Roberts asked if there would be any exposed neon on the sign. Mr. DeNooyer stated there would be no exposed neon.

Mr. Nadeau made a motion to approve Auto America's addition to site plan application. Mr. Higgins seconded. Motion carried.

Mr. Roberts made a motion to approve Auto America's sign application contingent upon the sign is not located in the State's right-of-way and the sign would not have any exposed neon. Mr. Nadeau seconded. Motion carried.

06.174 OB Frechette Subdivision, 143 Upper Newtown Road – Minor Subdivision-Discussion

This item was removed from the agenda for further review by the Town Attorney.

06.200 OB 1475 Route 9, Route 9 – Change of Tenant
(formerly known as Romano's Restaurant)

Ms. Sarah Biscone, Esq. stated that Mr. Dan Morelli, of Morelli Design & Construction, is also present for tonight's meeting. *Ms. Biscone, stated the following:* This project was before the Board in August 2005. Our narrative specifically stated that we would be leasing out parts of the restaurant, formerly known as Romano's. The applicant has changed the application in terms of there will be no leasing or tenancies. The public café would still remain open to the public. The only part of this facility that will have any type of tenancy relationship would be the commercial section of the site, which Mr. Morelli described previously. All the concerns that the Town had have been addressed in her October 4, 2006 letter and we hope that we have met the Town's concerns and the Town is satisfied with the description and the amended application. Mr. Nadeau asked if the original proposal was for rooms to be rented out to various tenants. Ms. Biscone stated this is no longer the case; it would be used for daily day-to-day people to go over their businesses. Mr. Nadeau asked if there would be any conference rooms. Ms. Biscone stated there would be private rooms available but no business would be conducted and there would be no leasing or tenancy relationship with these rooms. Mr. Nadeau asked what the private rooms would be used for. Ms. Biscone stated these rooms would be used for out-of-town people to meet to have conferences. Mr. Nadeau asked if any type of classes would be taught in these rooms. Ms. Biscone stated no. Mr. Berkowitz asked if these rooms would have district managers/sales force meetings. Ms. Biscone stated yes. Ms. Biscone further stated that there is something similar to this in Delmar in Brueger's Bagels where they have set aside a small conference room where people can meet. Mr. Berkowitz asked if they would hold all day seminars or all day educational meetings. Ms. Biscone stated these rooms would be open to the general public for any type of business. Mr. Berkowitz asked if there would be multiple day activities for one specific business for on-going training sessions or on-going educational seminars. Ms. Biscone stated that people could do this. Mr. Berkowitz asked if there was a limit to how many consecutive days they could use these rooms. Ms. Biscone stated yes. Mr. Berkowitz asked if the same company could have different instructors for different days for the same people. Ms. Biscone stated yes, these private rooms would be advantageous for people who work at home who need a quiet place where they can go and it is our hope that they would order some food and enjoy the atmosphere while they are meeting. Mr. Berkowitz asked if students could be tutored in these rooms. Ms. Biscone stated yes. Mr. Watts asked if they would advertise. *Ms. Biscone stated the following:* At this time she did not know exactly how these rooms would be advertised. It would be an open café, which would cater to people who need to use, fax machines, copy machines and computer capabilities. Mr. Watts asked who owned this site. Ms. Biscone stated it was owned by a NXM trust and the trustee is Pamela Cafritz. Mr. Watts asked if they would be advertising to the general public. Ms. Biscone stated yes. Mr. Watts asked what would be in their advertisement. Ms. Biscone stated they would advertise to the public that the facility could be used to conduct business, meet with people, hook-up to the internet and eat at the café. Mr. Berkowitz asked if they would have computer based testing at this facility. Ms. Biscone stated these conference rooms would hold about 10 to 15 people and she did not know if they could do this because she is not aware of how many internet connections there would be in each room. Mr. Berkowitz asked if they would have videoconferences. Ms. Biscone stated yes. Mr. Berkowitz asked if they would have training seminars via a videoconference. Ms. Biscone stated yes. Mr. Ouimet asked if a fee would be charge to the people who would rent a room, rent a table or rent space from your client. *Ms. Biscone stated the following:* This depended on how they would advertise. If

someone were there to eat, a table or conference room could be reserved. Mr. Ouimet asked how someone would reserve a conference room. Ms. Biscone stated she believes this would be done by telephone. Mr. Ouimet asked if he wanted to reserve a conference room, would he be required to purchase food. Ms. Biscone stated she did not know the exact details of this, but it is there hope that people would order food. *Mr. Morelli stated the following:* He did not know how they would advertise at this time, but if anyone wanted to rent a conference room, table or space, they don't have to eat the food. They can call in advance, reserve a time spot, they show up, pay the receptionist the fee for the use of the room for however long they needed it and they would be allotted a space. Mr. Berkowitz asked if they would be required to keep records of how would occupy each space. Mr. Morelli stated yes. Mr. Berkowitz asked how long would they have to keep the records for and would these records be used for tax purposes. Mr. Morelli stated he did not have an answer for this question. Mr. Berkowitz asked if he could rent a room once a week for 4 to 5 months. Mr. Morelli stated he could. Mr. Watts asked if a fee schedule been worked out for the rental of these spaces. Ms. Biscone stated no. Mr. Morelli stated these fees schedules would be worked out after they have been through the planning process. Mr. Berkowitz asked if this space would become solely his if he reserved it for once a week. Ms. Biscone stated no. Mr. Morelli stated that it could be a different space each time you go. Mr. Ouimet asked if they could send or receive mail at this address. Ms. Biscone stated no. Mr. Ouimet asked if they could send and receive faxes there. Ms. Biscone stated yes, but you would have to be there to accept the fax. Mr. Ouimet if someone would have to sign a contract when they reserved a room. Ms. Biscone stated no, there would be no agreements or contracts that anyone would have to sign. *Mr. Ouimet stated the following:* This is a new concept to everyone on this Board and also to the applicant to an extent. He is trying to figure out what the difference is what you are proposing and the Holiday Inn. For instance: If he wanted to go to the Holiday Inn to rent a room for a day, a week or a month, he would go in and sign a contract and rent a room. *Mr. Morelli stated the following:* For example, the Clarion on Route 7 – he can rent a boardroom, rent an office or rent whatever he wants to rent there. He would go to the counter, reserve his space and would pay for this in advance and would use the space for his allotted time. This application is similar to this, but on a smaller scale. Mr. Ouimet asked if they would have any restrictions on how many consecutive days that someone could reserve space at this facility. *Ms. Biscone stated the following:* Yes, there would be restrictions, but she does not know what they are at this time. We do not want someone renting space for a whole month and these conferences are not going to be able to hold the number of people like a Holiday Inn could because these spaces are small. Mr. Ouimet stated that someone could conduct business in this facility by renting or leasing a space if they rented space for 40 consecutive days. *Mr. Morelli stated the following:* Once they establish what the schedules would be, then they will have a menu of things that they can do and cannot do and there would be regulations on the time you could rent. This facility would mainly be geared for people who are going to rent for a hour a week, a couple hours a week or for 5 hours a month. Mr. Roberts stated people might take up a permanent residence there. Mr. Morelli stated this is not going to happen and it would not be allowed, as it would be for transient use. Mr. Ouimet stated if they are going to have guidelines and rules to utilize this space, we would need to see this information before this Board could adopt this concept. Mr. Roberts stated he agreed with Mr. Ouimet. *Mr. Morelli stated the following:* He disagrees with Mr. Ouimet' statement because this project has been on the docket for months and everyone knows the concept that is involved. The zoning laws of the Town of Halfmoon permit a mixed occupancy of a café and a business. Mr. Roberts stated that the Board has been asking questions about this project that the applicant does not have answers for these questions and

the Board needs answers and more information. Mr. Berkowitz stated that the applicant has also changed the concept since they last appeared before this Board and you are unable to give us concrete specific answers to the questions we are looking. *Mr. Morelli stated the following:* After the last meeting the issue was getting the Town's Attorney to see if this type of occupancy was allowed and the fact is that the occupancy is allowed. We came to tonight's meeting prepared to accept the fact that this change of tenancy is allowed because the zoning laws of the Town of Halfmoon allow this occupancy. Mr. Higgins stated he had concerns with the parking at this site. Mr. Morelli stated there would be more than enough parking. Mr. Higgins stated when they estimate that there would be 10 to 15 people in each of the 4 or 5 rooms there might not be adequate parking. Mr. Higgins asked if there was only one area where multiple stations can be rented. Mr. Morelli stated this was correct. Ms. Biscone stated the use of this facility would be commercial and there would be a café. Mr. Morelli stated the front space would be for public use and the offices in the back of the building would use for offices by the people who own the building. Mr. Nadeau asked how many offices would be used for the conference people. Ms. Biscone stated there would be one commercial tenant who would have a lease and they would submit a change of tenant application for this tenant. Mr. Nadeau stated he understood that this application was for all walk-in open to the public type of occupancy and there would be no leasing. *Ms. Biscone stated the following:* They did state this at the last meeting and it was also stated in her September 8, 2006 and October 4, 2006 letter to the Board. There is going to be a commercial space that will be rented to a tenant. Mr. Higgins stated that Ms. Biscone's letter stated, "This reservation will not require a lease nor will it create a tenancy relationship between my client and the individual reserving the said room". Ms. Biscone stated that the letter also read that the only tenancy relationship would be that with the commercial tenant. Mr. Ouimet asked if the commercial tenant would be the operator of the kitchen and café area. Ms. Biscone stated no. Mr. Berkowitz asked if anyone was leasing the café area at this time. Ms. Biscone stated no one has leased the café area as of yet. Mr. Ouimet stated it was his understanding that the commercial tenant was the café and the rooms were the transient part and if this is the case, what are the 3 rooms going to used for. Ms. Biscone again stated her October 4, 2006 letter read, "The only tenancy relationship that will be established is that of the commercial rental attached to the café. As Such, and pursuant to your Town laws, the appropriate Change of Tenant Application will be properly submitted to the Town Board with each change of tenancy". Mr. Roberts asked what the 3 rooms in the back of the building would be used beyond offices for the owner of the building. Ms. Biscone stated she believes that is where they would have the commercial tenant. Mr. Berkowitz asked why the owner has not come before the Board to explain exactly what they want to do. Mr. Watts stated that the Board has received about 4 different answers to the same question. Mr. Ruchlicki asked if alcoholic beverages would be served at this site. Ms. Biscone stated no. Mr. Ouimet stated that they are proposing a kitchen and café area for this operation and asked if a commercial tenant would operate this area. Ms. Biscone stated no, the owner would operate this area. Mr. Ouimet asked if the front section would be used for the public area. Ms. Biscone stated yes. Mr. Ouimet asked if there was a third location where they would have a commercial tenant. Ms. Biscone stated yes. Mr. Ouimet stated it was his understanding that there would be 3 separate operations; one area that would be operated by the owner, one commercial tenant and one area for the café and kitchen. Ms. Biscone stated this was correct and the owner, who is the applicant, would operate the kitchen, run the café and also operate the area that is open to the public. Mr. Nadeau stated that Ms. Biscone stated earlier that there would be private rooms that would be leased out and now you are saying that these rooms would not be leased out. *Mr. Morelli stated the following:* There would be no

conference rooms in this facility whatsoever. There would be one large open space with tables that people can rent to do their business. Mr. Nadeau stated that the Board needs a written narrative of exactly what is going to take place because we have too many questions about the use of this facility and the Board is confused on the set-up of this facility. Mr. Watts stated he agreed with Mr. Nadeau's statement. *Mr. Morelli stated the following:* Let's do this, let's let Romano's just sit there, waste away and get overgrown. This has been a total waste of his time. Mr. Nadeau stated the Planning Board would need to have answers to their questions before they can act on this application.

This item was tabled for information on specific uses proposed for the site regarding the café short-term office use and the long-term office change of tenant status.

New Business:

05.149 NB NYSEG Bailey Hill Regulator Site, Bailey Hill – Site Plan

Mr. Jim Kehrer, stated the following: He is with NYSEG and is employed in their engineering department. Mr. Jim Brace, also with NYSEG's engineering department is also present. We are before the Board for an approval for the NYSEG Bailey Hill regulator site plan located near the corner of Route 146 and Routes 4 & 32, which is near the Old Champlain Canal. We currently have some existing overhead facilities in that area. We would like to install some equipment along our existing poles. We propose to put 3 sets of equipment at the base of 2 of the poles. These 3 pieces of equipment are called voltage regulators and they are used to help stabilize our electricity. The reason why these regulators are needed is to have stable voltage on our power lines and when there is heavy usage, the voltage tends to decrease. The voltage regulators would bump up the voltage levels to where we like to keep them. Due to the growth in the area both commercially and residentially, there is strain on the voltage levels and this is why we need to install this equipment at this time. The regulator is a 7 FT high raised cylinder and it is about 3 FT wide and there would be 3 regulators at the base of the pole at ground level. The units would be isolated from the public with an 8 FT high chain link fence. The area would be about 30 FT x 30 FT with the regulators. The overhead wires would go down to the regulator and go back up to the overhead facilities. Mr. Watts asked if the overhead wires already existed. Mr. Kehrer stated yes. Mr. Watts asked if the 3 boxes on the pads depicted in the configuration would be what are new to the site. Mr. Kehrer stated yes and there are some existing poles in that vicinity that in the past did harbor some voltage regulators but they were smaller because of the needs of the area. Mr. Watts stated the Town would have a nature trail near this facility and asked what kind of buffering there would be for these regulators. *Mr. Kehrer stated the following:* Route 146 is bit higher than the Champlain Canal so the site is not quite as exposed as depicted in the picture. If the walking trail were going to go through this area, yes, the site would definitely be seen from the trail. But we would have the 8 FT high chain link fence would buffer these regulators and keep the public out of the area. We could also install some decorative fencing on the outside of the chain link fence. Mr. Brace stated that if the Board had any suggestions for screening this site, they certainly would consider this. They could use similar type of screening that they used at the Raylinsky Lane regulator site. Mrs. Wormuth stated along with the nature trail that will be near this site, it is also a historical site and SHIPO has talked to the Town on different occasions because the Town has looked at putting in a waterline but we need to maintain that as part of our culture and heritage. Mr. Watts stated he would like to see the proposed buffering for this site because of the nature trail. Mr. Higgins asked if there would be barbed wire at the top of the 8 FT chain link fence. Mr. Brace stated yes, there would be barbed wire on the top of the fence. Mr. Ruchlicki asked if they had a 60 FT easement near the transmission line. Mr. Brace stated he believes it is 75

FT. Mrs. Wormuth stated that at the current time there is a towpath in that area that is gravel and overgrown and there is plan to follow this towpath with the trail and she would be happy to sit with the Planning Department when the buffering for this site is discussed. Mr. Ruchlicki stated there is currently a 60 FT x 30 FT pad with 2 poles on the far side of that pad and asked why the pad couldn't be moved so that the poles are in the middle of the pad and put the transformers in the pad area. Mr. Brace stated the reason for the offset is so a crane can get into the site and needs to be able to manipulate these heavy regulator units. Mr. Ruchlicki asked if they could get through on the backside. Mr. Brace stated no. *Mr. Ruchlicki stated the following:* He suggested this because they would then create over a 30 FT distance to the trail. If it were physically impossible to position those transformers on the pad other than this side of the power line, then the site would need additional buffering.

Mr. Nadeau made a motion to approve the site plan application for the NYSEG Bailey Hill Regulator Site contingent upon the applicant meeting with the Planning Department to discuss buffering attributes. Mr. Berkowitz seconded. Motion carried.

06.216 NB Sunmark Federal Credit Union, 2 Tower Way – Change of Tenant (formerly Troy Savings Bank)

Mr. Christine Frith, Administration Manager for Sunmark Federal Credit Union. *Ms. Frith stated the following:* I am before the Board for a change of tenant application for 2 Tower Way. The previous tenant was First Niagara Bank (approved in 2000 – which was initially Troy Savings Bank-approved 1994). We will be closing on this property on Wednesday, October 25, 2006. Mr. Watts asked Mr. Williams if he reviewed this application and does this site have adequate parking. Mr. Williams stated yes as this application would be a similar use as the bank. Mr. Roberts asked if there was a sign application for this project. Ms. Frith stated the sign application would be submitted at a later date. Mr. Higgins asked if they would be utilizing the other offices to the west. Ms. Frith stated yes, they would be utilizing the entire building. Mr. Watts asked the applicant to advertise as being located in Halfmoon.

Mr. Roberts made a motion to approve the change of tenant application for Sunmark Federal Credit Union. Mr. Nadeau seconded. Motion carried.

06.224 NB Pepperidge Farms Dist. Whse., 9 Morris Lane – Change of Tenant

This applicant was not present and no action was taken on this item.

06.227 NB Bruce C. Tanski Subdivision, Vosburgh Road PDD – Lot Line Adjustment

Mr. Gil VanGuilder, of Gilbert VanGuilder & Associates, proposed a lot line adjustment for the Vosburgh PDD. *Mr. VanGuilder stated the following:* When Mr. Tanski built his office building on Lot #1 of the subdivision of this property; the remaining land was conveyed to the Town of Halfmoon. The driveway was constructed in it's best location for sight distance, but unfortunately, it was off the property. Mr. Tanski would like to enter into a lot line adjustment that would have the Town convey two-tenths of an acre of land to his property that would take in the driveway area. In turn there would be an ingress/egress easement over that strip of land for the Town to use for access this parcel. This would be the best location for sight distance. Mr. Tanski's parcel would increase from 1.1-acres to 1.29-acres and would decrease the Town's parcel to 55.56-acres. Mrs. Murphy asked if Mr. Chauvin has been provided the easement language together with the proposed deed. Mr. VanGuilder stated he does not believe that Mr. Chauvin has been provided this information. Mrs. Murphy asked if this could be provided to her prior to a Public Hearing. Mr. VanGuilder stated yes.

Mr. Nadeau made a motion to set a Public Hearing for the November 13, 2006 Planning Board Meeting. Mr. Ouimet seconded. Motion carried.

Mr. Berkowitz made a motion to adjourn the October 23, 2006 Planning Board Meeting at 9:40 pm. Mr. Ruchlicki seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary