

## Planning Board Minutes - August 11, 2003

Those present at the August 11, 2003 Planning Board meeting were:

Planning Board Members: Steve Watts - Chairman

Marcel Nadeau

Cindy Patenaude

Rich Berkowitz

Tom Ruchlicki

John Higgins

Secretary: Tara Anuszewski

Planner: Jeffrey Williams

Deputy Attorney: Lyn Murphy

CHA Representative: Mike Bianchino

Liaison: Walter Polak

Mr. Watts called the meeting to order at 7:00 pm

Mr. Higgins made a motion to approve the July 28, 2003 minutes. Mr. Nadeau seconded. Motion carried.

Public Hearings:

03.178 Mike Abele Subdivision, Boyack Road, Major Subdivision. Mr. Watts called the public hearing to order at 7:03 pm and asked if anyone wanted the notice read. No one responded. Mr. Watts stated there are a number of people who will like to speak and asked if they could keep the comments brief but make sure they get what they want in. Mr. Watts stated if someone has already made a point and it is a valid point not to have the point repeated several times. Mr. Higgins commented that the applicant is proceeding at his own risk because of the lack of a water agreement. Mr. Tom Andress was present and stated this project has been before the Board a number of times. It has been through a public hearing for a 14-lot subdivision and are now back for a 10-lot subdivision. Mr. Andress stated this design has allowed them to create larger lots in the rear of the parcel. The rest of the lots vary from a ½ of an acre to about ¾ of an acre. The frontage is all in conformance with the Town requirements. They are proposing a storm water management area at the lower end; it is the same as what was proposed for the 14 lot. Mr. Andress stated they have not changed the size of it; the capacity is for a 100-year storm plus extra capacity. The water and sewer are still being proposed the same way they originally had. All of the houses would be on grinder pumps and low-pressure systems. Mr. Andress stated as Mr. Higgins mentioned there was an article in the paper regarding the water. They have spoken with Clifton Park Water and are working on a re approval for all of the lots. Mr. Nadeau asked if there was a letter on file where the applicant is proceeding at his own risk. Mr. Abele stated they will but do not yet. Mr. Abele also stated he was reassured they should not have any problems getting water by the Clifton Park Water Authority. Mr. Watts asked if anyone from the public wished to speak. Mr. Larry Sistack of 43 Riverview Road stated this part of Boyack Road is under water with ice jams from the river. Mr. Sistack also stated he has been there when there has been 3 – 4 feet of water over the road and the fire department can not get in. Mr. Sistack stated he has been trapped many times from the flooded river. Mr. Sistack stated the Town should consider the cost of improving the road or denying the subdivision. Ms. Barb Cramon stated she has lived in this area for 50 years. Raising the road created a more severe problem. Ms. Cramon stated the water will have to go somewhere and it will. Ms. Cramon stated Clifton Park wont let you build if you are going to be flooded in. They don't want situations where the emergency vehicles cant get to you. Ms. Cramon stated she is afraid that is what they are going to do. Ms. Cramon stated bringing in those extra families would be detrimental to the overall environment of the area. Ms. Inge Parlo of 139 Boyack Road stated she couldn't agree more with Ms. Cramon. Ms. Parlo has lived there for 16 years and has seen a lot of flooding on Boyack and Riverview Road. Ms. Parlo stated she has put together pictures for the Board of some of the floods that have happened in that area. Ms. Parlo explained what the pictures were to the Board. Ms. Parlo stated many residents have had flooded basements in this area. Ms. Parlo stated she is still concerned about how they can go from 2 houses on these lots to 10. Ms. Parlo stated Mr. Abele was before the Board originally for the four lots and

stated it was not a surprise to Mr. Abele that he could not develop more than the four lots. Ms. Parlo stated Mr. Abele knew that was the deal before he purchased the lots that he could not build more than four. Ms. Parlo stated she is going back to that particular point and asked why are they there. Ms. Parlo stated she does not see much that is different than the 14-lot plan as far as storm water by the road, no fence by the water for small children. Ms. Parlo stated doubling the tree line does not have a significant impact on the noise of the Northway. Ms. Parlo stated she was reading the comprehensive plan for the Crescent area and this plan does not follow their plan for that part of Town. Ms. Parlo stated she is not comfortable with this plan and would like to see it back to the original plan. Mr. Ken Buniak of Southbury Road has lived in this area for 16 years and agrees with Ms. Parlo. Mr. Buniak stated in his 47 years of life he has learned you cannot predict what water is going to do and especially when there is clay involved. Mr. Buniak stated he had to spend \$2,000.00 to get the water away from his house because the road was improperly drained and graded. Mr. Buniak stated he has seen traffic on Boyack Road and Southbury Road escalate significantly and would not have children go near those roads. Mr. Buniak stated Mr. Abele owns the property and should be able to develop it but reasonably developed. Mr. Buniak stated on a clear night the cars from the Northway sound like they are going through their houses. Mr. Buniak stated if you take out any of the buffer it would become useless. Mr. Buniak stated to the Board to consider the ramifications of the people who live there before they make their decision. Mr. Traver lives just south of this development and stated the concerns people have from the ice jams does not have any impact on the project. Mr. Traver stated he has not seen any flooding in the Halfmoon area since he has lived there it has only been on the Clifton Park side. Mr. Traver stated he does not see any adverse effects of this development. Mr. Art McCall of 128 Old Coach Road remembers the flooding of 90 and stated someone from the Town must have done something because he has not seen it flood in the last couple of years. Mr. McCall is in favor of this. Mr. Danny Johnson of 91 Algonquin Road abuts Ms. Parlo's property and has been there for 18 years. Mr. Johnson stated since he has been there he does not recall a time when the road was not impassible. Two years after Mr. Johnson bought his property he had to install a two-foot retaining wall. Mr. Johnson stated he was the Chairman for the Clifton Park Economic Development Committee for four years and is pro development. Mr. Johnson stated he is not an Engineer but with what he has had to deal with in his back yard it has given him an education with the difficulty of controlling it. Mr. Chris Brownell of 3 Montgomery Way lived in this area before Old Coach Way was developed and all of the vegetation was stripped off. They had a subsequent amount of flooding. Mr. Brownell stated if they are going to strip off all of the underbrush and vegetation he expects to see the same kind of problems. Mr. Brownell stated he also does not remember a year that it has not flooded. A resident of 6 Mohawk Trail spoke and stated with the new development that has happened in this area they have already lost a lot of trees and feels they will have some impact from this development as well. The resident also noted she has seen Boyack Road every year be impassible from the water. Mr. Stafford Evans of 67 Algonquin Road stated all of the comments from the public have been valid and said to the Board to please not approve this subdivision out of obligation. Mr. Stafford does not want the Board to approve this just because they have already asked the applicant to go back and reduce it. Mr. Stafford does not feel houses are good there for many reasons and wants the Board to judge in their best judgment. Mr. Jim DeLorenzo of 79 Algonquin Road stated he does not want to be redundant but is concerned with the environment, steep hillside, adjacency of wetlands, flooding issues and the proximity of the Northway. Mr. DeLorenzo stated when the four lots were approved there was a recognition of these issues and there continues to be a recognition of these issues. Mr. DeLorenzo stated there was a commitment at that time for no further subdivision of that land with the recognition of those issues. Mr. DeLorenzo stated because the developers issues are monetary in nature, he is concerned that the issues will be down played. Mr. DeLorenzo wants the Board to continue to recognize and put these issues at the forefront. Ms. Diane Sidell of Kimberly Court borders the wetland and is concerned about increasing the water in her back yard and the noise. Mr. Watts asked if anyone else wished to speak. No one responded. Mr. Watts closed the public hearing at 7:33 pm and asked if anyone from the Board had any comments or questions. Mr. Nadeau asked Mr. Address to explain the buffering against the Northway. Mr. Address stated they had a smaller no cut buffer but have increased the buffer. Mr. Nadeau asked what was there now. Mr. Address responded trees. Mr. Berkowitz asked where they start. Mr. Address showed the Board the tree line on the map. Mr. Address stated they are proposing all of the frontage along the Northway to become single lot all the rest of the lots won't have any frontage on the Northway. Mr. Address stated they would have a restrictive 70-foot buffer. Mr. Address stated it gives the homeowner the option where to place their house. Mrs. Patenaude stated one of the comments made was it was clay/soil and she thought it was listed as sandy and well drained over 90% of the site. Mr. Address stated the upper area is sandy and the lower area by the detention basin is clay/soil. Mr. Address stated there are variations in the area. Mrs. Patenaude asked in this case what is predominant. Mr. Address responded the lower area is predominantly clay/soil. Mr. Nadeau asked if the clay area was in the detention area. Mr. Address stated the detention area is in the clay area and it is what DEC is requiring they do not want detention basins to be sand. Mr. Berkowitz asked how far off of the road is the drainage ditch. Mr. Address stated the retention pond is about 100 feet off of the property line and about 35 feet off the pavement edge. Mr. Berkowitz asked how often this floods and how deep is the basin. Mr. Address responded there are two culverts and if there were any flooding it would be just along the edge of the roadway. Mr. Address stated the property goes up a significant

grade off of the road. Mr. Berkowitz stated the water would be coming down into the already flooded area. Mr. Andress stated he does not have any knowledge of any flooding that has ever occurred there. The culverts are clear. Mr. Berkowitz stated they have just heard about flooding that has happened every year. Mr. Andress stated he does not believe it was the statement he believes there was flooding on Boyack Road but does not believe it is in this location and believes it is from ice jamming. Mr. Berkowitz stated it is from ice jams, rain and snow. Mr. Andress stated there hasn't been any major ice jams recently. A resident felt he was being called a liar and Mr. Watts stated no one is calling anyone a liar there are differences of opinions. A resident suggested the Board contact the Crescent and Clifton Park Fire Departments that actually goes and tries to evacuate the residents on Riverview. Mr. Watts stated he recognizes there are flooding issues in that area in the spring from ice jams. A resident stated the ice jams are a relatively small part of the problem maybe 1%. Mr. Watts stated that is not how it was portrayed. Mr. Berkowitz asked if anyone has done studies to see if the water was coming from streams, the river or ice jams. Mr. Andress stated he has not done a study on flooding. Mr. Nadeau stated in reality he believes it comes from all of them. Mr. Berkowitz stated it would be a good idea to find out when it is happening and where it is coming from. Mr. Watts agreed. Mr. Abele stated he has owned the property for three years and a couple years ago they put in a culvert. There have been several storms including the one over the past weekend and it did not flood. Mr. Abele stated New York State is allowed to use a wrecking ball to break up the ice jams. Mr. Abele also stated this past winter it did not flood. Mr. Abele stated with this new proposal they have increased the buffer zones and created a conservation easement. Mr. Abele stated he does not see where anything would cause a problem. Mr. Watts asked Mrs. Patenaude if she had any concerns. Mrs. Patenaude stated her only concern was with the clay slope and would be encouraged if the area did not flood after the storms we have recently had. Mrs. Patenaude feels the Board should take some time and review some of the data. Mr. Nadeau stated he has concerns about the buffering of the Northway being a no cut area. Mr. Nadeau stated there have been properties in Town with no cut buffers and they have been cut down. Mr. Nadeau stated that when the property owner takes possession of the land sometimes the no cut buffers are not followed. Mr. Abele stated the reason the parcel is designed the way it was is because he is going to retain that parcel. The reason they designed the large lot was so that the Northway buffer was completely part of that parcel. Mr. Abele stated that he has tried to address the road, buffer and density issues that were previously raised with prior applications. Mr. Watts asked Mr. Abele where they are proposing to place the house. Mr. Abele showed them on the map. Mrs. Jan DeLorenzo commented there are streams in the back and along side the property Mr. Abele is developing and she has concerns with the impacts of the stream. Mrs. DeLorenzo continued that her neighbors have sump pumps because of the water problems in the area and that the stream floods in the spring and affects Mrs. DeLorenzo's property. Mr. Watts asked the Board if they had any questions. Mr. Ruchlicki questioned the location of the detention basin and the proximity to the road. Mr. Ruchlicki would like to see the detention basin moved off of the road and a landscaped buffer between the road and the detention basin. Mr. Ruchlicki would also like CHA to review the flooding problems and the ice jamming on the river. Mr. Watts asked Mr. Bianchino if he could review the flooding concerns during their review. Mr. Watts asked Mr. Higgins if he had any concerns. Mr. Higgins responded that he has seen the area flooding in the past. Mr. Higgins wanted to know if Boyack Road flooded would the residents in the proposed subdivision be able to get out or would they be isolated. Mr. Abele stated the road typically floods above the proposed subdivision and that the residents would not be isolated. Mr. Higgins questioned if the road was raised would it help the flooding situation. Mr. Higgins stated that he has concerns with the detention basin with regards to the location near the road. Mr. Berkowitz stated he agrees with Mr. Ruchlicki's and Mr. Higgins's concerns with the storm water detention area. Mrs. Patenaude stated she would like to see the detention basin moved from the road and would like the engineering review the steep slopes associated with the project. Someone from the audience spoke up whereas, Mr. Watts stated they would not take public comment at this point and asked to have the concerns be forwarded in writing to the Planning Department. The person asked if she could ask one question whereas Mr. Watts allowed the question to move forward. The person asked if there is an independent engineering firm reviewing the project. Mr. Watts stated Clough Harbour and Associates are the Town's engineers and do an independent review on the Town's behalf. Mr. Nadeau stated it was his opinion that he would like to entertain the 4-lot subdivision that is the present situation. Mr. Watts asked CHA to review the proposed subdivision. This item was tabled.

03.182 Prospect Meadows, Summerfield Circle, Lot Line Adjustment. Mr. Watts called the public hearing to order at 7:55 pm and asked if anyone wanted the notice read. No one responded. Mr. Duane Rabideau of VanGuilder and Associates presented the subdivision proposal. Mr. Rabideau stated that the Prospect Meadows was previously approved and the developer reviewed the approved subdivision layout and in order to make the lots more developable would like to adjust the lot lines to five lots. Mr. Rabideau continued that the lot line adjustments will create larger lots for four lots and one lot will be omitted. Mr. Watts asked if anyone from the public would like to speak. No one responded. Mr. Watts closed the Public Hearing at 7:56 pm.

Mr. Nadeau made a motion to approve the lot line adjustment as presented. Mr. Berkowitz seconded. Motion

carried.

03.183 Romano Subdivision, 1475 Route 9, Minor Subdivision. Mr. Watts called the public hearing to order at 7:58 pm and asked if anyone wanted the notice read. No one responded. Mr. Rabideau presented the minor subdivision proposal. Mr. Rabideau stated that the proposed subdivision is to create a lot from lot B. The new parcel will separate two existing wood frame buildings from the Rome Plaza parcel. Mr. Rabideau continued that the new lot would utilize the existing ingress/egress through an easement and also have established an easement in the back part of the new lot for shared access for Rome Plaza and Rome Restaurant. Mr. Watts asked if anyone from the public would like to speak. No one responded. Mr. Watts closed the Public Hearing at 8:01 pm. Mr. Watts asked the Board if they had any questions. Mr. Nadeau asked what the frontage on Rt. 9 for each lot. Mr. Rabideau stated Lot C (proposed lot) would be 40 feet; Lot B is approximately 260 feet. Mr. Chauvin asked what about Lot A. Mr. Rabideau stated Lot A is the Rome restaurant which is on its own lot. Mr. Chauvin stated that it was part of the original parcel and would like to know the frontage. Mr. Rabideau stated it is approximately 200 feet. (There is a large inaudible portion on the tape where it appears that Mr. Nadeau and Mr. Bianchino are discussing the frontage) Mr. Watts asked about the easements. Mr. Rabideau stated they are proposed easements so that all parcels can utilize the existing curb cut. Mr. Nadeau stated that himself and Mr. Chauvin thought that there might be some past issues with subdividing the Lands of Romano and that may need to be researched further. Mr. Nadeau also stated there are a couple of used cars for sale near Rt. 9, which are not allowed. Mr. Higgins asked if the subdivision was approved and the applicant wanted to remove the existing wood frame buildings would the "approval" of the proposed subdivision supercede the site plan review. Mr. Chauvin stated that the applicant would need to gain site plan approval and the site plan would have to conform to the site specifics according to the zoning ordinance. Mr. Nadeau stated he would like to have the past Planning Board issues with these parcels. Mr. Watts stated the item would be tabled for review of past issues.

#### Old Business:

02.118 Rolling Hills PDD, Cary Road, PDD – Major Subdivision – GEIS. Mr. Percy Cotton presented the proposed major subdivision. Mr. Cotton stated they have prepared more detailed plans, which CHA has reviewed. Mr. Cotton continued that Phase I will consist of 57 single-family lots. Phase I will place sewer lines to be pumped to a location and gravity fed to the Sysco line. The water line will be extended up to the intersection of Rolling Hills Drive and continuing to the intersection of Tabor Road and Johnson Road, which will provide water to the existing residents along the route. The storm water will be collected in two different locations in Phase I. The detention ponds have been designed to handle the two, ten, and twenty-five year storm event and to pass the 100-year storm. Mr. Cotton stated he met with the committee at the site and a question of how the detention basins will look like came up. Mr. Cotton presented cross sections of the detention basins. Mr. Cotton showed the line of sight from a car and that you would not be able to see the top of the detention basin from Tabor Road. Mr. Cotton continued that the Cary Road line of sight is different because Cary Road is at a higher elevation than the existing ground as compared to Tabor Road. A passing car from Cary Road would be able to see approximately 2-3 feet into the detention basin. The existing vegetation will be preserved to help with the site. The maximum height of the water would be about 2 feet from the top of the basin for a 100-year storm. Mr. Ruchlicki stated he has concerns with the detention basins in respect to the proximity of the detention basin and the property line. Mr. Ruchlicki would like to see the basin shifted toward the utility easement. Mr. Cotton suggested he could reconfigure it to make the basin wider but stated the water must go through the culvert under the road. Mrs. Patenaude asked what is the depth of the detention basins. Mr. Cotton stated both detention basins are 6 feet deep. Mr. Higgins stated they discussed buffering of the detention basins and would like to see that on future plans. Mr. Higgins stated that the extension of the water line along Cary Road has a number of residents on shallow wells and cisterns and would like to have the water line put in at the earliest stage as possible. Mr. Cotton stated that was agreed. Mr. Watts stated with regards to the buffering on the detention basins that the Highway Superintendent agrees to the layout because of maintenance issues. Mr. Cotton stated that there would be access to the detention basins from the interior roads of the development. Mr. Ruchlicki stated he noticed there was a future parking for the trail system on the plans. Mr. Cotton stated yes that it would be placed in a future phase and not phase I. Mrs. Patenaude asked if the parking area could be located in another area because she is concerned with the impact of the visual from the road, impact to existing residents and the impact to the wetlands. Mrs. Patenaude would like to see the parking area moved or screened better to lessen the visual impact. Mr. Berkowitz suggested of possibly locating the parking area near the industrial development portion of the PDD. Mrs. Patenaude continued that she has concerns with the overall impacts to the areas wetlands and would like to see an exact figure on how much wetlands are proposed to be impacted. Mr. Cotton stated that a total area of jurisdictional wetland to be impacted is about 0.48-acres. Mrs. Patenaude asked with the Leibeck Lane extension that would be an acre. Mr. Cotton stated yes but continued that they are reviewing the layout of the other Phases to lessen the future impacts to the wetlands. Mrs. Patenaude stated that some of the building

footprints in other phases look like they are being built very close to wetlands. She would like the applicant to review the house placements with regards to lessening impacts to the wetlands. Mr. Cotton stated some of the wetlands identified on the plans are isolated wetlands and are not under the jurisdiction of the State of Federal wetlands. Mr. Cotton stated there are no State wetlands within the project. Mr. Berkowitz asked what the timing is when Leibeck Lane will be connected to Tabor Road. Mr. Cotton stated he understood that would occur sometime after Phase II and before the completion of Phase III. Mr. Nadeau stated that this project came in years ago and that it has always been a very strong concern of the Planning Board to get the connection to Rt 9 as a first priority. Mr. Nadeau stated that no one would utilize the connection as presented. Mr. Nadeau stated it needs to be done before Phase II. Mr. Higgins asked if the connection would be done before CO's are issued in Phase II. Mr. Nadeau asked Mr. Chauvin if the PDD legislation would need to be revised. Mr. Chauvin stated no that the existing PDD legislation provides the sequence of when the Leibeck Lane extension will occur but it is Mr. Chauvin's understanding that the applicant will commit to a timing sequence that is agreeable to the Planning Board and will be a condition of the final approval. The only caveat that Mr. Chauvin would like is that there is some flexibility to allow the Town to obtain the proper ROW to best align the extended road. Mr. Chauvin continued that with the road dedication process that all infrastructures will need to be in place before dedication and that no CO's are issued until the road is dedicated. Mr. Watts asked Mr. Williams what stage in the planning process is this application. Mr. Williams stated the Town Board has created the PDD legislation and the application is in front of the Planning Board to gain preliminary approval for Phase I of the project in order to approach the other agencies for their comment and review. Mrs. Patenaude would like to get some of the additional information asked tonight from the Board. Mr. Nadeau agreed. Mr. Watts asked what information. Mrs. Patenaude asked wetland impact information and Mr. Ruchlicki's concerns with the stormwater. Mr. Watts suggested that the applicant work with the committee and the other members of the Board to pass along their comments to the committee. This item was tabled to further review with the committee review team.

Mr. Stiles stated that he would like to approach the Board. Mr. Watts stated that he would need to give the information to the committee. Mr. Stiles stated that the project is adjacent to his property. Mr. Stiles stated his drinking pond was inundated by a storm with runoff from the lands of Valente. Mr. Stiles handed pictures of the situation to the Board.

02.218 Sheldon Hills PDD, Route 146, PDD – Major Subdivision – GEIS. Mr. Gordon Nicholson from EDP presented the application to the Board. Mr. Nicholson stated they last appeared in front of the Board in June with a presentation of 323 units including the elimination of the condominiums. The applicant stated that they have had previous meetings where alternative density and alternative land use mix scenarios have been discussed. Since the June meeting it is the understanding of the applicant that there is some interest in the original land use mix with some condominiums and additional density based on the potential for traffic impact mitigation monies born by the developer. Mr. Nicholson stated that they are in front of the Board for consideration of 398 units of which 112 will be condominiums. Mr. Nicholson stated the condos will be in the same area of the original plan but have eliminated 40 condos from the original proposal of 152 by doing so has increased the green space. The developer has also committed to give the Town approximate \$2,890 per unit for all of the units outside of the GEIS territory. The developer is also willing to go with the 323 units with the elimination of the condo units but would like to receive direction from the Board on how to proceed so that the SEQR process can be completed and the application moving forward. Mr. Watts stated that there have been discussions with the Town Board, Planning Board and the Town Attorneys with the idea of reinstating the condominiums back into the plan and the mitigation fees that would be paid. Mr. Watts continued that the Town is in a phase of rapid development that will continue. There is a serious situation with the State budget that impacts the ability for funding of things such as road improvements. One of the major concerns of the Planning Board is the traffic congestion at the intersection of Rt. 236 and Guideboard Road. The discussion of the possibility of reinstating the condos, which is less dense than the original proposal, and that any money derived from the units outside of the GEIS would go directly to the improvements needed at the Guideboard/Rt 236 intersection. This could be a way to alleviate a heavily congested area in which the residents face daily. This also recognizes that the traffic problems within the Town are not only created by development with the Town but from other surrounding communities as they develop. Mr. Watts continued stated that there are a lot of traffic problems out there that cannot be controlled by stopping development in the Town. With all of that in mind, this could be a way to improve a much-needed area. Mr. Polak stated that the Town has acquired property on Guideboard when the time came for the improvements. This added land would be utilized to create the needed turning lanes. Mr. Polak continued that the Town asked for funding and was turned down by the State. Mr. Nicholson stated that with the density and land use mix presented before the Board there would be approximately \$900,000 dollars derived for the traffic improvements to the area. Mr. Watts asked if the Planning Board had any comment. Mr. Higgins stated only a percentage of the mitigation fees was going to the Guideboard Road improvements and the other fees in the GEIS would go the improvements identified in the GEIS. Mr. Chauvin stated that Mr. Nicholson has calculated fees within the GEIS

and outside of the GEIS. The units outside of the GEIS would be 311 units, which the mitigation fees would go to the Guideboard/236 improvements. The balance of the units is in the GEIS and the mitigation fees would go to the GEIS improvements. Mr. Chauvin stated that no money is being taken away from the GEIS. Mr. Berkowitz asked if the proposed agreement would affect the improvements on Rt. 146. Mr. Nicholson stated no that the required improvements to Rt 146 will be part of the development of the property. Mrs. Patenaude stated she understands that there are needed improvements with Guideboard Road and that is important. She continued that she is concerned with going back to the original plans that Saratoga County had a dilemma with or close to the original plan. Mrs. Patenaude stated she has an issue with the condos being clustered near the secondary entrance on Upper Newtown Road and not near the main entrance where there is a proposed light for traffic control on Rt. 146. Mrs. Patenaude stated the Guideboard/236 intersection is needed but does not know if there is any other way to come up with the money for the improvements. Mrs. Patenaude does not want to feel like they are creating on problem to solve another problem. She continued that there is major development in the North such as the Chip Plant where traffic will going both ways and wants to look at the scenario in long-range terms. Mrs. Patenaude stated she has an issue of expanding the density simply for the sake of getting money for Guideboard and asked if there was another way of accomplishing it. She is worried of setting a precedent on increasing the density for the increase of money. Mr. Polak stated that it is a golden opportunity to correct a problem the Town has been trying to do so for 16 years. Mr. Nadeau stated he has a concern with the condos. The Board has previously stated they did not want the condos. Mr. Nadeau stated that he understands there are areas with this proposal that are outside of the GEIS but the general consensus of the public through survey has stated they want single-family units. Mr. Nadeau stated he agreed with Mrs. Patenaude on that it may create more of a problem and that there are other areas in the Town with traffic problems. Mr. Higgins stated he agreed that the location of the condos should be near the traffic lighted intersection. Mr. Higgins asked if the Town had any estimates on the cost needed for the improvements. Mr. Polak stated there is not an updated cost but the last one was about a million dollars. Mr. Watts stated the Town does have existing funds for traffic improvements and hopefully the Town would be close to do the improvements. Mr. Nadeau stated the hopeful part is the problem. It does not appear to be able to be done right away. Mr. Watts stated the attempt was to come up with a way to fix an occurring problem that has been identified by the Planning Board on numerous occasions. Mr. Nadeau stated he understood but is concerned. Mr. Berkowitz asked how soon would the traffic improvements occur. Mr. Berkowitz would not feel comfortable on voting on anything unless there was some sort of traffic improvement timetable. Mr. Polak stated the Town would need all of the money, have drawings in hand to be reviewed by the County and State and that would be a long process. Mr. Berkowitz asked when the funds would be forwarded to the Town. Mr. Abele stated the fees would be paid to the Town upon the issuance of each CO. The project would be phased and it is too early to determine when full build out would occur. Mr. Abele stated they are willing to go either way with or without the condos. The issues are very complicated; there is a learning curve. The applicant stated they would work with the Planning Board and cooperate with the Town in what direction they feel is best. Mr. Nadeau stated that in his opinion he likes the proposal with no condos. Mr. Ruchlicki asked if the monies could be forwarded before the completion of the project. Mr. Abele stated the mitigation fee would be paid as each CO issuance. Mr. Abele stated that he improvements on Rt 146 will cost \$250,000 and there are improvements with the Towns water system. The project must be economically viable to the developer in order to continue, so monies up front would create too much of an economic burden to move forward. Mr. Nicholson asked to discuss the revisions with CHA and further discuss the issue at the next Planning Board meeting. Mr. Watts stated he would let the applicant know how to proceed with the application in the near future. This item was tabled.

03.147 Parkford Square, 449 Route 146, Commercial Site Plan. Mr. Gordon Nicholson presented the project and stated the last time this application appeared in front of the board was in early June. The applicant has a traffic study, performed by Creighton Manning, in response to CHA comment letter. There was initial concern from the Board about a curb cut on Rt. 146 whereas the traffic study shows the sight distance is acceptable and the stopping distance is acceptable but the traffic study has suggested that some vegetation be removed to improve the conditions. The traffic study suggests that the Rt. 146 curb cut be one lane in and one lane out. The applicant has contacted the Saratoga Sewer District and there is acceptable capacity and there is no problem with the connection to the force main on Route 146. The density has been reduced by approximately 800 to 1,000 square feet. Saratoga County and CHA have suggested the site have two front yard setbacks, which are illustrated on the plans. On the plan are also some subsurface stormwater management locations. They are asking the Planning Board to set up a committee and refer this to CHA along with the traffic study. Mr. Watts asked if anyone from the Board had any questions. Mr. Higgins asked about the road going around the perimeter, it was discussed one time, if it was required for access to the dumpster area or traffic. Mr. Nicholson responded they are looking at it as a service alley. They have prepared the traffic study to be set up for Office Space and Retail. Mr. Nicholson stated it was important to get service behind the building. Mr. Higgins asked about the properties in the rear. Mr. Higgins stated some are Commercially Zoned but are residentially used. Mr. Nicholson

stated there is the Auto Auction and some residents that border the site and some vacant land. A resident stated there is no vacant land it is all residential. Mr. Berkowitz asked what the distance between the resident's property line and this property line. Mr. Nicholson responded approximately 20 feet. Mr. Nicholson stated there is a cluster of vegetation they will be preserving at the rear of the site. They started out with the service lane around the building because it is normal practice for retail space. Mr. Higgins stated the Board has historically looked at a 50 foot no cut buffer by residential zones. Mr. Higgins stated that could be part of the committee discussion. Mr. Watts read a letter submitted by some residents with concerns. (Attachment #1). Mr. Roberts and Mr. Berkowitz will serve as the committee. This item was referred to CHA and tabled.

03.166 County Waste, 1927 Route 9, Addition to Site Plan – PDD. Mr. Tom Address was present and stated they are proposing to redo the entire site and take an outside sorting operation and bring it inside. They are also proposing to upgrade the existing buildings into more efficient space. They are also putting in more parking spaces for cars and trucks and more gravel areas for roll off trucks. They will now be connecting to the Saratoga County Sewer and creating a large retention basin. They are also building a private water system because of the distance to public water for their fire protection. Mr. Address stated that is their proposal. Mr. Address stated there has been a change since the last time they were before the Board. Mr. Address stated the buildings are in a slightly different configuration. There was another building that was proposed for the maintenance with a 10-foot strip in between but it made more sense to make it a single building and adjusted the square footage as needed. Mr. Address stated they have modified a couple of the storage areas. Mr. Address stated they have responded back to CHA's comments about the backup beepers and stated they will come up with a solution, possibly a temporary shut off of the beepers. Mr. Watts would like an answer for that comment. Mr. Nadeau asked if anyone recalled any comment made or the wording stating at the time of the original approval that this approval would only stay with this applicant and if the operation was sold all approvals attached to this site will be void. Mr. Higgins stated it would require the next applicant to come before the board for an approval. Mr. Higgins stated at one of the earlier meetings it was requested to have a narrative submitted of how the applicant plans to operate the new buildings and asked if that has been done. Mr. Address stated he has not seen that information, but Mr. Joe Bianchine was the previous presenter. Mrs. Patenaude asked if the Board has received a copy of the traffic study. Mr. Address stated it has not been submitted. Mrs. Patenaude stated he and Mr. Ruchlicki went to this site and she was very impressed with this business as a whole. The place was clean, well run and no smells. Mrs. Patenaude stated there were some issues that Mr. Ruchlicki will discuss. Mr. Ruchlicki stated when they were on the site there was an area behind the bins there was some fill in there from a demolition job and they are using it as fill. Mr. Ruchlicki stated they did speak to Mr. Earl about it and stated that area should be cleaned up and covered with dirt and seeded. Mr. Ruchlicki stated it is close to the creek and the wetlands. Mr. Ruchlicki stated he would like to see more work done by the location of the new well. Mr. Ruchlicki stated he would like CHA to get together with the applicant to review the retention basin. Mr. Ruchlicki would like to see the specifications for the oil and water separators. Mrs. Patenaude stated one other thing was underneath the new building they talked about liners that would go down to protect any seepage and wanted to know if any of that was on the plans. Mr. Address asked if Mrs. Patenaude meant the liners under the concrete. Mrs. Patenaude stated she believes it was underneath the area surrounding it. Mr. Ruchlicki stated there is something permeable under the current sorting slabs. Mr. Address stated under a slab they would do that but not under a building. Mrs. Patenaude would like some detail on that. Mr. Watts stated they would schedule a public informational meeting.

Mrs. Patenaude made a motion to schedule a public informational meeting for Monday August 25, 2003 at 7: 00 pm or as soon there after. Mr. Higgins seconded. Motion carried.

03.167 Kinetic Towing, 159 Ushers Road, Change of Tenant. Mr. Joe Tedesco was present and stated he was previously before the Board for a change of tenant and he needed a variance. Mr. Tedesco stated he has been to the Zoning Board and has been granted approval. Mr. Tedesco stated they are not at this time adding the living space they are only looking for the approval of the change of tenant. Mr. Tedesco stated they are still using 21 Solar Drive during the day. Mr. Watts asked if anyone had any questions.

Mr. Berkowitz made a motion to approve the change of tenant as presented. Mr. Nadeau seconded. Motion carried.

03.173 Ellsworth/Babcock Subdivision, 306A Grooms Road, Lot Line Adjustment.

03.174 Babcock Financial Advisors, Inc., 306A Grooms Road, Change of Tenant & Sign. Mr. Duane Rabideau of Gil Van Guilders Office was present and stated they are looking for approval of the lot line adjustment and change of tenant. Mr. Rabideau stated they are making a single-family home into professional offices. Mr. Rabideau stated some of the issues that came up were is there enough site distance on Grooms Road. Mr. Rabideau stated looking to the east there is approximately 547 feet and looking to the west there is approximately 929 feet. Mr.

Rabideau stated one other issue that came up was the drainage around the house. Mr. Rabideau stated he spoke to Mr. Tom Babcock about the potential dumpster and stated his use does not warrant a dumpster. Mr. Rabideau stated they have provided a location for a dumpster for the future if one is needed. Mr. Watts asked why would they do that. Mr. Rabideau stated it was requested by CHA. Mr. Watts stated he does not understand that and to not even put the pad there. Mr. Rabideau stated ok. Mr. Rabideau stated one other issue was with the sign. Mr. Rabideau stated the sign is now parallel with Grooms Road. Mr. Nadeau asked Mr. Bianchino if he reviewed the drainage. Mr. Bianchino was reviewing it now. Mr. Watts asked if there was any intention of touching any of the trees by the Timberwick side. Mr. Rabideau responded no the only changes would be to add trees to the front of the site. Mr. Higgins asked if they should put their snow storage on the western side. Mr. Bianchino agreed. Mr. Higgins stated on another professional office site they had mentioned difficulty about seeing a sign that is parallel to the road instead of perpendicular. Mr. Higgins asked if they wanted to look at that further. Mr. Watts stated based on the ordinance the size of the sign would be too small so they would need to make it that way. Mr. Williams stated at the last meeting Mr. Roberts looked at it and they are only allowed 10 square feet. Mr. Roberts is ok with the sign. Mr. Bianchino asked if they were granted approval by the ZBA. Mr. Rabideau stated yes. Mr. Bianchino stated the question of parking in the front of a POR was not addressed. Mr. Bianchino stated the ordinance indicates parking should be in the rear or on the side. Mr. Nadeau stated from Grooms Road you couldn't see the cars. Mrs. Patenaude stated with the location of the house in the front actually gives some protection to the parking lot.

Mr. Nadeau made a motion to approve the application as presented contingent upon the 50-foot buffer being maintained and CHA's sign off on the drainage. Mrs. Patenaude seconded. Motion carried.

03.180 Car Essentials Inc., 1603 Route 9, Sign. This application was removed from the agenda.

#### New Business:

03.187 Team Title Abstractors Inc., 1406 Route 9, Change of Tenant & Sign. No one was present.

03.188 Your Salon Gallery, 1581 Route 9, Sign. Mr. Frank Stauder was present and stated there is a change in the name of the business. It is Salon Gallery not Your Salon Gallery. The Attorney misrepresented it at the time of the first application. Mr. Stauder stated the sign would be 36 square feet internally lit. Mr. Watts asked Mr. Williams if there were any problems with it. Mr. Williams responded no. Mr. Watts asked if Mr. Roberts has seen this. Mr. Williams stated he did not have the opportunity to see it. Mr. Stauder stated it would be replacing the I Love My Heart sign.

Mr. Berkowitz made a motion to approve the sign application as presented. Mr. Higgins seconded. Motion carried.

03.189 1-800-Mattres, 1581 Route 9, Change of Tenant & Sign.

03.190 I love My Heart, 1581 Route 9, Change of Tenant & Sign. Mr. Tom Andress presented both applications together. Mr. Andress stated I Love My Heart is moving from upstairs to downstairs. The Salon was approved at the last meeting and they are taking a portion of the I Love My Heart space. 1-800-Mattres is going to occupy the other half of the I Love My Heart space. Mr. Nadeau asked what was approved for downstairs other than storage. Mr. Andress stated there is an 8,000 square foot building footprint for the two stories which adds up to 16,000 square feet total building. The top story has been approved for 8,000 square feet of Office/Retail and the bottom story has been approved for 2,800 square feet of Office/Retail totaling 10,800 square feet leaving 5,200 square feet for storage in the basement. I Love My Heart will utilize the bottom retail area of 2,400 square feet and the rest will be utilized for storage from all of the tenants. The Planning Board originally 21st Century Mechanical to utilize the bottom area. Mr. Higgins stated it was not for retail but for storage. Mr. Andress responded the site plan approval allowed 2,800 retail use for the bottom area. Mr. Higgins agreed but asked how the storage area is separated from the retail area. Mr. Andress stated by a wall and is accessible from all of the tenants. Mr. Nadeau asked where will the customers park to access I Love My Heart. Mr. Andress stated there is parking set up from the original site plan in the back of the building. Mr. Higgins stated that there are only three lights for the whole site and questioned if the top coat has been placed. Mr. Andress stated he believes so and that in his understanding the owner is preparing to place sealer on the parking lot. Mr. Higgins stated that there is one light in the back and if that was safe for customers to utilize the area. Mr. Watts asked if Mr. Williams could check the status of the lighting and the pavement compared to the site plan.

Mrs. Patenaude made a motion to approve the new tenant application and the I Love My Heart change in location contingent on the Planning Department reviewing the site to assure there is sufficient lighting in the

rear of the building and the top course and pavement is in good condition. Mr. Nadeau seconded. Motion carried.

Mr. Watts asked if anyone had anything else for the Board. Mrs. Patenaude made a motion to adjourn at 9:35 pm. Mr. Nadeau seconded. Motion carried.

The next Planning Board meeting will be August 25, 2003.

Respectfully Submitted

Tara Anuszewski, Secretary  
Town of Halfmoon Planning Board