

Town of Halfmoon Planning Board

January 23, 2006 Minutes

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

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

Senior Planner: Jeff Williams
Planner: Lindsay Zepko

Town Attorney: Lyn Murphy

Town Board Liaisons: Mindy Wormuth
Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the January 23, 2006 Planning Board Meeting at 7:02 pm. Mr. Watts asked the Planning Board Members if they have reviewed the January 9, 2006 Planning Board Minutes. Mr. Ouimet made a motion to approve the January 9, 2006 Planning Board Minutes. Mr. Roberts seconded. Motion carried.

Public Informational Meeting:

05.193 PIM Princeton Heights PDD, Princeton Street – Major Subdivision/PDD

Mr. Watts stated the following: The Town Board referred this application to the Planning Board for recommendation. This project has previously been before the Planning Board and there were a number of issues that the Planning Board has raised relative to this project. The Planning Board determined that the appropriate action to take was to have Public Informational Meeting where the public would have an opportunity to speak. Mr. Watts opened the Public Informational Meeting at 7:04 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Gerry Magoolaghan, of Belmonte Builders, Mr. Warren Longacker, of Lansing Engineering, Mr. Peter Belmonte, owner of Belmonte Builders, and engineers from Creighton-Manning were present for the Princeton Heights PDD Major Subdivision. *Mr. Magoolaghan stated the following:* The purpose of tonight's meeting is to set the record straight on the current zoning on the property, to inform the Board and the Public the plans for the property and to solicit the Board's and Public's input on the project. Belmonte Builders is a local company with a long history who has built many neighborhoods in the Town. Ninety-five percent of their homes are energy star rated. This Planning Board and other Planning Boards throughout Saratoga County recognize Belmonte Builders as a builder who has a willingness to work with the people in the Town. Additionally they are a leader in providing

public benefit when they build a neighborhood. The Princeton Heights project would abut the R-1 Residential and LI/C Light Industrial/Commercial districts and the I-87 Northway. There has been information spread around Town that they said their project was going to transition into LI/C property. This is untrue, as the property is currently zoned LI/C. The parcel abuts the Exit 8 Golf Driving Range and other commercial properties. The property consists of 3 parcels. Approximately 47/48-acres are zoned R-1 and approximately 20-acres of the property is currently zoned LI/C. Under the current zoning the built-out would be approximately 50 single-family homes or 37 two-family homes for a total of 74-units in the R-1 zoned district parcels. R-1 zoning is for both single-family and two-family homes. The third parcel is zoned LI/C that allows office buildings, hotels, business parks and other commercial entities. The current zoning would allow up to 96,000 SF building with about 500 parking spaces but this is not what they are asking for. They are asking for a Planned Development District (PDD), which allows this Planning Board, the Town and the builder to develop a diverse housing site to fit the needs of community, and would fit in the residential area. The PDD law allows for 10 units per acre and with this site that would be almost 500-units. In the past the Town of Halfmoon has generally granted an average of about 6-units per acre, which would total almost 300-units. The Board has told them not to apply for the old standards of 6-units per acre. Their plan asks for about half of this and this Board has asked them to look at lower density. Their proposal for the Princeton Heights PDD would be a diverse community with housing options. Proposed single-family homes would abut the existing single-family homes equal to or larger than the current homes. There would be 3 to 4 unit town homes and two-story condominiums buildings with 6 to 8 units each with garages. The condominiums would buffer the Northway from the single-family homes and town homes. All of the proposed housing would owner occupied dwellings that could be rented out. The two largest issues on the proposed project are traffic and noise from the Northway and the density of the project. Creighton-Manning engineers have conducted the traffic and noise study. The results of the noise study has been completed but has not been tabulated at this time. They are proposing a density much lower than the PDD legislation would allow. Mr. Watts asked if anyone from the Public wished to speak. Ms. Margaret Sautter, 30 Cambridge Avenue, asked if the Board members and Belmonte Builders were aware of the petition that was sent around after the August 8, 2005 meeting. Mr. Watts and Mr. Magoolaghan stated yes. *Ms. Sautter stated the following:* They will be submitting another petition with over 152 signatures asking for more single-family homes and fewer condominiums in accordance with Town Law Section 265, which would simply amend the majority rule vote of the Board for a vote of at least three-fourths of its members to pass this. Mrs. Murphy stated the Board has acknowledged receipt of the petition and are aware of the legal ramifications of receipt thereof. *Mrs. Murphy stated the following:* Ms. Sautter's statement of "at least three-fourths of the majority vote would pass the project" was not correct. Town Law Section 265 is addressing a majority vote of the Town Board not the Planning Board. The petition would not in any way affect this Board's ability to vote. The petition may be submitted and the Board will take it under advisement. Ms. Sautter asked Mr. Watts why the Saratoga Planning Board disapproved this project in August stating, "substantially exceeding the number of homes allowed to Town code in a residential zone" among other things and they have since changed their decision. *Mr. Watts stated the following:* The issues were relative to the density and mitigation fees and the County was not aware of the fact that the builder was making a \$2,000 per unit in mitigation fees to be paid to the Town. With the PDD legislation there has to be a substantial public benefit and the current Town Board and current Planning Board have not accepted the fact as was done in previous times and all of this is still being negotiated at this point. A letter has been written that the

Planning Board would be addressing the density issues and this exactly what the Board is doing right now. Ms. Sautter asked Mr. Magoolaghan if Homeland Properties; LLC is the owner of the largest parcel of land and who are the officers of this liability company. Mr. Magoolaghan stated that it was one of their companies and is solely owned. Ms. Sautter asked who owned the other two parcels of land. Mr. Magoolaghan stated they are currently in a contract agreement for ownership of those two parcels. Ms. Sautter asked who currently owned those two parcels. Mr. Magoolaghan stated Mr. Bill Hoffman. Ms. Sautter asked what the semi-circle with the line indicated on the plans. Mr. Magoolaghan stated that commonly when a piece of property is developed, they are required to leave a stub street to the property next to it to allow access for the next property owner and they plan on making this area a gated emergency road but they do not plan on this being a travel lane at this time. Mr. Belmonte stated they have no plans on purchasing Mr. Hoffman's remaining parcel at this time. Ms. Sautter asked if the entire LI/C parcel would be used. Mr. Belmonte stated they would be utilizing 100% of the parcels they are purchasing from Mr. Hoffman. Ms. Sautter questioned the project narrative that stated there would be 6.9-acres of wetlands and 18.4-acres or approximately 27% of the area strictly as undeveloped land or green space. Mr. Longacker stated that under the current plan the total green space totals approximately 24.57-acres, which encompass wetlands, possible storm water pollution prevention areas as well as preserved areas along the interstate and the existing subdivisions located to the west. Ms. Sautter asked what the future activity center would be. Mr. Longacker stated it would be a recreational area for the Princeton Heights PDD. Ms. Sautter quoted from the Draft Comprehensive Master Plan (DCMP): "In the adoption of the Comprehensive Plan by the Town Board in accordance with Town Law 272 requires that all future Town land use regulations be in accordance with the Comprehensive Plan and that all governmental agencies with capital project proposals occurring on lands within the Town must take the Comprehensive Plan into consideration". *Ms. Sautter stated the following:* This all sounds good but the main words are "into consideration" as nothing that they have said is written in stone and she found out that they can change things. The recommended density area for the transition area mentioned in the DCMP is 2-units per buildable acre and also residential land uses similar in scale, character and density should continue in the area west (which is the existing landowners) and provide linkage between an existing and new neighborhoods with pathways and sidewalks in addition to identifying and conserving important natural and cultural resources, development should also provide the amenities such as sidewalks, street lighting and linking into viable other neighborhoods. Secondly, Belmonte is asking for a variance. *Mrs. Murphy stated the following:* For clarification, Ms. Sautter was reading from the Comprehensive Master Plan, which has in fact been approved by the Town Board. The zoning that enables the actions to take place has not occurred for the entire Comprehensive Plan. For example, the incentive zoning that Ms. Sautter is referring to, the legal framework in which to utilize that incentive zoning has not yet been created. *Mr. Watts stated the following:* What the Planning Board has tried to do where the zoning has not been officially enacted, is utilize the Master Plan to the best of their abilities as a guideline even though the zoning has not taken affect. There are some other areas in Town where the Board has used the Master Plan as guide absent the zoning ordinances being revised. Ms. Sautter asked if the Town of Halfmoon is using the 2003 Draft Comprehensive Master Plan as a guideline for this project. Mr. Watts stated that the Draft Comprehensive Master Plan is used as a guideline but not as a mandate. Ms. Sautter stated the Comprehensive Master Plan states if it is an appropriate area and the existing residents do not feel that this is an appropriate area for town houses and condominiums and asked what the public benefit would be for the existing neighborhood. *Mr. Magoolaghan stated the following:* Belmonte Builders is very generous in

giving community benefits. The monies given in public benefit to the Town are used at the Town's discretion. They will look into including existing neighborhood in the recreation center but he is not sure if they would need a Homeowners Associate and if fees would apply. Mr. Watts stated the following: The proposed \$2,000 per unit public benefit is an amount that has been offered at this point that could change. In the past they have had builders and developer put funds aside, which the Town has for use for trails, parks, and all different kinds of activities. The people have to recognize that at this point and time the Town is doing all of these things without a Town tax and without a highway tax. The Town of Halfmoon is one of the few Towns in State of New York without a Town tax or a highway tax. So what is done through the mitigation fees is put these monies aside for use for parks that will be for the benefit of all the citizens of the Town. The Board works with the builders and developers very closely to make a determination as to what is fair and appropriate for not only the Town but also for the people who live in the Town of Halfmoon. Ms. Sautter suggested eliminating some of the condos to allow space for a Town Park. Ms. Sautter asked Mr. Belmonte why this project was not being built like other projects that he has built. *Mr. Belmonte* stated the following: There is nothing saying that this community will not include the old fashion community streetlights and sidewalks. The way these elements are paid for in a community is by the increase of the density to be able to amortize those costs. What they are trying to do is to come up with more diversified communities to maintain affordability of construction. Kathy Gregor Kowsky is representing her parents Paul and Dorothy Gregor, 133 Dunsbach Road. *Ms. Kowsky recited a letter presented to the Planning Board – see below attachment – pages: 10, 11, 12 & 13* HALFMOON PLANNING BOARD PRESENTATION, MONDAY JANUARY 23, 2007

Responses are as follows:

1. Applicant: \$2,000 per lot is for all units. Yes, above and beyond the collectible fee.
2. Applicant: They know that the traffic is going to be a big concern this evening. They are going to have the traffic study expert, Creighton-Manning, respond to these questions. Traffic studies are done from a national engineering's guideline. They are not imaginary numbers that are made up. These studies are based on actual traffic counts that exist, they are checked to traffic counts based on the unit and they are analyzed using formulas that are nationally recognized. The Town's engineer is present who can confirm that this is the case and they have a certified traffic engineer who can also speak. They have the same perception as Ms. Kowsky but they have been in the business long enough and have worked enough with traffic counts and they understand what the formulas actually mean. Creighton-Manning: The numbers that are used in the study are realistic. The numbers that are used in the study are based on existing residential developments. If they look at the traffic counts they have collected at the two entrances to the existing Princeton Heights area and Cambridge Ave., there are approximately 80 cars exiting in the morning between 7:00 am and 9:00 am for all of the homes that are included in that neighborhood. *Ms. Kowsky stated the study would need to be conducted between the hours of 5:00 am and 9:00 am and 3:30 and 5:30 pm.* Creighton Manning: The numbers used in this study are based on the am and pm peak hours of the commuter times. This is typically when everyone in a general neighbor is traveling to and from work. Obviously there will be people who are traveling in the middle of the day, leaving at 5:00 am, arriving at 3:00 pm and there will be

people who are going to arrive home at 7:00 pm. *Ms. Kowsky stated that Creighton Manning's general statistics do not fit this neighborhood.*

3. A., B., & C:

4., 5., & 6:

Applicant: No response.

Mr. Bill LaBarge, 1 Princeton Ave., stated the following: When he first moved to Princeton Avenue it was a dead end street with deer, fox, and wild turkeys. The past owner of the woods, that is now a development, first sold all the hardwoods out and this is when he first noticed the noise from the Northway. When the new development came in, the noise increased. You can't sit out on your porch on a summer night without listening to the roar of the Northway. He knows the applicant believes that the proposed townhouses will absorb the sound of the Northway. Currently he walks in the woods with his dog and it is a beautiful area. This is something that he will miss. This being said, he knows that they can't stop progress and he knows something will be built and he believes this proposed project is way out of sync with the existing development. The houses on Princeton Avenue will be abutted by houses of less stature (meaning that the parcels will be smaller), the homes won't be worth as much and there are people on Princeton Avenue who have invested in a lot of money in their homes. By abutting the existing homes with townhouses and smaller single-family homes they will affectively reduce the investment that these homeowners have made. The traffic that will be necessary to develop this area is going incredible for the residents on Princeton Avenue. The people who bought homes in this Town did so because of what the Town offered. This development will take this offer off the table. He believes the job of the Town Board is assure and insure the quality of life that they currently enjoy by approving a plan that would be congruent with current property values and housing styles and this means lot sizes currently used in the existing development. He suggests the consideration of a park area much in the style of Kinns Road Park. He would like to remind the Planning Board and the Town Board that they are the elective representatives of the cities within the Town of Halfmoon and would expect them to fulfill that role with integrity and keeping the peoples welfare in mind. The people came to this Town, they live here and they enjoy being here and they expect the Planning Board and Town Board to help them out. Ms. Jane Cavanaugh, 13 Dover Place, stated she would like to read a letter written by her 9-year-old son, Michael. "My name is Michael Cavanaugh. I live on Dover Place and I am 9 years old. I ride my bike all the time on these roads but if they build I won't be able to ride my bike on the road. What will happen to all the animals that live in the woods? The roads are not wide enough for the traffic. My bus has to drive in the middle of the road because the roads are not wide enough. Again, where will the animals go? Here is another question – how will you fit all the houses and buildings in this small space. I have turkey, deer and rabbits in my backyard. Please don't build. I love the wildlife in the woods. All the animals would be happy if you didn't build. The animals want to continue to live. I ask one more time...please do not build. Thank you for your time". Ms. Cavanaugh recited another letter that she wrote. "My name is Jane Cavanaugh and I live at 13 Dover Place in Northwood. I have owned my home for nearly 13 years. I'm here tonight to express my concern about the high density of the Princeton Heights Planned Development District. From quality of life issues such as traffic congestion, green space and noise, to a larger issue, traffic safety I feel compelled to voice my concern. As both a Northwood resident and a mother of small boys, I believe the introduction of so many vehicles poses significant risks to our neighbors, especially our children and to the Halfmoon community. As a resident atop "Devils Hill", as the neighbors call it, I believe my concern is well founded. Dover Place's hill is

blind up or down and curved. Fortunately, because traffic is relatively minimal, we've been lucky that there have not been many accidents. With 172 units planned to share our roadway, I believe our luck will run out. The thought of the number and type of vehicles necessary to support the construction of so many new homes is frightening. I am always concerned for the safety of neighbor kids but my worry would be amplified with large trucks attempting to safely navigate the hill on Manchester, Dover or the other blind hills on Cambridge. Northwood's roads are narrow, curved, sloped, have no sidewalks and except of one streetlight, which was installed by a neighbor, are not lighted. Caution and care are a necessity in our neighborhood and because we are a small development, neighbors know where to slow and who has children who may be in the road walking, biking or on skateboards. Our narrow development roads will become filled with construction vehicles of every description; cement mixers, flatbeds carrying pay loaders and bulldozers, building supply vehicles, large utility company vehicles, contractor vehicles, etc. As the construction progresses, add realtors, prospective homebuyers and alike. Once occupied the list will then include the homeowner's cars, furniture delivery trucks, mail trucks, UPS, FED-EX, school buses, telephone and cable trucks, etc. The list is seemingly endless. Just this morning, a Shen mini-bus was unable to climb the hill in front of my home. The bus got stuck part way up, the driver tried to continue, then resigned himself to back up, then slid backwards across the width of the road, coming to rest with his left rear tire on the right side of the road. This bus was facing oncoming traffic in the wrong lane on the upslope of the hill. I was afraid he was going to be hit by a car coming down the hill unable to see him or to stop in time. The bus driver was justifiably concerned and set out triangles to alert oncoming traffic. A Town plow nearly clipped him even though the plow driver knew the bus was there and the bus driver was so concerned for the safety of his passengers, that a bus aide and two small children on the bus waited in my garage for a tow truck to arrive. Fortunately, no vehicle came down the hill during the time he remained stuck. With 172 new homes just around the corner, I doubt there would have been no traffic. Apart from rendering our development streets dangerous, all these vehicles will compound existing traffic problems at the Woodin and Grooms intersection, the Dunsbach and Crescent intersection and the Woodin and Crescent intersection. Only the intersection of Grooms and Woodin has a traffic light. The intersection is already overburdened with traffic backing up in all directions. During drive time it is common to miss the light 5 or 6 times attempting to cross Grooms Road. The intersection has become so congested that the idea of adding vehicle traffic from another 172 homes is both unrealistic and dangerous. The intersections of Dunsbach and Crescent and Woodin and Crescent will become more crowded and more dangerous as both are without the benefit of a light. I ask that the Planning Board in the interest of public safety deny the application presented in its current configuration. The residents of Northwood and of Halfmoon have too much to lose". Mr. Watts commended Michael Cavanaugh on the good letter he had written. *Mr. Joe VanAlphen, 31 Cambridge Ave., Mr. Van Alphen recited portions of a letter he submitted to the Planning Board -- see below attachment -- pages 14 & 15 -- Halfmoon Planning Board -- Comments -- Princetown Heights Development Proposal.* *Ms. Ann Nolet, 3 Cambridge Ave., stated the following:* She has lived in Northwoods for 33 years and it is a great place to raise a family, walk your dog, your children or yourself and she does not want to see this destroyed. Everyone is here tonight to protect themselves. They moved into the neighborhood for peace and quite and she feels this way of life will disappear. When trees are removed and the new condos are built, the buffer zone is not going to do it all and it is going to be unpleasant. One of the biggest concerns is traffic and Northwoods roads were not built for a main thoroughfare. Between #3 and #30 Cambridge there are blind spots, a curve and a hill where you are unable to see either way. If you do not know that area and you are not being careful, there will be all

kinds of accidents. It will be dangerous, especially for the children. She feels that the main entrance to this development should be by the post office. She also feels that in the future this area should not be considered for further consideration for LI/C zoning. The people are here to protect themselves and she wishes that the Town would protect them. *Mr. John Gironda, 6 Suffolk Lane, stated the following:* Suffolk Lane is a five home cul-de-sac that was completed in 2005. There are 5 families that live on Suffolk Lane and they all have children except for one family who do expect to have children. Everyone bought their homes on this cul-de-sac for the same reason; for a safe place to raise their children. It was not obvious to the homeowners on this cul-de-sac that indicated the road would not be a dead end and asked why these plans were not made clear when a cul-de-sac is destined for an extension. He requests that the Town require surveys or plans indicating when a road would be a temporary turnaround. They all found out after they purchased their homes that it was a temporary turnaround and not a cul-de-sac. *Mr. Watts stated the following:* Unfortunately, those kinds of roads are shown on the site plans of subdivision plans and he has found it very troubling that real estate agents and attorney's who represent the purchaser do not do the due diligence with making the people aware of this. He agrees with Mr. Gironda 100% and the Board will try to look into having a better way to make it clearer on maps when they are doing subdivisions. He accepts Mr. Gironda's suggestion and feels it is a good suggestion. *Mr. Gironda stated the following:* He understands that turnarounds are built to allow the Town to plow the roads but this cul-de-sac was built and designed as a cul-de-sac and has a natural barrier at the end. There is a center grass area where all the children play and the homes were placed around it. He has concern with public benefit and compatibility. This project is not compatible with the surrounding neighborhood and will change the character to the neighborhood. He has concern with the construction traffic traveling in and out of this cul-de-sac for however long it takes the project to be completed. The traffic will permanently change the character of this neighborhood and the children will not be able to ride their bikes. He does not believe this project will increase the value of their houses. In a newspaper article Mrs. Wormuth who is on the Town Board reminded the Planning Board that one of the parcels was zoned LI/C and could support a hotel should the developer find a client. *Mrs. Wormuth stated the following:* She was referring to the fact that when people were saying that they were opposed to anything being here, she was reminding them what the current zoning was. Mr. Belmonte, to her knowledge at any meetings that she has had with him, has never had an intention of putting a hotel there. *Mr. Gironda stated the following:* It is probably very possible and probable. He feels the condos and townhouses should be started from Crescent and built out to the north and not use an existing cul-de-sac with homes with 1 and 2 year olds for access. *Mr. Watts stated the following:* He is aware that there are many people who wish to speak. At this point the other people who have spoken have made their points very well and the Planning Board still has questions to ask. If anyone else wishes to speak he asks that the questions be new issues and concerns. Ms. Cory Dandaraw, 9 Princeton Ave., stated the following: She has concern on how the Board could maintain neutrality knowing that the Deputy Town Attorney, Mr. Bob Chauvin, also represents the developer, Mr. Belmonte. She feels that she has been sold out. If this doesn't work out and this is not the environment where she wants to raise her children as a single parent where else in the Shenendehowa School District could she find a compatible home for the amount of money she has invested in her house? Nowhere. *Mr. Watts stated the following:* He assured the people that this Planning Board was very independent and he believes the Board follows the rules and regulations. If any members of the Board or Town Attorney's have a potential conflict of interest, they recuse themselves. He feels the integrity of the Planning Board is unimpeachable. He did not take offense to the question Ms. Dandaraw asked regarding Mr.

Chauvin because he understands the emotional issues surrounding the issue. Just because somebody is an attorney in this Town or is a partner with somebody in some other projects, or whatever, this will not affect the Board's opinion. He believes the Planning Board will do what is right. *Mr. Tom Sarris, 10 Manchester Drive, submitted a letter to the Planning Board -- see attachment below -- page 16 -- Thomas Sarris, 10 Manchester Drive, Clifton Park, NY.* Ms. Cindy Mullin, 21 Newcastle Road, stated the following: She found it interesting that she first found out about this project the same week that the "Community News" was running a story about how local EMS, Fire Departments and Police are not able to keep up with the demands in their community. Then she sees this plan for adding another 182 units and her concern is what is going to happen with EMS, fire and police. *Mr. Watts stated the following:* He obviously cannot answer this question but he does know that these emergency services have great difficulty in finding people willing to volunteer their time. If there are people who are interested citizens in the Town, or are moving into the Town who might be willing to help out with the EMS and the volunteer fire departments, he is sure any of the Town's volunteer fire companies would be glad to hear from those people. Absent this, the Town would have to go to a paid fire departments and paid EMS and that could be down the road some day in some municipalities and this would have to be paid for by taxes. Ms. Mullin asked how would the \$2,000 affect the budget, as she understands it is not just the lack of people but also lack of money. *Mr. Watts stated the following:* Town revenues support these departments. He cannot speak for the Town Board but they have been very generous with their allocations to the volunteer fire companies for equipment and building purchases. *Mr. Polak stated the following:* The 4 fire departments that the Town has do have to projected budgets that are submitted to the Town Board for approval. It depends a lot on the Fire Commissioner guidance and recommendations. The Town has never failed to sufficiently supply the fire companies with what they need for service to our community. Ms. Miller asked how would this work affect the Sheriff's Department. Mr. Watts stated the Town also supports the Sheriff through Town revenues for additional controls and he believes one additional Sheriff was added this year. Mr. Polak stated the County has added to the staff. Mr. Bruce Behan, 5 Suffolk Lane, asked Mr. Belmonte if they had looked at any other options for an access road for this new development besides Suffolk Lane. Mr. Belmonte stated they have explored all options to all of the bordering pieces and properties and they have come up with no others. Mr. Chris Marlow, 9 Cambridge Ave., asked Creighton-Manning if the traffic study was done at the northern exit. Creighton-Manning stated they had looked at the entrances to the project from Manchester Drive and Woodin and also from Suffolk Lane, Cambridge and Dunsbach. *Ms. Brenda LaMere, 124 Dunsbach Road, stated the following:* If these condos and townhouses are approved it will set a precedent for more development of these types of buildings to come down the road. This will open the door for other builders to say it is conforming to the rest of the neighborhood. *Mr. Berkowitz stated the following:* He also shares with the residents concerns. His two major concerns are with density and traffic. One of his main concerns, as he had discussed previously, is with the density. He agrees that a project this dense is going to add more traffic to the neighborhood with no sufficient outlet. This proposed development dumps out into another development. Since he has been a member of this Board he has not seen this done with any other development. Most developments that the Board has approved with this density have an outlet to a major road. As far as the traffic study is concerned, he feels the study should encompass a greater time frame for am and pm traffic and also looked into the impact as far as Crescent Road and Dunsbach Road and Woodin Road and Grooms Road. *Mr. Roberts stated the following:* When he first looked at this proposed project he also had concerns with density and traffic. Based on tonight's concerns he encourages the applicant to take these concerns and try to devise a plan

to make it more compatible with the surrounding neighborhood. *Mr. Nadeau stated the following:* He also agrees with these concerns. At the first meeting regarding this project he had issues with the public benefit and still sees issue with that. He feels Mr. Belmonte has a lot of hurdles to cross with all these concerns and issues. *Mr. Ouimet stated the following:* He also agrees with all of the concerns of the public and the Board. He drove through the proposed connection areas and he cannot see how they are going to take all those cars onto those small streets. The developer really needs to take a look at how this is going to work. *Mr. Watts stated the following:* The applicant has heard the concerns of the residents, they have heard the concerns of the Planning Board and with this he will close the Public Informational Meeting. Mr. Watts closed the Public Informational Meeting at 8:52 pm. This item was tabled; the Planning Board asked the applicant to revise the plan to address density, traffic and noise. The Planning Board also has concern with a project of this magnitude filtering through the existing neighborhoods.

Attachments: Pages 10 through 19

HALFMOON PLANNING BOARD PRESENTATION
MONDAY JANUARY 23, 2006

The spokesman for the builder keeps spouting about benefits for the Town of Halfmoon. I question these benefits.

1. The promise to donate \$2000 per lot. Is this for all 172 or just the single family homes they are projecting? The Halfmoon Youth Commission recommended a lot fee for builders back in the 1980's. My last recollection is \$500 per lot. Is the \$2000 above and beyond this fee?
2. In the previous town presentation a figure of 135 cars was given as the increase in traffic. The study was done for the north exit area of this proposed development. No figures were given for the exodus that will occur over Cambridge to Dunsbach Road. The south end of the development is proposed to have the denser housing. How many cars are going to go that way? Also the number, 135, is a joke. Most households today have 2 or more cars. Let's do a little math.
 $172 \times 2 = 344$
 $172 \times 3 = 516$
 $172 \times 4 = 688$
Looking around the neighborhood, some houses in the newer developments even have 5 cars.
 $172 \times 5 = 860$ So 135 does really sound flawed!
3. The Green Infrastructure Plan for Saratoga County has been set up to "sustain Saratoga County's environmental health, economy, and quality of life." Tearing up over 50 acres of greenspace that buffers the Northway seems to go against this plan. The detriment to air, water, and rise in noise pollution will not benefit anyone in our town.

A. Air

An article from December 14th, 2005 in the Albany Times Union reports "In Saratoga County, tract 624 which covers west of Route 9 to the Hudson River, north of the Mohawk River, scored a pollution level 25.4 times the national median." This is from a federal study. We are listed as one of the five areas in the Capital Region that are among the worst in the nation. Further research has shown that the pollutants listed include carbon monoxide, sulfur dioxide, and ozone. Clearing 50 plus acres that border the Northway would only make these numbers climb. Trees clean the air; houses only add to the pollution.

B. Noise

The area in question plays a big part in muffling the noise of the ever busy Northway. My home is a distance from the busy interstate but the noise became more apparent when more houses were added to Northwood and trees were cut. Destroying the last barrier will make the noise overwhelming. Sound barriers are being demanded by more neighborhoods. (reference: Albany Times Union Thursday, January 12, 2006) "Sound barriers cost about one million dollars per mile." Is the town willing to absorb this cost or is the developer willing to put up this protection for the local residents?

C. Water

In the last presentation, a lot diagram was presented. Where is the class C stream that runs through the property? Where are the 50 to 100 foot setbacks to protect this stream that feeds the Mohawk River? This is not a tiny insignificant waterway. When Elliot Hughes blocked it in the 1980's the back flow flooded

what is now Cambridge and Essex. A blockage of the culvert on Dunsbach Road in the mid 80's caused water to rise and wash over the road. The 40 feet of water started to move the road and the town highway department had to close the road and dig out the other side to relieve the pressure. Last Wednesday, January 18th, we had two inches of rain and a spike in temperature. That was enough to overwhelm the culvert on Dunsbach Road again. We had 20 feet of water sitting on the west side of Dunsbach. The culvert is not small either. The stream is a force of nature that cannot be overlooked.

4. Sewers

The sewers in Northwood were the first in this area. Has the developer looked into the fact that they may not be able to handle the increase in effluence? Will the town be responsible for bringing in larger lines and repairing the old ones that fail?

5. Light Pollution

Please refer to the article from the darksky website. Light pollution is a real problem. I do not want to look out my window and see light behind my woods because of this project. There are new lighting systems that address this problem. New York State Assembly bill S04474 was presented in April 2005 to address this problem. (See attached.)

6. PDD listing

The use of the planned development district is a disservice to the town. It allows old zoning laws to be avoided and developers to maximize their profits. The tightly fit housing for young professions is very misleading. Young couples are people of reproductive age. Young children need space.

Other PDD's in the area have big problems with children and adults playing in the streets because the lots are too small. There are no playgrounds listed in this project. If this PDD is for the good of the town, why isn't there a large greenspace between the proposed development and the Northway? I have not seen any projected evergreen plantings that would muffle the constant noise of the highway. I have not seen any benefit to dumping excessive traffic on to a cul-de-sac that leads to a small development road which empties onto an old cow path town road that leads into one of the busiest county roads in the area. The other proposed exit is just as bad. As an adjacent land owner, I want a buffer between this development and the back of my property.

In summation, I hope I have presented some hard evidence to why this PDD should be denied in its present state. We have to think ahead to the future. People like Halfmoon because is it not Clifton Park or any of the hap-hazardly planned dense populations in the neighboring areas. Just because there is a plot of undeveloped land doesn't mean we have to jam it full of new houses. This only leads to more town resources being used to keep up with mindless growth.

Joseph Van Alphen

Halfmoon Planning Board
Comments
Princetown Heights Development Proposal

Lot sizes – Density

I understand the main reason for this hearing is because the developer is proposing a density that substantially exceeds the number of homes allowed by town code.

Using the builder's estimate of 117 single family homes on 66.3 acres would average about half-acre/lot including all roadways, remaining wetlands and uses.

The density of 172 units would result in each lot being ⁴⁸ ~~less than 0.38~~ ^{nearly 25} acres, again including roadway space and other available land in the ~~66.3~~ acres under consideration.

Public Benefit Offset to Density

It would be a public benefit to the local community if the developer proposed to cluster the lots and allow for open spaces precluded from further development. It would be a public benefit to increase allowed density for a portion of the property and use the remainder for the development of walking, or bicycle trail systems.

I would consider it an insult to the community if the Board accepted "Token Diversity" and \$2,000 per unit as an appropriate exchange for a significant increase in density. Since the \$2k will just be a cost of doing business, it will likely be included in the cost to each new home buyer.

"Diversity of Housing" can be a desirable benefit for the town as a whole, and the town could always find a beneficial use for a gift of \$2,000/unit. But these benefits in no way offset the significant disadvantages to which the Oakwood and Northwood communities will be subjected.

A goal of the town's Comprehensive Plan is for the Town's zoning to accommodate the need for housing diversity. It does not require that each neighborhood be balanced.

In 1975, the Court of Appeals decided the case of *Berenson v. Town of New Castle*³². The court recognized the right of a municipality to set up various types of use zones, with no requirement that each must contain some sort of housing balance, stating that its concern was not whether each zone was a balanced community but whether the municipality itself was to be "a balanced and integrated community."

Change to character of small community

1. The Northwood and Oakwood developments currently have only two egresses: Cambridge Ave on the south, and Manchester Dr. on the east. These two streets currently serve about 185 homes. The proposed egresses from the development, Suffolk and Princetown, would bring all project traffic to these two streets and practically double the traffic on Cambridge and Manchester. That is not a small change to the character of my

quiet, peaceful neighborhood.

- 2 My home sits across from the end of Suffolk, which is currently a cul-de-sac with only six homes. The heavy traffic from the Princetown Project, especially that headed for exit 8 of the Northway, would most likely use the Suffolk egress and subject my family to significantly more headlights through our windows, as well as significantly increase the activity and noise at our corner. Our street would cease to be a tranquil neighborhood street, and instead become a thoroughfare for commuters. I wouldn't be surprised to one day see a double yellow line down the middle of my street.
- 3 It's been suggested that a hotel might be erected on the light industrial-zoned parcel if we're not more receptive. Please note that with the current proposed access, it would require a hotelier to provide directions from exit 8 as follows:

East 0.3 miles on Crescent - Vischer Ferry Rd
North on Dunsbach Rd. about ½ mile to left on Cambridge Ave.
0.3 miles on Cambridge Ave to left on Suffolk

Alternatively, linking up this project with the 3-lane road between McDonald's and the Post Office at Crescent Rd. would allow instant access to such a motel, as well as any condo/townhouse complex, and preserve the peace and tranquility of the Oakwood Estates neighborhood. *IT WOULD ALSO PROVIDE ACCESS FOR EMERGENCY VEHICLES.*

- 4 It's also been suggested that this project presents a desirable transition between single family and light industrial-zoned areas. To force light industrial traffic, or even condo/townhouse traffic, through our small single-family residential neighborhood to access the project area, does not make sense.

For all of the reasons I've cited above, I believe the best, the most effective, and the most beneficial access to the proposed development would be to link up with the 3-lane road between McDonald's and the Post Office to the south at Crescent Rd. It appears from the plot plan that such an access may already have been envisioned by the developer, looking at the southerly most cul-de-sac. If access to this project were opened directly to Crescent Road, the disruption to tranquility of Oakwood Estates would be reduced.

- 5 The natural buffer, (from traffic noise from the Northway), that will forever be lost due to the destruction of the woodlands should be compensated for, at the expense of the developer, by erection of a noise barrier comparable to those seen near alternate Rt 7 and other high traffic areas. Such a barrier would benefit the new residents of the project as well as residents of the Oakwood and Northwood neighborhoods. That would be considered an appropriate and meaningful offset.

I've learned that a 200 ft dense forest provides a noise reduction of 10-15 dBIs

Respectfully submitted

Joseph Van Alphen
Joseph Van Alphen

Thomas Sarris
10 Manchester Dr.
Clifton Park, NY

Town of Halfmoon
Planning Commission
111 Rte 236
Halfmoon, NY 12065

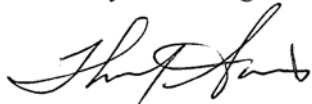
1/23/2006

Regarding the forum on the planned PDD of Princeton Heights.

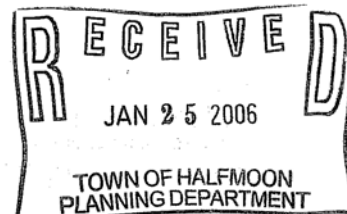
Requests for copies of concerns was requested by the planning commission in writing by the board. I hereby submit my concern.

Although not impacted as much as those in the Princeton Rd area, as attested to by numerous speakers at the meeting, I do have what I consider a valid point. I moved on Manchester Dr. in June of 1994, and have noticed that over the past several years as more houses are being built in the area, that my water pressure has dropped. This is especially noticeable at dinner time. I know that in past recent years, that in the summer I have hardly a trickle, during certain periods of time (when water restrictions have been instituted by the water dept). This indicates that the town might have a problem with supplying water to this area. I don't know if the pipes installed are too small to handle the load, or if there is too many houses on the line coming into the development. If there is a problem now, the thought of adding more users in the proposed PDD, frightens me. How are they going to handle the situation??? Is there enough water??? Or is it a case of pipe size??? Either way, I hope that the town takes my concern into consideration and addresses it, or finds a solution, should any more homes be built.

Thank you for taking the time to read my concerns



Thomas Sarris



Allan C. Tedrow
1 Oxford Street
Clifton Park, NY 12065-6113
Home Phone (518) 371-8765
Email actedrow@earthlink.net

January 20, 2006

Mr. Steven Watts, Chairman
Halfmoon Planning Board

Dear Steve,

I'm unable to attend the public information meeting for the Princeton Heights project proposal on Monday, January 23.

I want to bring a concern about the possible impact of the project on my neighborhood in Northwood.

When the first phase of the Princeton Heights subdivision was built, the storm drainage system was piped directly into the New Castle Road drainage system in Northwood. Most of the time, this arrangement works fine. But when there's an intense rainfall event, as in a strong thunder storm, having that extra drainage area contributing quickly and directly overpowers the New Castle system. The flat stretch of New Castle Road along with adjoining yards becomes a storm water detention facility. With a severe storm, the water can pond deep enough to flow easterly through side yards on New Castle onto lots that front on Oxford Street.

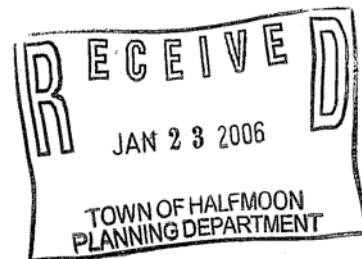
My point is that we don't need any additional water added to New Castle system by further development of Princeton Heights. If additional drainage is directed our way, the carrying capacity of the New Castle system should be increased significantly to avoid additional impacts in Northwood.

The concept plan for Princeton Heights make it appear that the drainage for the project will be directed in other directions. However, I want to keep this issue before you as review and redesign of the project proceeds.

Sincerely,



Allan C. Tedrow



* Letter Submitted by attendee - did not speak

Halfmoon Town Planning Board
January 23, 2006

I am writing this letter to voice my concerns regarding the traffic and stress to our roads that will result with such a concentrated building project such as ~~Prospect~~^{Ugates} Heights. As many people know, it is very difficult now to get through the intersection of Grooms and Woodin Road. The traffic is very backed up now and I can't imagine what it will be like if something this large is allowed to be built right there in that spot. The poor people on Woodin Road near the intersection will never get out of their driveways. And if you listen to the news every morning, where is the traffic backed up? Right there at Exit 8 and 8A. How can you possibly put such a large concentration of homes entering and exiting right there in the middle of it all?

The traffic, the noise and pollution are just too much for this area to have to bear. What will the noise be like if they cut down all of those trees? On a nice quiet summer night, that's all you hear now is the hum of the Northway. Think of all of the people this will **not** benefit.

Dunsbach Road, where I live, is now used as a major bypass. It will surely be stressed due to all of the added traffic that will need to go south to get to Exit 8 of the Northway. I didn't hear this being addressed by the traffic study at the last meeting. And let's face it, most people work south toward Albany. These are quiet residential roads not highways. With all the development, Dunsbach, Woodin and Stone Quarry are all being pushed to the limit and too many citizen's ways of life are being affected. I blink my highbeams every time I go over the hill where Stone Quarry meets Woodin at night so I don't get hit. Getting my mail can be quite a challenge, and I'm sick of scraping dead animals and McDonald's garbage off the road. I get a horn blarred at me at least once a week because I have "the nerve" to slow down to pull in my own driveway. I can't wait for another 300 cars to be added to the list. I used to feel sorry for people who lived in such built up communities. Now I'm one of them.

The representative for the builder said that this development project would attract long-term residents and have public benefit. Condos and the like do not attract "long-term" residents and I can't for the life of me see any public benefit to the citizen in this area. And if you'd like to see a long term resident, here I am. I have lived here for 43 years and my family has been in Halfmoon for almost 100. My whole life I had always been so proud of where I lived; so happy that I lived where it was so beautiful. Now I wish I could just pick up my house and move it to where there wasn't so much greed.

On TV the other day, I've heard people from Brunswick use Clifton Park and Halfmoon as an example and a warning of what their town could turn into. **This is embarrassing.** It is suppose to be the Town of Halfmoon not the City of Halfmoon. I'm depressed every time I see those new signs that are on the roads coming into Halfmoon. They

-2-

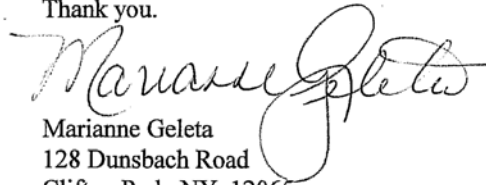
almost look like giant gravestones. They have the year Halfmoon was founded and then a squiggly line with a blank space to the right—almost like it's waiting for the year it dies.

Please give this area a break.

I would also like to say, in closing, that I feel sorry for those families with small children who were fraudulently sold homes on a culdesac. I am also very disappointed because even after the Saratoga County Planning Board disapproved such a project, members of the Halfmoon Planning Board swayed them to change their minds, not taking into consideration the feelings of the residents in the neighborhood.

I am asking that the Board please put themselves in our shoes and seriously consider something like this before you approve such a dense project.

Thank you.



Marianne Geleta
128 Dunsbach Road
Clifton Park, NY 12065

Due to audio recording difficulties, the following project minutes were not recorded:

Public Hearings:

- 04.172 PH Clemente PDD-Lot #1, Route 146 – Major Subdivision
- 06.103 PH Cropsey Subdivision, 46 Hayner Road – Minor Subdivision
- 06.104 PH Hoffman Subdivision, Progress Drive – Lot Line Adjustment

Old Business:

- 04.125 OB Stone Quarry Estates, Stone Quarry Road – Major Subdivision
- 05.126 OB Ellsworth Landing, Mapleridge Ave. – Major Subdivision

Therefore, the minutes for each of these projects were transcribed by notes taken at the January 23, 2006 Planning Board Meeting and the Planning Board Workshop pre-meet topics.

Public Hearings:

04.172 PH Clemente PDD-Lot #1, Route 146 – Major Subdivision

Mr. Watts opened the Public Hearing at 8:55 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Jason Dell, of Lansing Engineering, proposed the Clemente PDD Major Subdivision located on the south side of Route 146 directly across from the former "Halfmoon Flea Market PDD". The over-all parcel is 104-acres. The Town Board has approved the PDD Legislation and passed the proposed development to the Planning Board for final approval. Public water will be extended from the Pruyn Hill Road connection and sewer hook-up will be to the existing gravity truck line on Route 146. Well water will serve the self-storage site but no Building Permit C.O.'s will be issued until there is a bond for the extension of the water line, the self-storage site does not warrant traffic improvements but 100,000 SF of additional building will warrant a left hand turning lane into the site and GEIS mitigation fees apply as each site is developed. The applicant wishes to present a subdivision plan to create a 7.29-acre parcel for a proposed self-storage facility and would leave the remaining 93.7-acres vacant. This will alleviate the need to adjust lot lines in the future as tenants apply for site plan approval. The plan also includes the proposed road layout and storm water management area. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 8:57 pm.

Mr. Berkowitz made a motion to grant preliminary approval as presented on the subdivision plan "Clemente Route 146 Parcel Commercial & Light Industrial PDD" dated 1/6/06 contingent upon CHA's sign-off from their January 9, 2006 review letter. Mr. Higgins seconded. Motion carried.

06.103 PH Cropsey Subdivision, 46 Hayner Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 9:00 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed a Minor Subdivision for Lands of Harold G. & Gay L. Cropsey. The applicant wishes to create a 30,171 SF residential lot from an existing 5.91-acre parcel with frontage on Hayner Road. Public water and private septic are available. Mr. Watts asked if anyone from the Public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 9:02 pm.

Mr. Nadeau made a motion to approve the Cropsey Minor Subdivision contingent upon Town Attorney accepts easement description and neighbor's well is represented on map showing 100 ft. separation. Mr. Ouimet seconded. Motion carried.

06.104 PH Hoffman Subdivision, Progress Drive – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 9:03 pm. Mr. Watts asked if anyone would like to have the Public notice read. No one responded. Mr. Gil VanGuilder, of Gilbert VanGuilder and Associates, proposed a Lot Line Adjustment for Lands of Hoffman. The applicant wishes to adjust the lot line between two parcels and convey 5,711 SF of the northerly parcel to the southerly parcel. This would decrease the northerly parcel to 19.17-acres and increase the southerly parcel to 40.05 acres. Mr. VanGuilder stated that this lot line adjustment would retain ownership for future access to a subdivision and retain a current crossing over a culvert. Mr. Watts asked if anyone from the Public wished to speak. Ms. Brenda Lamar, of Dunsbach Road, stated she fears this will encourage the progression of the proposed Princeton Heights PDD. Mr. VanGuilder stated this lot line adjustment would only be a transfer of land to satisfy a contractual agreement. Mr. Watts closed the Public Hearing at 9:08 pm.

Mr. Roberts made a motion to approve the Lot Line Adjustment for the Hoffman Subdivision. Mr. Nadeau seconded. Motion carried.

Old Business:

04.126 OB Stone Quarry Estates, Stone Quarry Road – Major Subdivision

Mr. Jason Dell, of Lansing Engineering, presented the Stone Quarry Estates Major Subdivision to be located on Stone Quarry Road. This application first appeared before the Board on March 8, 2004. The proposed site plan shows a 10-lot single-family residential development on the 17.39-acre parcel. The parcel is within the R-1 district. The proposed major subdivision plan shows a single access road (cul-de-sac) with frontage for 9 lots and one lot with access directly to Stone Quarry Road. The proposed lot areas range from 0.49-acres (21,344 SF) to 3.48-acres (151,588.8 SF). The development is proposed to be serviced by public water by extending water from Route 9 and sewer by connecting to an existing sewer pump station in the Wood Acres Development area. The applicant has submitted revised plans to CHA review to address CHA's June 29, 2005 comment letter. The revised plans show a new location for the storm water management area, wetland delineation, proposed grading and erosion control and engineering profiles and detail plans. A Public Hearing was held on September 12, 2005 for the proposed subdivision. CHA has reviewed the traffic information for this project and has agreed with the information that there is no needed road improvements required by this project. At the September 26, 2005 Planning Board meeting, the Board passed a Neg. Dec. per SEQRA requirements and granted the project a preliminary approval to allow the applicant to approach DEC, DOH and the County Sewer District #1 for their review. The applicant has received positive responses from each of the agencies and has submitted the final plans to CHA for their review. CHA has issued a January 17, 2006 review/comment letter stating that the majority of the comments have been adequately addressed. CHA stated that if a final approval is warranted, a copy of the Final Stormwater Pollution Prevention Plan (SWPPP) with a long term maintenance plan needs to be submitted to the Town and an easement to be in place for the Town to enter the stream area that runs on the eastern property line of the site. Mr. Bianchino stated that there was concern with the water supply line that is coming from Route 9 and it's depth in the event that the road would need to be lowered in the future to increase visibility for

traffic. Mr. Berkowitz asked if funds were donated for a traffic light. Mr. Dell responded that there were no plans for this.

Mr. Roberts made a motion to approve Stone Quarry Estates Major Subdivision contingent upon storm water plan is submitted, easement for stream is accepted by Town Attorney, all involved agencies (DEC, DOH & SCSD#1) stamps are obtained and CHA's sign-off on water line depth. Mr. Ouimet seconded. Motion carried.

05.127 OB Ellsworth Landing, Mapleridge Ave. – Major Subdivision

Mr. Ivan Zdrahal, of Ivan Zdrahal Associates, PLLC, presented the Ellsworth Landing Major Subdivision, which would be located south of Ben's Greenhouse (Grooms Road), west of the Mapleridge PDD and east of the Timberwick Development. The applicant has revised the subdivision plans to show a connector road to connect to the existing roadways in the Mapleridge PDD (Ponderosa Drive) development and the Timberwick (Timberwick Drive) development. The plans shows 37 single-family lots with two proposed "new" Town roads (a connector road between Ponderosa Drive and Timberwick Drive and a cul-de-sac with nine lots). The applicant has delineated the wetlands and is showing a no disturb area to the adjacent landowners. The proposed lot sizes range from 20,219 SF to 146,927 SF (a lot with frontage on one of the proposed roads and is located at the end of Breski Lane). Public water and sewer will be provided. CHA has done their review of the preliminary engineering plans, traffic study and information on the development of a (of two) proposed road. CHA has indicated that most of the outstanding comments are minor in nature. Mr. Watts asked if there were any plans to add trails at this site? Mrs. Wormuth suggested the possibility of widening the roads to allow for a sidewalk or wider shoulder for pedestrian and bicycle use.

Mr. Roberts made a motion to set a Public Hearing for the February 13, 2006 Planning Board meeting. Mr. Ouimet seconded. Motion carried.

The following Planning Board minutes were transcribed from recorded audio tape.

05.160 OB Birchwood Drive Dev., 1 Birchwood Drive – Commercial Site Plan

Mr. Warren Longacker, of Lansing Engineering, proposed the Birchwood Drive Commercial Site Plan. *Mr. Longacker stated the following:* The proposed project is located at the intersection of Grooms Road and Birchwood Drive. The applicant is proposing to construct a two-story 4,200 SF office building. There would be public water and public sewer to connect to along Birchwood Drive. When this project was last before the Board, there were some issues regarding legality of the residents on Birchwood Drive and he understands that this issue has been addressed. Storm water management will be handled on-site. The front yard and side yard setbacks would be met. The site is zoned C-1 Commercial and the lot area is approximately 16,000 SF and they understand that this proposed project would need a variance from the Zoning Board of Appeals. Mr. Roberts asked Mr. Longacker if he could explain his comment regarding the neighbors has been addressed. Mr. Paul Sciocchetti, Attorney for Christine and Peter Vasilaskos, owners of the property, stated the following: When Mr. and Mrs. Vasilaskos purchased the property it was affected by a declaration of covenant restrictions indicating that the property was to be only for residential purposes. The declaration also indicated that the restrictions could be removed if done so by consent of the majority of the people affected by the covenant. Before Mr. Vasilaskos purchased he property, a majority of the people had signed the covenant. He has a copy of the declaration, which was filed on record in 1998. He has discussed this issue with Mr. Chauvin. *Mrs. Murphy stated the following:* She believes that Mr. Chauvin relayed his disagreement with Mr. Sciocchetti

regarding his interpretation of the declaration. Mr. Chauvin's understanding was that Town Law precludes this Board from acting to enforce of what is in essence a private agreement between landowners. Mr. Sciocchetti stated his understanding of his conversation with Mr. Chauvin was that Mr. Chauvin stated, "the restrictive covenant is not an issue here" and that, in fact, what Mr. Chauvin was saying was that if it is an issue with the neighbors, it is the neighbors issue but it is not an issue for the Town or this Board. Mrs. Murphy stated this is what she just said in her last statement. Mr. Sciocchetti stated then they were in consent. Mrs. Murphy stated the only issue that she is making clear is that the Board is aware it was not Mr. Chauvin's opinion that the restrictive covenant had been removed; it was his opinion that it is not an issue for this Board. Mr. Watts stated that this covenant was a private matter, not a public matter. Mr. Nadeau asked what type of business is proposed for this project. Mr. Sciocchetti stated they had no specific user for the property but the project is for a professional office building. *Mr. Nadeau stated the following:* This area was a very busy and difficult intersection and he had concern with how many vehicles would be coming in and out of this site. Because there could be traffic issues, it is important for the Board to know what type of business they would be approving for this site. Mr. Sciocchetti again stated they had no specific use at this time. Mr. Higgins asked what the green space would be for this project. Mr. Longacker stated he believes there would be approximately 20% green space based on this current conceptual plan but they do not have the exact area of green space. Mr. Higgins asked if most of the green space would be located to the rear of the property. Mr. Longacker stated that was correct. Mr. Higgins asked if the applicant had looked at going with a smaller density on this site because, as Mr. Nadeau stated, the traffic is difficult in this area and depending on what type of business is proposed for this site there could be traffic problems. Mr. Longacker stated they previously proposed an 8,000 SF building and they are now proposing a 4,200 SF building that they feel would work for this site. Mr. Berkowitz asked what size the parking spaces would be. Mr. Longacker stated 10 ft. x 20 ft. Mr. Roberts stated to the Board that this project would need to be denied. Mr. Watts stated that this project has to be denied because it does not meet the minimum lot area required in a C-1 Commercial zoned district, it does not meet the rear yard setback requirements for a corner lot, does not meet the required traditional yard requirement asking for increased buffer area between the adjacent R-1 Residential zoned district properties. Mr. Bianchino stated that he had mentioned previously that at a street corner there is a restriction as far as having obstructions of vision within a triangle of 20 ft. from the corner mentioned in Section 702D. Mr. Polak asked what the set back requirement was between a R-1 Residential properties and C-1 Commercial properties. Mr. Williams stated a natural buffer or 50 ft. minimum with a 6 ft. opaque fence. Mr. Polak asked Mr. Longacker where the 50 ft. buffer is shown on the plans. Mr. Longacker stated they would apply for a variance for this as at the current time they have a 15 ft. side yard setback. Mr. Roberts made a motion to deny the Birchwood Drive Development Commercial Site Plan on the basis that the existing parcel does not meet the minimum lot area required in a C-1 Commercial district, does not meet a rear yard setback requirement for a corner lot and does not meet the required transitional yard requirement asking for increased buffer area between the adjacent R-1 Residential district properties (Section 702D). Mr. Berkowitz seconded. Motion carried.

New Business:

06.106 NB Prestige Motor Car Co., 1660 Route 9 – Change of Tenant & Sign

Sunday Verrillo is representing Prestige Motor Car Co. for a Change of Tenant & Sign application located at 1660 Route 9. Ms. Verrillo stated the applicant wishes to utilize the "former" Otto

Mitsubishi site (approved in 2001) to sell ERA Replica Automobiles. Mr. Berkowitz asked Ms. Verrillo to explain the types of cars. Ms. Verrillo stated the cars are factory built replica cars of the 1960's version of Cobras model #427, the Ford GT40 and a 280 FIA. Mr. Berkowitz asked where these cars are built. Ms. Verrillo stated the cars are factory built in Connecticut and they would be the exclusive sellers of these automobiles. Mr. Berkowitz asked if there would be any on-site assembly of the vehicles. Ms. Verrillo stated the cars would be shipped fully assembled. Mr. Higgins asked if there would be any cars painted on-site. Ms. Verrillo stated no. Mr. Higgins asked if the cars are built from the chassis up so they have certificates of origins. Ms. Verrillo stated the cars will have certificates of origin and are built from the frame up at the factory in Connecticut and they would be brand new cars. Mr. Berkowitz asked how the cars would be delivered. Ms. Verrillo stated they are delivered one car at a time in 22 ft. closed car trailers that are pulled by a pick-up truck. Mr. Watts asked if used cars would be on-site. *Ms. Verrillo stated the following:* Used cars would be sold at the site as part of the old operation. They are in the specialty car business and whatever cars are offered as trade-ins would be part of the nature of the business or they could wholesale cars. Mr. Higgins asked how many of the new replica cars would be displayed at the site. Ms. Verrillo stated they are unsure at this time, as they are the first authorized seller that the factory has even given the opportunity to of these types of autos. Mr. Ouimet asked if there was a possibility that none of the replica cars would be on-site. Ms. Verrillo stated no. Mr. Berkowitz asked if this would be the only site for Prestige Autos. Ms. Verrillo stated that they have a site in Glenville. Mr. Berkowitz asked if the Glenville site would be closed and they would only operate out of this area. Ms. Verrillo stated they were not sure at this time. Mr. Berkowitz asked if and when the Glenville site closes, would the excess cars be brought to the proposed site. Ms. Verrillo asked if this information was pertinent to this site plan approval. Mr. Berkowitz stated if there would be an excess of cars at this site, where would they keep these cars if there were not enough parking spaces. Ms. Verrillo stated the cars would be kept elsewhere if they were not permitted on the site. Mr. Berkowitz stated that in the past there has been a problem with the number of cars on this site. Ms. Verrillo stated that this is a totally different type of operation than Otto's operation. Mr. Berkowitz stated that Ms. Verrillo had stated that they would be a specialized car dealer and asked for a yes or no answer if there would only be specialized cars at this site. Mrs. Murphy asked if they were asking for a use approval for specialized cars, yes or no. Anthony Ianiello, Attorney, stated no, this proposal is for a change of tenant application for the sale of new cars and it just so happens that these new cars that are involved are cars that would be quite expensive and these cars would not be volume vehicles, so the use that the property would be put to would be much less intense than a volume automotive manufacturer. *Mr. Higgins stated the following:* He believes the Town regulations are written so that used car sales are to be incidental to new cars. The Board is asking this question because obviously there would be some used cars on the lot but the majority of the vehicles on the lot are to be new cars. *Mr. Ianiello stated the following:* He does not believe the Town's ordinance has that kind of specificity with respect to proportions of new and used and he does not know that Otto's lot consisted mainly of new vehicles. From the few times that he has seen the site, he would guess there was many more used vehicles than new vehicles. Mr. Higgins stated that Mr. Ianiello and he disagree regarding the used verses new car issue. Mr. Ianiello stated this issue was fully discussed before the Board, in the matter of record, several years ago. Mr. Higgins stated this was correct and this is one of the reasons why the Board is trying to get the exact nature of what is going to be conducted on this site, as a matter of record before this Board, so there are not any questions or concerns after the fact which was exactly what happened the last time. Mr. Watts stated this precedes his time on the Board and asked Mr. Higgins if there

were site plan violations. Mr. Higgins stated there were problems with an excess number of vehicles at the Otto site and there were problems with painting and major repairs being conducted on the site. Mr. Ianiello stated he does not believe this applicant conducted this activity. Mr. Roberts stated it was with Prestige Motor Car Co. Mr. Ianiello questioned if Prestige conducted car painting on their current site. Mr. Higgins stated yes, in the back garage as they received complaints on the painting and the vapors. Ms. Verrillo stated she did not recall being cited for any of this. Mrs. Murphy stated to the Board that she could research this issue. *Mr. Ianiello stated the following:* They were before the Board as an applicant for a change of tenancy and they intend to comply with the rules and regulations as promulgated by the Town. They would fulfill the requirements of the statute and they feel this application should be approved. Mrs. Murphy stated that she did not think the Board is saying that they are not going to look at this site and consider it, but there are some outstanding questions that the applicant is unable to answer as to what type of vehicles are going to be at this site. Mr. Ianiello stated they would like to fully answer these questions tonight. Mrs. Murphy asked what type of cars would be on the lot. *Mr. Ianiello stated the following:* There would be cars that would be traded in on the vehicles that are being sold and they would have no way in predetermining that particular type of vehicle. The vehicle that might be traded in may or may not be of interest to this dealership. If the vehicle was not of interest, the dealership would have the option of wholesaling the vehicle off-site to another dealer. Mr. Ianiello asked Mrs. Murphy if this answered her questions. Mrs. Murphy stated the following: No, because she believes the Board is confused because this application was proposed as a specialty car lot. Ms. Verrillo showed 3 different cars that would be sold at this site. Is this their position or is their position that any car might be sold from this site. Mr. Ianiello stated any car as they are not limiting their business to just the new specialty cars. Mr. Watts asked how many of the specialty cars would be on the site. Ms. Verrillo stated there is no way to determine that at this very moment. Mr. Ianiello stated there were 3 models of the specialty cars so it would be in their best interest to have the 3 models on display. Mr. Watts asked the selling price for the specialty cars. Ms. Verrillo stated anywhere from \$50,000 to \$100,000. Mr. Watts stated that it would be his guess that there would not be a lot of trade-ins on these cars as people who would buy these cars would have a disposable income who would want a second, third or fourth car that would be parked in the garage during the winter. Mr. Watts asked Mr. Williams how many parking spots were located at this site. Mr. Williams stated 39 with 26 for display. Mr. Ianiello stated the 3 specialty cars would be inside the showroom. Mr. Watts asked if the outside would be for used cars. Ms. Verrillo stated that was correct. Mr. Ianiello stated the outside parking spaces would also be used for customers. *Mr. Higgins stated the following:* He does not want to see the same situation that has happened previously where the Town was constantly at the site trying to make sure that the tenant/operator conformed to Town ordinances as far as the repairs that were being done and the location of the cars that were being displayed, the number of cars on-site and car carriers unloading on Route 9. There is a long list of items that he is sure the applicant is well aware of. This was before Otto Mitsubishi was at this site. He is talking about previous operation that was there and all the Board is trying to do is make sure the applicant understands that they will be required to follow the Town laws or the Town will send Code Enforcement people over to the site to make sure that the applicant does comply with what the approved site plan is for this site. *Mrs. Murphy stated the following:* She has some concerns that the Board might want her to review. The applicant has just told the Board that they plan on having 3 new specialty cars and 26 used cars. Ms. Verrillo and Mr. Ianiello stated that was not what they are saying. *Mr. Ianiello stated the following:* There might be at some particular point and time 6 new specialty cars on-site. It

depends on what the manufacturer's production is and how many cars the manufacture wants them to take. As far as the number of used cars, they never said there were going to 26 used cars on-site. There is going to be a number of used cars on the lot that they are able to sell and this depends on a lot of factors. At one particular time perhaps there would be 10 used cars and at another time there might be 20 used cars. The number of parking spaces doesn't necessarily equate to the number of cars that the applicant will be selling. This proposed use is a much less intense use than the current use. *Mrs. Murphy stated the following:* Her concern is the site plan that they are presenting to the Board is a pre-existing non-conforming use based on the last more than 2 year use was a new car lot that had specific spaces designated for display and was monitored with regards to the new car verses old car ratio. This is the pre-existing non-conforming use that has been in existence for the last 2 years. So, if they come before the Board and say that they are not sure how much of the business is going to be used car and how much of the business is going to be new car, she can't tell the Board and make an accurate determination as to whether they are continuing a pre-existing non-conforming use or whether they are proposing a new use, that is, the sale of used cars. She does not have the history of this lot and she is asking if the Board wants her to research that history so that she can better answer those questions. Mr. Ianiello stated their application is not for the continuation of the non-conforming use; it is for the continuation of the use that exists. *Mrs. Murphy stated the following:* This site is currently a pre-existing non-conforming use because there are 2 apartments on-site. As long as the use is the same then this Board will act accordingly and she is having difficulty in identifying if in fact the use is the same. If the Board is comfortable, they can obviously act according or they can ask her to research that issue. *Mr. Ianiello stated the following:* The 2 apartments have been at this site since day one for residential purposes and those have been uninterrupted non-conforming uses on the property. For the past 3 or 4 years there has been a use, which is a factory authorized new car dealer. They are just selling new cars from a different factory. Mrs. Murphy stated that the Board cannot determine this when they are not giving them any numbers. Mr. Ianiello stated that no new car dealership car provide those numbers with any certainty on any particular day how many used cars are going to be on-site and how many new cars would be on-site. Mr. Polak stated he would like Mrs. Murphy to investigate the background of this site. Mr. Berkowitz asked how much service and detailing would be done on-site. Ms. Verrillo stated they would service and detail the cars that they are offering for sale at this site. Mr. Berkowitz asked if this would include cars coming in off the street. Ms. Verrillo stated no, just the cars they are offering for sale. Mr. Berkowitz asked if they would do body work. Ms. Verrillo stated no. Mr. Higgins asked if they would perform New York State inspections. Ms. Verrillo stated yes, because when before they can sell a car they must NYS inspect the vehicles. Mr. Higgins stated he believes the New York State Motor Vehicle Law states you also have to be willing to do out of your fleet inspections. Ms. Verrillo agreed. Mr. Watts stated that this item will be researched and place this proposed project on the next Planning Board Agenda. Mrs. Murphy stated that she had received Mr. Ianiello's letter and she will discuss this with him in the future. The parameters that she will need to be able to define for this Board are; what is the main use, what is the incidental use and based on this would they be continuing a pre-existing non-conforming use or proposing a new use.

This item was tabled for the Town Attorney to review past issues with the site and additional information on number and type of cars to be on-site.

06.108 NB Kivort Steel, 380 Hudson River Road – Amendment to Site Plan

Mr. Brien Ragone, of Environmental Design Partnership, proposed the Kivort Steel Amendment to Site Plan and is representing Mr. Robert Kivort. *Mr. Ragone stated the following:* After reviewing their building size, Kivort Steel determined that it was necessary to apply for an additional 1,700 SF. This addition will not affect any of the critical site factors. The set backs would remain the same and all minimum setbacks would continue to be met. The proposed addition to the building would be constructed over existing pavement so there would not be any drainage issues. The green space would remain the same and when the project is completed the green space would increase by a very small percentage. The only change that they foresee is an additional 2 parking spaces in the rear. As he stated the last time he was before the Board, they may not need all the parking spaces because some of the employees are not always at the site and there would be no customers coming in and out of the parking lot. Kivort Steels anticipates construction would begin in early spring and they are before the Board to ask for an approval for the additional 1,700 SF. Mr. Watts asked if there were some issues with a neighbor who resides at the end of the street. Mr. Ragone stated that originally there was a proposed entrance along Myrtle Street but they have decided not to do anything until a future phase is proposed because they do not want to delay the process of the building addition. Mr. Watts asked if there was an issue with a neighbor regarding construction activity. *Mr. Ragone stated the following:* To his knowledge there was no issue with any neighbors. What he thinks Mr. Watts is referring to is when they originally applied for an addition to site plan they were looking at creating a new entrance to Kivort Steel and this is the issue they had with the neighbor. They would still use the existing entrance/exit for the building addition. In the future they would like to revisit a new entrance to Kivort Steel but this has nothing to do with this current proposal.

Mr. Berkowitz made a motion to approve Kivort Steel Amendment to Site Plan. Mr. Nadeau seconded. Motion carried.

06.109 NB Sushi-Na, 1683 Route 9, (St. John Plaza) – Change of Tenant

The applicant, stated the following: The Sushi-Na Restaurant is located at 1683 Route 9 in St. John Plaza. The sushi restaurant is under new ownership and they are applying for a Change of Tenant application. Mr. Roberts asked if they were just changing the ownership and if the use would be the same. The applicant stated yes. Mr. Berkowitz asked if they would have the same hours of operation. The applicant stated yes. Mr. Roberts asked if they would have the same number of seats. The applicant stated yes. Mr. Watts asked if they would be using the same signage seeing as they would be keeping the same name. The applicant stated correct.

Mr. Roberts made a motion to approve the Change of Tenant application for Sushi-Na. Mr. Nadeau seconded. Motion carried.

06.110 NB Otto Mitsubishi, 1658 Route 9 – Sign

Mr. Jamie Bracy, of Kassis Superior Sign Co., is representing Otto Mitsubishi for the proposed sign application. Mr. Bracy submitted a sign application package for four proposed signs. Mr. Roberts stated that he had checked on this and at first he had some concern with the height of one of the signs but it did seem to fit okay at this site. Mr. Roberts asked if the signs would be internally lit. Mr. Bracy stated yes. Mr. Roberts stated that the freestanding pylon sign could not be more than 15 ft. and cannot be in the State's right-of-way.

Mr. Roberts made a motion to approve the Otto Mitsubishi sign application contingent upon the pylon sign maximum height is 15 ft. and the sign will not be in the DOT right-of-way. Mr. Nadeau seconded. Motion carried.

Mr. Berkowitz made a motion to adjourn the January 23, 2006 Planning Board Meeting at 10:24 pm. Mr. Nadeau seconded. Motion carried.

Respectfully submitted,

Milly Pascuzzi
Planning Board Secretary