

Town of Halfmoon Planning Board

November 27, 2006 Minutes

Those present at the November 27, 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: Jerry Leonard

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

CHA Representative: Mike Bianchino

Mr. Watts opened the November 27, 2006 Planning Board Meeting at 7:00 pm. Mr. Watts asked the Planning Board Members if they have reviewed the November 13, 2006 Planning Board Minutes. Mr. Roberts made a motion to approve the November 13, 2006 Planning Board Minutes. Mr. Ouimet seconded. Motion carried.

Public Informational Meeting:

06.195 PIM Inglewood PDD, Cemetery Road – Major Subdivision/PDD

Mr. Watts opened the Public Informational Meeting at 7:01 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Gordon Nicholson, of Environmental Design Partnership, is representing Diamond Capital Development in their application for the Inglewood PDD. Mr. Nicholson stated the following: This application has been before the Town for approximately a year. The proposal is for 27 townhouses on the 9.88-acre parcel. The parcel is located on Cemetery Road and they are proposing to tie-in to the Saratoga County Sewer and Town of Halfmoon Water. There would be on-site stormwater management and a 950 FT cul-de-sac coming off of Cemetery Road. The units that they are proposing would be craftsman style carriage homes. They are proposing a 1-acre open space park. CHA has suggested that they eliminate the driveways on Cemetery Road and they have done this. The driveways would come in from the proposed public road and garages will be in the rear of the units. The front of the units would face Cemetery Road. By recommendation from the Planning Board, they have moved the proposed public road approximately 100 FT further to the north on Cemetery Road to improve sight distance. The relocation of the public road resulted in the losses of 1-unit from the original 28-units that were proposed. We have agreed to install some evergreen landscaping to preserve the character of an adjacent

landowners property by their request. Mr. Watts asked if anyone from the Public wished to speak. Mr. Paul Weber, the seller of the property, stated the following: My overall concept of this project is that it would be a benefit to the community and would also improve the tax base. Mr. Watts closed the Public Informational Meeting at 7:04 pm. Mr. John Higgins asked if the applicant felt that the sight distance would improve by moving the access road to the north. Mr. Mark Nadolny, of Creighton-Manning, stated the following: They did move the access road and CME reevaluated the location and the sight distance was limited due to the barn. The original field technician may have made the assumption that the barn would be removed as part of this project. The new location is the best location for the site access road due to the location of building and a horizontal curve that would also limit sight distance. Mr. Higgins asked if this would eliminate the problem with sight distance looking to the south. Mr. Nadolny stated the following: The sight distance looking to the south the actual guideline is 520 FT looking left and right. It is now 450 FT looking left and 490 FT looking right. This does not meet the actual guidelines but when you review the criteria for New York State looking at whether or not an intersection warning sign would be required it does not meet that requirement. There wouldn't be any sort of mitigation we would recommend here. The access road is in the best location possible for along this site frontage. Mr. Higgins asked if the applicant had talked to the property owner about moving the barn. Ms. Kathleen Angiolini, the applicant, stated the following: They have spoken to the people who own the barn and the owners do use the barn that is over 100 years old and has been well kept. The better solution would be to relocate the access road to this site and eliminate 1 of the proposed units rather than asking the owner to move the barn. Mr. Higgins stated the following: In my opinion this is a potentially dangerous situation in this area with the barn even with losing 1 of the proposed units. I am very familiar with this barn and very familiar with that area and I think what would happen is people are going to have to pull out further into the road to be able to see south. Mr. Bianchino stated the following: Mr. Nicholson and I have spoken about this but I have not seen the revised plans. Mr. Nadolny stated he did the fieldwork this afternoon so he has not had a chance to put this information in a letter but he would submit a letter to CHA for the review. Ms. Angiolini asked if the problem with the sight distance to the left was due to the barn or the hill. Mr. Nadolny stated it was because of the barn. Mr. Bianchino stated CHA's October 24, 2006 letter had several comments and they were waiting for the Public Informational Meeting and a final submission for this project. Mr. Bianchino asked Mr. Nicholson if the site still contained 9.88-acres in the revised plans. Mr. Nicholson stated yes and we would be asking for Board's recommendation for the 12/100th of an acre waiver on the 10-acre minimum for a PDD application. Mr. Watts stated the Board is aware of this from the beginning because from that perspective that was close enough so this really wasn't an issue. This item was tabled and referred to CHA.

Public Hearing:

06.230 PH Schofield Subdivision, 133 Cary Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:07 pm. Mr. Dave Flanders, of David Flanders & Associates, stated the following: He is before the Board with Mr. Brad Schofield, the owner of the property. The proposal is to subdivide a 2-acre parcel of land in 2 single-family residential lots. The parcel is located on Cary Road on the southeasterly side. Currently the property has a single-family residence with a separate driveway. There would be on-site water and sewer for both lots. The rear lot would be a flag lot accessible by an existing driveway and an existing 30 FT ingress/egress easement for the property in the rear. Also, there would be an addition to this 30 FT ingress/egress easement to encompass the actual location of the driveway. The rear

lot is presently vacant and they are proposing to build a single-family residence. Both lots meet the current zoning. Mr. Watts asked if anyone from the Public wished to speak. Mr. Watts closed the Public Hearing at 7:09 pm. Mr. Nadeau asked where the well location was to the septic system on the vacant McCarthy property. Mr. Flanders stated there was a dilapidated house on the vacant property and the well is located to the southeast of the house and they suspect the septic system would be to the south of the McCarthy property and it would not be located to the north of the house. Mr. Roberts asked Mrs. Murphy if she was satisfied with the easement language. Mrs. Murphy stated the following: Yes, she had an opportunity to review the easement language and it did satisfy the purposes of the Town. We are not advising the private landowner with regards to what may satisfy their legal rights, but from the Town's perspective the easement language is satisfactory.

Mr. Roberts made a motion to approve the Schofield minor subdivision. Mr. Nadeau seconded. Motion carried.

New Business:

06.234 NB Halfmoon Crossing Subdivision, 3/7 Halfmoon Crossing – Major Subdivision

Mr. Todd Fischer, of Solar Associates, stated the following: We are before the Board requesting a subdivision within our PDD on the north side of Halfmoon Crossing for the Berkshire Bank of Halfmoon and a second lot which is now vacant. The parcel is 5.78-acres, the Berkshire Bank lot is 1.01-acre and the remaining lot would be 4.7-acres. We are asking for this subdivision for financing in the bank. Mr. Roberts asked if the 4.7-acre parcel would be the last parcel in the PDD. Mr. Fischer stated this was the last parcel, but I cannot promise that this would remain 4.7-acres as there may be one or two more buildings at the most on this parcel. Mr. Watts asked if this would require a PDD amendment. Mrs. Murphy stated the following: The PDD Legislation has form language in it which enables the Planning Board to make site law adjustments without the need for amending the PDD so long as the use proposed in the new site is consistent with the uses permitted in the PDD. In this case there is also the mitigation due to the water agreement entered into with the applicant, however, the applicant is aware of this.

Mr. Berkowitz made a motion to set a Public Hearing for the December 11, 2006 Planning Board Meeting. Mr. Roberts seconded. Motion carried.

06.235 NB Jackson Hewitt Tax Service, 1683 Route 9 (St. John Plaza) - Change of Tenant & Sign

Mr. Tom Pratico, of Bast Hatfield and the Rexford Group, stated the following: I am before the Board for a change of tenant application in the St. John Plaza. We would be dividing the space formerly used by Rainbow Direct into 3 tenant spaces. Jackson Hewitt wishes to occupy one of the tenant spaces. The applicant is proposing to place a 16 SF internally illuminated, wall mounted sign on the building. There would be enough SF available for future signage for the other two tenants. Mr. Watts asked if there would be adequate parking available at the plaza. Mr. Williams states yes. Mr. Roberts asked if there would be any neon on the signage. Mr. Pratico stated no, the sign would be internally lit. Mr. Watts asked that the tenant advertise as being located in Halfmoon.

Mr. Berkowitz made a motion to approve the change of tenant application for Jackson Hewitt Tax Service. Mr. Nadeau seconded. Motion carried.

Mr. Roberts made a motion to approve the sign application for Jackson Hewitt Tax Service. Mr. Ouimet seconded. Motion carried.

06.236 NB Sunmark Federal Credit Union, 2 Tower Way – Signs (4)

Mr. Bill Jenkins, of Sunmark Federal Credit Union, stated the following: They recently were approved for a change of tenant application in October 2006. The site is the former Troy Savings Bank/First Niagara Bank located in the Crossings. The pylon sign would have a major change because the existing sign is deteriorating and the time and temperature mechanism is not working properly. They are proposing 2 poles for the pylon sign instead of one. There would be a total of 4 signs. One pylon sign and three wall mounted signs. The total square footage would be 220.83 for the 4 signs.

Mr. Roberts made a motion to approve the sign application for Sunmark Federal Credit Union. Mr. Ouimet seconded. Motion carried.

06.237 NB Quiznos Subs, 1512 Route 9 – Signs (2)

Mr. Kevin Tollisen, Atty., the applicant, stated the following: We would like to replace a tenant sign in the existing pylon sign at Savemore Beverage and add a 17.25 SF wall mounted internally illuminated sign to the front of the building for Quiznos Subs.

Mr. Roberts made a motion to approve the sign application for Quiznos Subs. Mr. Ouimet seconded. Motion carried.

Old Business:**05.115 OB Windsor Woods, Vosburgh Road – Major Subdivision/GEIS
(formerly known as Ayva Acres)**

Mr. Scott Lansing, of Lansing Engineering, stated the following: At the last Planning Board Meeting there was a Public Hearing where they received comments from the public and the Board. We have replied with a comment response letter to the Board addressing the comments that were raised at the Public Hearing. Some of the comments were addressed during the Public Hearing. There were 3 comments that were somewhat outstanding. The first comment was relative to the Phase I Environmental Site Assessment (ESA) where the public commented that there was some debris on the site that they were concerned about. We did submit a copy of the Phase I ESA that was performed in 2004. This report concluded that there were no environmental concerns in the area of the existing house and the existing septic system. There was a barn and a debris pile in the area and there were no environment concerns. The second comment was relative to a note being added to the plan relative to the lots where the perspective homeowners would be made aware that the building envelop for those lots would be limited and the applicants have agreed to add that note to the plan. The third comment was relative to an existing well of Lands of Kehoe, which is adjacent to this proposed project that would have an easement to utilize it. The applicants are willing to adhere to whatever easement agreements or rights that this property owner may have. It is my understanding that Mr. Kehoe was going to submit his deed language for the Town's review to protect the Town's interest. I am not sure if this has been done but I believe this is the only outstanding item. We are here tonight for the Boards consideration of preliminary approval for the project. Mrs. Murphy stated the following: I have had an opportunity to review the deed provided by Mr. Kehoe and I am satisfied that the Town's rights are protected with regards to the well issue and the easement. We have advised Mr. Kehoe that he may wish to seek counsel with regards to his rights but it is very clear in the deed that the existing ingress/egress method is what is permitted by the easement and no improvements can be made on that easement to the property. Mr. Bianchino stated that the only issue we had outstanding is regarding the 100 FT

buffer along Vosburgh Road, which I see is now on the plan at this point and everything we had has been addressed. The project is now consistent with the GEIS.

Mr. Roberts made a motion to grant a Negative Declaration to SEQR stating that the project will not have a significant impact to the environment. Mr. Berkowitz seconded. Motion carried.

Mr. Roberts made a motion to grant preliminary approval for the proposed residential subdivision. Mr. Berkowitz seconded. Motion carried.

05.209 OB Pino Commercial/Light Industrial Park PDD, Route 146 – Major Subdivision/PDD/GEIS

Mr. Scott Lansing, of Lansing Engineering, stated the following: Since we were last before the Board, we have received comments from CHA, which I feel have been addressed. CHA felt the project was consistent with the GEIS and they recommend that a Negative Declaration be issued for the project. CHA concurs with the traffic study and that turning lanes would be required for the project as well as a traffic signal. CHA recommended that a traffic signal warrant analysis be performed on that project as they feel various thresholds are met on the project and that this project should be coordinated with the Clemente PDD project across the street. CHA felt that the lots proposed in the project were large enough to meet the parking and green space requirements and they recommended subdivision of the lots as tenants were acquired for the project. As these tenants come in for individual site plans, they would be subdivided as the process went through. The trail corridor would be extended to go toward the eastern section to provide alternative linkages for the trail system. We also met with the Town and the Town's comments were relative to coordination with NYSDOT. We have had a meeting with NYSDOT and Creighton-Manning (CME), the traffic consultants for the project. Creighton-Manning has submitted a letter to the Town and we feel those items were addressed. If the Board has additional questions relative to traffic, Mr. Mark Nadolny, of CME, is present to answer questions. The applicant had an informal meeting with some of the Town members and has provided updated community benefits with the addition of on-site recreational lighting. Currently there are on-site lights that were formerly used for the driving range and the applicant has negotiated with the current landowner and he is going to donate these lights to the Town. Currently there are six recreational light poles that are approximately 20 to 25 FT high. Five of the poles have 4 light fixtures on them and one of the poles has 3 light fixtures on it. The applicant intends to take those light poles down and deliver these to a destination that the Town desires. It is my understanding that the Town does have use for these light poles and is willing to accept them. There would be an increase in the unrestricted gift of funds. Formerly it was \$45,000 and the applicants have increased that to \$70,000. We are looking forward to a referral to the Town Board as part of the PDD process that is still in the conceptual phase. Mr. Nadeau asked the distance of the turning lane. Mr. Nadolny stated the following: The storage would be approximately 100 FT with 180 FT bay taper and then the lane taper would be 720 FT and it would depend on what side of the road would be widened. This could be shortened if you widen on both sides but if you only widen on one side you would have about 1,000 FT of impact on either side. Mr. Nadeau asked what the sight distance would be as you are coming up the hill and where would stacking occur because the sight distance as you approach the hill is a dangerous situation. Mr. Nadolny stated they have submitted a letter dated October 11, 2006 where we are recommending the removal of some embankment and some trees along the inside of the horizontal curve which would allow for the adequate sight distance. Mr. Bianchino stated the following: CHA met with NYSDOT where we talked about both projects and NYSDOT commented that they were concerned about the sight distance as well. It was either install the traffic signal now or we need to make the sight distance

improvements. Mr. Berkowitz asked what would trigger the traffic signal. Mr. Nadolny stated there were a couple of thresholds; the storage facility with the Clemente side would not require any sort of improvement but any development over 100,000 SF would then require the left turn lane for Clemente. One of the requirements that NYSDOT had was if you are going to do one improvement, you do them at the same time so there would only be one interruption of traffic. So the left turn lanes would occur at 100,000 SF of development. After 200,000 SF of development is when you would start to look at the threshold for that signal that would be installed. A warrant evaluation would need to be performed before NYSDOT would come out to do the signal and at 200,000 SF we believe the signal would be warranted so the evaluation would be done at that time. If the signal were not warranted, you would continue to have the evaluations at subsequent phases as the development progresses. Mr. Berkowitz asked if it was a square footage threshold or a usage threshold. Mr. Nadolny stated the following: It was based on the square footage and what we are assuming is the square footage would generate the same amount of traffic as you build out. It is assumed that it would have an equal number of trips to square footage so, it's either/or the number cars or the square footage since it is going to develop on that similar kind of plane. Mr. Watts asked if the applicant would be paying for the traffic signal. Mr. Lansing stated yes. Mr. Higgins asked what would happen if the traffic signal were not warranted and all the certificates of occupancy are issued. Mrs. Murphy stated that as part of the PDD legislation the applicant would be responsible for the obtainment of the traffic light. If for some reason NYSDOT says it hasn't been triggered, once they say it is triggered the applicant would have to put up the money for the light or vacate the premises because the PDD legislation would be null and void and it won't be an approved use. Mr. Berkowitz asked if background traffic would also help trigger a threshold. Mr. Nadolny stated the current traffic on Route 146 would currently meet those warrants as the warrants are being based on the side roads. The background traffic really doesn't have an impact since Route 146 would already warrant the signal. It would be based solely on the size of the development. Mr. Watts stated the following: The public benefits are still part of the Town Board's decision process and they would be working with the applicant on those. Our next step would be to schedule a Public Informational Meeting.

Mr. Berkowitz made a motion to set a Public Informational Meeting for the December 11, 2006 Planning Board Meeting. Mr. Ruchlicki seconded. Motion carried.

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

Mr. Bill Hoblock, of Capital District Properties, LLC, stated the following: This proposal for Hudson Ridge PDD is a luxury multi-family community on Route 9 and Stone Quarry road. Last month we held a Public Informational Meeting and we are here tonight seeking the recommendation from this Board to the Town Board. Tonight is our fifth appearance in 9 months so I won't run through the presentation again but would like to highlight a couple of items. The plans have not changed in 5 months. In the past year and a half we have progressed to where we stand today on various topics with this development. Density has been reduced 30% from the original project and we are down to 200 residences today. The CHA comment letters that we received in late spring/early summer have all been addressed through either design modifications or studies of a traffic light. We have worked with the Town Engineer, the Town and NYSDOT to perform a full traffic impact study. We have done engineering design work with respect to the major significant improvements that we are proposing. We have worked very closely with the Town to make sure that we have been able to come forward with the best public benefit that this project can possibly put forward and we believe we are so close that this project warrants a positive recommendation from the Planning

Board to the Town Board. Traffic has been discussed on both ends of Stone Quarry Road. At Stone Quarry Road and Woodin Road there would be a complete redesign and construction of this intersection including the vertical alignment that would take down the hump that would improve the sight distance. The rock out would also be cut back. The second traffic improvement would be at the intersection of Stone Quarry Road and Route 9 where a hump in the road has been an existing public safety hazard over the years. We are proposing to cut the hump down and grade the area. We would be adding a new right-hand turn lane to the eastbound approach to Route 9 on Stone Quarry Road. Traffic improvements are the first category of public benefit. The second category is sewer. We have worked with CHA and the Saratoga County Sewer District to come up with a solution for an existing sewer problem in Town. We are proposing to alleviate the current capacity issues on the Grooms Road and Guideboard Road gravity line. We would be pulling the Mapleridge and Woodin Oaks neighborhoods out of that gravity and plugging it directly into the County truck force main that runs up Route 236. This would alleviate about 20% of the design capacity of the maxed out line. The third public benefit would be a \$1,000 per unit contribution to the Town, which equates to \$200,000. This is above and beyond the other impacted mitigation fees association with this project and these fees run a little over \$300,000. This equals about \$500,000 in monetary contributions that the Town would see from this proposed development. These benefits would address existing problems and problems that have continued to exist and problems that I think would be very difficult to alleviate if not for a development such as this. We have also discussed and demonstrated why we feel this is a great location for a quality multi-family site as this is in the core area of the Comprehensive Plan, which calls for development given the location infrastructure and arteries. We have also discussed how the entire parcel is zoned C-1 Commercial but there is 100 FT of unusable frontage so this parcel would not be a viable commercial parcel. Also, this parcel is not the best single-family parcel given its location and close proximity to Route 9. This project would be a nice transition piece from your main commercial corridor transitioning over from single-family development with a quality multi-family community in the middle. We have also illustrated that we believe this is a much better use than what would be permitted uses under the C-1 zoning. The C-1 uses would have greater intensities as opposed to the residential development we are proposing especially with respect to traffic. At the Public Informational Meeting there were 15 speakers where 4 people asked questions and they didn't oppose or support the proposal, 3 people spoke against the proposal and 8 people spoke in support of this proposed residential PDD. There was not a large number or amount of opposition given the fact that 18 public notices were mailed out and one of the public notices went to an entire Homeowners Association. This tells us that the work we have done over the last year and half with the Town has worked to create a quality residential community in a location that fits and also benefits the entire Town of Halfmoon. With that, we would asked that this Board renders a positive recommendation back to the Town Board for the Town Board to begin its review of the proposed PDD. Mr. Watts stated the following: The Town Board and the Planning Board have worked closely with the applicant to get the public benefits to a meaningful point. The public benefits came from nowhere to a very meaningful point. I cannot speak for the Town Board but I know they are still looking at the public benefit issue with the applicant but they have come a long way from the original proposals in terms of total numbers of units and mitigations in that area. The diligence of the Town Board, the Planning Board and the applicants going along with our suggestions has brought us to the point where we are.

Mr. Roberts made a motion to grant a positive recommendation to the Town Board for the Hudson Ridge Multi-Family PDD. Mr. Higgins seconded. Motion carried.

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

Mr. Gil VanGuilder of Gilbert VanGuilder and Associates, stated the following: The last time the Board saw this proposal was for a denial to go before the Zoning Board of Appeals. The parcel consists of 6-acres on the easterly side of Upper Newtown Road. The proposal is to subdivide the property into 4 lots. The reason why this project was denied by the Planning Board and sent to the ZBA was because the applicant is proposing 2 flag lots. The access to the flag lots would be along the northerly boundary of the property. There have been changes made to the original subdivision plans since the denial from this Board. The changes are that the 2 front lots have been increased in size to a little over an acre, which is about a 10% increase to each lot. The orientation of the houses has been change so that it is a more traditional layout in relation to the driveway accessing the property. We are showing individual wells on the property but it is the intention of the developer to connect to public water. The line is already in Upper Newtown Road but water service will not be available to these individual lots until the improvements to the treatment plant are complete which is expect next summer. We anticipate that these houses would not be ready for a certificate of occupancy until that point in time. If the lots are ready for the C.O., the lots are large enough so that wells and septic systems would work spaciouly, but they would rather tie into the public water rather than install the wells. The Federal wetlands have been delineated on the property. The only proposed disturbance to the Federal wetlands is a minor crossing for the common driveway. The property is currently is a open parcel of land and the drainage goes toward Upper Newtown Road, goes under Upper Newtown in two culvert locations. The remainder of the site drains to the rear or to the east. The drainage patterns would not be interrupted by this development. The lots would be graded very similar to the grade currently on the site. The ZBA discussed at length the safety for the common use of the driveway and we are proposing a note being placed on the plans stating that the driveway will be at least 16 FT wide and that it will be built to support at least a 50,000-pound fire apparatus. What we have done in the past with other towns is we included a turnaround within 100 FT of the dwellings that is at least 30 FT long so that a fire truck could turn around in that location. The driveway intersection would be configured so that an emergency vehicle could pull into that and turn around and would not create a bottleneck in the rear of the property. These are some of the things we worked out with the ZBA because they didn't feel that it was appropriate for them to get into the planning matters. The ZBA wanted us to discuss this and make the Planning Board aware of this information. Mr. Berkowitz asked why didn't they propose 1 flag lot instead of 2 flag lots. Mr. VanGuilder stated the applicant did attend the meeting and he did make an appeal on his own behalf to ZBA, which they agreed on financial return as one of their hardships. Mr. Berkowitz asked if the Board had seen the minutes from the ZBA's November 6, 2006 meeting. Mr. Higgins stated the following: The ZBA's November 6, 2006 meeting minutes have not been approved by the ZBA. Mr. VanGuilder is saying the width is 16 FT wide on the driveway and we were told the requirements from the ZBA are that 2 emergency vehicles need to be able to pass each other on the driveway. Mr. VanGuilder stated the following: I do not recall this specifically being talked about and the note was on the plan when the ZBA reviewed it. What we have done in some instances is that we have created a turnout so that an emergency vehicle could pull up parallel with the driveway. Mrs. Murphy stated the following: I believe the confusion stems from a review of the draft minutes that showed the ZBA conditioned their granting of the variance on the road being wide enough for 2 emergency vehicles to pass one another. Until the ZBA set forth specifically what their conditions are in approved minutes, I advised the Board any approval they make has to comply with the contingencies set forth through the ZBA. Because

this Board does not know what those contingencies are, it may behoove everyone to push the matter until the ZBA has rendered an approval of the minutes that details the contingencies upon which the variance was granted. Mr. VanGuilder stated the following: This is something that we could work on between now and the Public Hearing if this Board chooses to set a Public Hearing for the next meeting. It is just a matter of establishing the width of the driveway that would be consistent with ZBA's recommendation.

This item was tabled to review the November 6, 2006 Zoning Board of Appeals meeting minutes.

06.209 OB Oak Brook Commons, LLC, Bldg. 15A, Route 9 – PDD Amendment

Mr. John Gay, of Northeast Consultants, stated the following: We have appeared before the Board previously for the proposed Bldg. #15A in Oak Brook Commons. Our last contact with the Town was a Public Hearing for the modification of the legislation and also the approval for that PDD amendment change by the Town Board. At this time we are seeking site plan approval from the Planning Board.

Mr. Berkowitz made a motion to approve the PDD Amendment for Oak Brook Commons, LLC, Bldg. 15A. Mr. Ouimet seconded. Motion carried.

06.212 OB Schuyler Hollow Subdivision, Pruyn Hill Road – Major Subdivision/GEIS

Mr. Lyn Sipperly, of L. Sipperly & Associates, stated the following: Mr. Dennis Deeb, the applicant and developer for this application is also present for tonight's meeting. We were last before this board on September 11, 2006 and presented a plan for 112-lots. Since that time, we have received the review comments from CHA and the comments from the Saratoga County Planning Board. We would like to present a revised subdivision plan, which is in response to and addresses the comments of CHA and several comments from the County Planning Board. The previous plan proposed 112-lots that included the development of a large plateau area on the property. Also a proposed street running to the south called Green Mountain Way went through several ravine areas and created impacts that CHA felt exceeded the intent of the GEIS finding statement for this part of the Town of Halfmoon. Under the original plan there would be 5 stream crossings that amount to about 880 FT of stream disturbance. The Army Corp of Engineers threshold is 300 FT of stream disturbance and this would exceed the recommendations of the finding statement. We are now proposing a plan that would take away Green Mountain Way and the lots that are located adjacent to Green Mountain Way. We are proposing 89-lots in this presentation. One of the comments from CHA and the County was in regards to the single access to the project. Our response to this is that we have always proposed a boulevard street that would be 500 FT in length and each side of the boulevard would be full operating roadway of 24 FT width. We would have a secondary ingress/egress entrance for emergency vehicles. If the primary intersection was to become blocked or constrained we could receive access through the project via this emergency ingress/egress roadway. The roadway that we are proposing as a dual purpose with the primary purpose would be for a multi-use path for the trail system for the Town and for an emergency access. We are proposing this roadway to be 18 FT wide to be designed as a Town Street to be able support emergency vehicles loading and emergency vehicle width. This roadway would be blocked off at Bennington Way and Pruyn Hill Road so as not to encourage any traffic. Part of the multi-use trail connects to another portion that we are proposing to go along Bennington Way down a natural farm road to the easterly boundary of our property. At this point the trail would be picked up and continued to the trail system that is proposed in the Old Barge Canal.

The property has constraints but also has attributes. The attributes are that the area that is proposed for development naturally sits back a substantial distance from Pruyn Hill Road and it is separated by a ravine from Pruyn Hill Road. This ravine is wooded and provides a natural screening and buffer. The same thing occurs with regard to the ravine system to the south and again provides buffering to lands that are presently undeveloped to the south of this project. We are also proposing a substantial buffering between this proposed subdivision and developed lands on the east side of the property. The parcel is approximately 179-acres and we are proposing 89-acres of open space which is about 40-45% of the parcel. The open space area is proposed to be held by a Homeowners Association and the use of the open space would be used for conservation purposes and passive recreation in regards to trails. The parcel would be served by Town water on Pruyn Hill Road and the Saratoga County Sewer is available to us approximately 300 FT east of the property. We have substantially reduced impacts to the environment with the revised proposal. The impact to the wetlands would be .15-acres, which is less than the quarter acre that is the threshold for wetland impacts. Also, our stream crossing is 150 FT, which is less than the impacts we previously proposed when Green Mountain Drive was included in the project. We would like to retain lot #89 that was originally proposed on Green Mountain Drive. As lands adjacent to our parcel are developed, such as the Leggett parcel to the south, we could access the developable lands along the south boundary of our property without having the various impacts to ravines and stream corridors. This application is for a traditional subdivision and all lots are in excess of 20,000 SF with 100 FT of frontage. The Saratoga County Planning Board recommendation was disapproval and for us to take a look at this subdivision on a conservation subdivision approach. We have done this as this project was proposed as a Planned Development District (PDD) to the Town Board and at that time the plan called for 146 lots. Mr. Deeb has decided a traditional subdivision is the way to divide this parcel, which would allow for greater flexibility. However, the subdivision in its traditional presentation does have several of the elements of a conservation subdivision in that we have an immense amount of open space land. Saratoga County Planning Board also commented on the boulevard entrance and circulation within the development. We see this as a two-way circulation at one point and a redundant circulation in another point. We are proposing 2 cul-de-sacs that are streets without a backup of circulation. Mr. Deeb and I met with the County Planner and the Chairman of the County Planning Board and presented the merits of the plan and they were not able to change their mind at that meeting. We also asked this Board to look at the merits of this subdivision as proposed. Much of the feedback that we received from the County was disappointing in that they did not see the merits of what we are proposing. Again, in conservation subdivision, as the County was indicating they would have provided for a longer boulevard street and in my opinion we have made every effort to make this single access length to be the very minimum. We ask this Board to consider the subdivision as presented before them tonight and we would like to receive concept approvals so we can move forward if the Board feels that this subdivision addresses the concerns of the Board. Mr. Roberts asked what was the anticipated number of units for this parcel when Phase I has been completed. Mr. Sipperly stated the following: If we were able to develop the subdivision as we had previously presented to the Board it would be 112 lots. If we were to develop Green Mountain Drive as shown on this particular plan and we can get access from the adjacent property to the south there would be 106 lots maximum. Mr. Ruchlicki asked if lot #37 had Federal wetlands. Mr. Sipperly stated yes. Mr. Ruchlicki stated on lots #36, #37 and #38 you show a building on lots #36 and #37 so where would you propose the driveway on lot #36 without impacting the wetland area. Mr. Sipperly stated the driveway would go through the narrow area between wetlands and the house. Mr. Ruchlicki asked how it would be written into a deed where the

landowner could not use any of the wetlands. Mr. Sipperly stated this becomes a deed restriction on the plot as it is actually a conservation easement on the lot and what we have done in other communities is we installed a fence along the edge of the wetlands that would delineates officially to the lot owner that this a restricted area. Mr. Ruchlicki stated the following: In my opinion I would like to see lots #37 and #38 eliminated because of the topography and the wetlands. Also, lots #17 and #18 there would be a 100 FT drop off at the back of the building line. Mr. Sipperly stated they are proposing a walkout basement on some of these lots so the back yard would move out 20 to 30 FT. Mr. Higgins asked if the emergency access would be paved. Mr. Sipperly stated it would be paved road and we are proposing to pave the remaining part of the multi-use trail. Mr. Higgins asked if the Homeowners Association would own the trail. Mr. Sipperly stated he was not sure, as this is a detail that they need to work out with the Town. Mr. Watts stated there are issues that are going on with the expansion of the trails and we are looking to see who would own the trails and who would maintain them. Mr. Higgins asked if they would only do the future developments if access from the other properties were provided. Mr. Sipperly stated the following: There are 2 scenarios, one being - yes, they would have future development if access from other properties were provided and the second would be for us to approach the Army Corp of Engineers to identify these impacts and we apply for a permit. The ACOE regulations are changing which would benefit the impacts that we have now identified. There would be other locations where we could use bottomless culverts that would not be considered impacts. The impacts that are identified today would not be impacts. Mr. Nadeau stated in past projects that we have seen we have looked at all phases in a completed form so we can make a fair decision on the project. Mr. Watts stated the following: I believe at this point this proposal is not a phase. The other vacant lands are not to be developed until perhaps some point in the future. Mr. Sipperly stated my reference in phasing is incorrect as this revised subdivision is 89 lots. Mr. Berkowitz asked if the Saratoga County Planning Board approved everything else with this project but just didn't like Green Mountain Way. Mr. Sipperly stated the following: The County didn't like Green Mountain Way because of the wetland impacts. The County indicated that we had a 1,400 FT road without circulation and I don't agree with that as the only part of the project that doesn't have circulation is 2 cul-de-sacs from Bennington Way and Schuyler Hollow Blvd. intersect. Mr. Ruchlicki asked if the Board had discussion regarding the elevation change and grading of the trail. Mr. Bianchino stated we did have that conversation, as the trail itself that currently exist is an old farm road. Mr. Sipperly stated this was the only area on the property where we can go down the slope without impacts and this is why we are proposing that the trail be paved. Mr. Ruchlicki asked how much wetland impact there would be with the proposed emergency access. The total would be 12/100th of an acre. This item was tabled and referred to CHA.

06.220 OB Bast Hatfield Comm. Park (General Mechanical), "Lot C" – Commercial Site Plan

Mr. Ed Esposito, of Monarch Design Group LLC, is representing Bast Hatfield for this commercial site plan for BHI, Lot C. Mr. Esposito stated the following: We have provided a copy of the environment assessment form for this project. The proposal is for a 14,000 SF structure. Half of the building would be for offices and half would be for receiving. We would like to land bank 13 parking spaces in the rear of the property. We have responded to CHA's comment letter regarding the parking design and the lighting design. The last few comments were in regards to the stormwater management plan. We have accomplished the wetland protection that is detailed on our application. We have modified our 2-inch orifice discharge to a 1.5-inches. The

smaller discharge allows up to 30 hours of holding water and then releasing it to the back lands. We have looked at our septic, retaining wall design, and the building application. Mr. Ruchlicki asked what the classification was for the stream. Mr. Esposito stated it was a "C" classification. Mr. Higgins asked the distance to the nearest residence and if there was a buffer to this property. Mr. Esposito stated there is about 5-acres of land with buffering adjacent to the last residence on Stone Quarry Road. Mr. Bianchino stated the following: All comments have been addressed except the items that Mr. Esposito mentioned. I have not had a chance to look at the final submittal but if the Board is comfortable an approval could be granted contingent upon CHA's final review prior to the stamping of the plans.

Mr. Roberts made a motion to approve the commercial site plan for "Lot C" for General Mechanical in the Bast Hatfield Commercial Park contingent upon CHA's sign-off. Mr. Higgins seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 27, 2006 Planning Board Meeting at 8:31 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi,
Planning Board Secretary