

Town of Halfmoon Planning Board

Meeting Minutes – June 24, 2013

Those present at the June 24, 2013 Planning Board meeting were:

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

Director of Planning: Richard Harris
Planner: Roy Casper
Planning Volunteer: Paul Marlow

Town Attorney: Lyn Murphy

Town Board Liaison: Walt Polak

CHA Representative: Mike Bianchino

Mr. Ouimet opened the June 24, 2013 Planning Board Meeting at 7:02 pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the June 10, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the June 10, 2013 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried. Mr. Nadeau abstained due to his absence from the June 10, 2013 Planning Board meeting.

New Business:

13.068 NB Real Estate Upstate, LLC, 139 Meyer Road (Simmons Capital Group) – Change of Tenant

Mr. Brian Lyda, Atty., stated the following: I represent Mr. Donald Simmons from Simmons Capital Group and also Real Estate Upstate, LLC. We're here tonight for a change of tenant application. We have submitted our application to the Planning Department on June 7, 2013. Real Estate Upstate is a domestic limited liability company that was formed in August 2004. They would be occupying the entire second floor of the premises. They have a few advisors, attorneys, tax accountants and real estate brokers and they do a lot of internet based work. A lot of their business is outside the office and they're in the field, so to speak. The parking is more than adequate for what we need. We have 4 full-time employees and 2 part-time employees. The hours of operation are 8:00am to 5:00pm. We would operate the business on appointments only and we don't expect much walk-in traffic. Mr. Ouimet asked is this one corporation, but with several components of that one corporation and it's not four different separate businesses, correct? Mr. Lyda stated as I understand it, yes that is correct. Mr. Ouimet asked Mr. Casper if he had reviewed the parking situation at this site? Mr. Casper stated yes, the parking is adequate for both

businesses. Mr. Higgins asked does the second floor have its own entrance and exit and restroom facilities? Mr. Lyda stated yes and we also submitted the second floor plan with our application and there is a bathroom on the second floor. Mr. Higgins asked could you tell me about the parking at the site? Mr. Lyda stated the following: There are a total of 19 parking spaces available on the site. We expect the 4 full-time employees and 2 part-time employees to utilize 4 of those parking spaces. Simmons Capital Group has 4 full-time employees and 2 part-time for a total of 12 parking spaces between the two businesses. There would still be 7 parking spaces available for any type of client. Mr. Higgins asked would all the employees park in the rear of the site and then the front would be open for client parking? Mr. Lyda stated yes. Mr. Ouimet asked is there an elevator in the building? Mr. Lyda stated there is no elevator in the building and there is an exterior staircase on the north side of the building with 3 entrances to the first floor and access to the upper level. Mr. Ouimet asked would the upstairs employees share the conference room on the first floor just in case you had an ADA (Americans with Disabilities Act) issue and somebody needed handicap access to the building? Mr. Lyda stated we don't have office space available for the public on the second floor and the conference rooms are on the first floor, which is ADA compliant. Mr. Ouimet asked so the second floor doesn't accept walk-in trades or any of that and is it just offices and staff? Mr. Lyda stated right. Mr. Higgins stated the following: I thought when the applicant originally came in, the applicant was told that if he was going to use the second floor, he had to have an elevator. When the applicant originally came in with his redesign, he was just going to use the second floor for storage. Then the applicant said he might want to put another tenant on the second floor and I believe, if you go back through the meeting minutes, he was told at that time that if it was going to have another business on the second floor, it had to be handicap accessible and he would have to put an elevator in. I know they ended up putting in a fire escape and asked how many square feet is the building? Mr. Berkowitz stated 4,000 SF. Mr. Higgins stated the following: What is the State Code as far as an elevator? I thought it was 2,500 SF. Mrs. Murphy stated we can ask Code Enforcement to look at it. Mr. Higgins stated I remember the discussion when he was in the first time, which was over a year ago. Mr. Lyda stated we've made several appearances and I don't know. Mr. Ouimet stated I'm not sure because the second floor isn't accessible by other than staff if you need any more than a stairwell exit or access and we can check into that. Mr. Nadeau asked Mr. Higgins if that was based on the retail. Mr. Higgins stated the following: No, because there are offices and there is a State requirement for offices. I know this because my company is going through that right now. We were going to start using the second floor and because of the square footage, we have to put an elevator in if we are going to use the second floor. Mr. Ouimet stated if we chose to authorize the change of tenant, we could do it conditionally on Code compliance. Mr. Higgins stated the following: Recently you had some kind of open house there and they were parking on both sides of the street. Just make sure that the applicant knows that he is not supposed to be on the Town road and he is supposed to utilize the parking that he has on-site. Mr. Lyda stated okay, I will let him know not to do that. Mr. Ruchlicki stated the following: I thought it was kind of an unusual situation because he had a tent in front of the building and that absorbed the parking. Hence, it forced everybody out onto the road and I know that the parking in the back of the building still wasn't prepared yet and that's the reason the people were probably parking in the street. Mr. Lyda stated the following: Again, I will let him know. It was a grand opening and I wasn't aware that a tent was coming, but had I known, I would have told him to get some signs or something to direct traffic away, but no one parked in the rear of the site? Mr. Ruchlicki stated I know that it was all new fill in the back of the site and it all was just recently redone so I don't know if it was even available to be parked on. Mr. Ouimet stated you will bring this issue to his attention, correct? Mr. Lyda stated yes. Mr. Roberts asked do you plan on having a sign at this site? Mr. Lyda stated no sir.

Mr. Roberts made a motion to approve the change of tenant application for Real Estate Upstate, LLC contingent upon the building meeting the State Building Code. Mr. Berkowitz seconded. Vote: 5-Aye, 0-Nay, 1-Abstain. Motion carried.

13.069 NB Halal Meat Market, 1683 Route 9 (St. John Plaza) – Change of Tenant & Sign

Mr. Tom Pratico, of Bast Hatfield and The Rexford Group, stated the following: We're here tonight to propose a tenant change at St. John Plaza, located at 1683 Route 9, from the existing tenant space previously occupied by Revolutionary Velo Watts bike center to the Halal Meat Market. Halal Meat Market is a specialty Indian-Pakistan cuisine type market. They will have 2 full-time employees during the week and 2 additional part-time employees on the weekend. We also have a sign application for an internally lit sign that would just replace what is there now. I believe the parking is very similar in quantity to the Revolutionary Velo Watts bike center as for the meat market. The meat market may require a couple more parking spaces, but we've never had any parking problems or issues at the plaza due to the mix of tenants that we have. Mr. Harris stated the following: We looked at the history of the approvals of this Board based on what our Town Code requires. In some cases it is based on the use of square footage and its employees. It's a combination of the two and we came up with a calculation that was in the Planning Board Topics and as I mentioned at our pre-meet. I met with Mr. Pratico and there is a revision to that based on your approval for Revolutionary Velo Watts where this Board considered that use was a unique use that is not clearly defined in the Code. You have the authority to consider it in a unique manner based on parking and you considered 12 parking spaces for Revolutionary Velo Watts. The Halal Market would require 17 parking spaces so, an additional 5 parking spaces above what was previously required. When you do an overall calculation based on the revised numbers that Mr. Pratico provided to me today of the square footage I had and the employees changed on some of them and currently, based on Town Code, there is shortage of 43 parking spaces on the site plan and that does consider what we talked about regarding landbanked parking. Currently there are 114 striped parking spaces and an additional 14 are landbanked, which would be a total of 128 parking spaces and I came up with a calculation based on Mr. Pratico's revised numbers of 171 parking spaces required in the Town Code, which is a shortage of 43 parking spaces. Mr. Ouimet stated and you counted the landbanked parking too. Mr. Harris stated I did consider the landbanked parking and that's included in that. Mr. Ouimet stated the previous use was a discretionary use on the part of the Board, correct? Mr. Harris stated that is correct. Mr. Ouimet stated the following: So, it wasn't a defined situation. Mr. Harris stated right. Mr. Ouimet stated however, this proposed use that Mr. Pratico just presented requires a defined number of parking spaces. Mr. Harris stated yes, it's categorized as a retail use under the Code and that is based on square footage and employees and the calculation comes out to be 17 parking spaces. Mr. Berkowitz asked where is the landbanked parking located? Mr. Pratico stated there are 10 spots in the rear of the building and 4 spots out in the middle of the parking lot. Mr. Berkowitz asked is there also a spot on the right hand side by where the mattress place used to be or is and is that landbanked also or is that just greenspace? Mr. Pratico stated no, that is greenspace. Mr. Berkowitz stated it looks like you could fit more parking in front of that whole area also. Mr. Pratico stated correct. Mr. Berkowitz asked do you know how many spots that would be? Mr. Pratico stated there are 24 spots right across the front. Mr. Berkowitz stated it looks like you could fit more on the right hand side, but I don't know how many would go there. Mr. Pratico stated yes, probably maybe 6 or 7 more. Mr. Harris stated we would want to see a revised site plan showing those landbanked parking spaces to get an idea where they are beyond the 14 that are already

shown. Mr. Berkowitz stated I personally have never seen a parking problem in that plaza, but I know we have to abide by our guidelines for parking. Mr. Ouimet asked Mrs. Murphy if the Board had any discretion under the Code? Mrs. Murphy stated no, because this is a defined use, the parking is mandated as set forth in your local law and that is one of the issues that I know Mr. Polak is looking at with the Zoning Review Committee. The applicant obviously, should this Board have no choice but to deny the application, could go to the Zoning Board of Appeals (ZBA) and explain that there aren't any parking issues and move forward with the tenant through that process. Mr. Pratico stated for example: Sheron's Uniforms requires 12 parking spaces and he is the only employee and he has maybe 2 customers, if that, in there at one time. There is a similar situation with the real estate people who are there very sparse and their agents come and go. Mrs. Murphy stated the following: The Board understands what you are saying and unfortunately, the way the local law is written, they don't have the ability to make those changes. If it's retail, it's this many parking spots. Mr. Pratico stated I understand, it's just that we have never had a problem there because that is how it works.

Mr. Roberts made a motion to deny the change of tenant application for the Halal Meat Market due to a failure to comply with the Town Code related to off-street parking requirements. Mr. Nadeau seconded. All-Nay. Motion carried.

13.070 NB Glen Meadows Subdivision, 130 Upper Newtown Road – Sign

Mr. Mike Arel, of Delmar Sign Shop, stated the following: The proposed sign is a high density urethane type sign. The sign would be mounted on a stone pediment. The height of the sign from ground level, to the top of the sign, to the base of the stone pediment is approximately 5 FT. The sign would be located to the left hand side of the entryway of the Subdivision. Mr. Ouimet asked who owns the property? Mr. Arel stated Abele Builders. Mr. Ouimet asked ultimately, would the sign be owned by a Homeowner's Association (HOA)? Mr. Arel stated the following: I'm sure exactly how they are going to address that because that wasn't indicated to me. I was just asked to build the sign and I was never informed as to how that was going to go. Mr. Roberts stated the following: I just want to reinforce the fact that the sign is not going to be mounded up and it's going to be flat on the ground. Mr. Arel stated from what I was told it is actually going to be part of the grade and they are not going to build it up. Mr. Roberts stated the following: Okay, because that would make a difference on the height. Is the sign going to be lit? Mr. Arel stated we are not proposing at this time any type of lighting and if we have to come back, we will. Mr. Harris stated the following: The application did say that the sign would be flood lit. Also, on the sketch of the sign location, the property does indicate that it would be conveyed by Abele to the Homeowner's Association (HOA) and that was something that the Town's Highway Superintendent asked us to clarify. I did check and based on the subdivision approval there was a tentative location of sign at that time and that was shown on the HOA land. Mr. Arel stated again, I wasn't aware that we were going to be contracted to do the lighting. Mr. Roberts stated if the sign is going to be lighted with floodlights, make sure that the lights don't point towards the road. Mr. Arel stated okay. Mr. Ouimet asked is it clear that the responsibility for maintaining that sign is going to rest with Abele or whoever owns the property on which it sits? Mr. Arel stated I believe in past projects, what we've done is we have been contracted by Abele to come back out if repairs or maintenance to the sign have to be made. We've been doing business with the Abele's for over 25 years and in past projects that's what we've been asked to do. The HOA would contact us and we would come out and take care of that. Mr. Ouimet stated so as far as you know that property is either going to be owned by Abele or by the successors HOA. Mr. Arel stated I believe it possibly could be owned by the HOA. Mrs. Murphy stated based on the map, it is on HOA property.

Mr. Ruchlicki made a motion to approve the sign application for the Glen Meadows Subdivision. Mr. Higgins seconded. All-Aye. Motion carried.

13.071 NB Shear Styl'n, 9 Marcel Road – In-Home Occupation

Ms. Susan Mollnow, the applicant, stated the following: I'm proposing to operate a one chair hair salon in my home. The hair salon is within my home, but it would have its own entrance. There are 4 parking spaces provided at the side of the house for customers. I would be the only employee. Mr. Ouimet asked how many chairs and how many stations would you have? Ms. Mollnow stated I will have one station and then there is also a dryer station and a manicure. Mr. Ouimet asked Mr. Casper if he had looked at the parking at the site? Mr. Casper stated 3 parking spaces would be required for this in-home occupation and there are 4 parking spaces available. Mr. Higgins asked if there was a restroom facility in that portion of your home. Ms. Mollnow stated yes, there is.

Mr. Berkowitz made a motion to set a public hearing for the in-home occupation application for Shear Styl'n for the July 8, 2013 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

13.072 NB Provider Consulting Solutions, Inc., 3 Corporate Drive – Change of Tenant

Mr. Joe Bianchine, of ABD Engineers and Surveyors, stated the following: I'm representing Provider Consulting Solutions, Inc. who are currently located at 3 Corporate Drive on the first floor and they are proposing to move to the second floor and they would be reducing their square footage by a little over 1,000 SF from 3,900 SF to 2,700-2,800 SF. Mr. Ouimet asked if they would be a change in the staff? Mr. Bianchine stated they are reducing the staff from 12 employees to 10 employees. Mr. Ouimet asked has the parking situation been reviewed? Mr. Casper stated Provider Consultant Solutions was approved for 19.54 parking spaces by the Planning Board on December 10, 2012. According to Town Code, the reduction in square feet of leased space would require approval of 14 parking spaces. There are adequate parking spaces provided on site for all tenants at 3 Corporate Drive, including the applicant. Mr. Roberts asked are they going to have a sign? Mr. Bianchine stated there is a directory sign, but I don't know if there is a separate sign. Mr. Ouimet stated if there is going to be a sign; you would have to come back to the Board for a sign approval. Mr. Bianchine stated okay.

Mr. Roberts made a motion to approve the change of tenant application for Provider Consulting Solutions, Inc. Mr. Nadeau seconded. All-Aye. Motion carried.

13.073 NB Axiom Capital, 12 Corporate Drive – Change of Tenant

Mr. Joe Bianchine, of ABD Engineers and Surveyors, stated the following: Axiom Capital is a consultant for commercial lending and they broker commercial lending. They are currently located in Albany. Axiom Capital has 8 full-time employees and their hours of operation are 9:00am to 5:00pm Monday through Friday. 12 Corporate Drive is a multi-use building so there are other tenants at that site. I think there is ample parking at that location. Mr. Ouimet asked are they going to have a sign? Mr. Bianchine stated no sign on this one either. Mr. Ouimet asked Mr. Casper if he had reviewed the parking situation at this site? Mr. Casper stated yes, the parking is adequate in this case as well.

Mr. Ruchlicki made a motion to approve the change of tenant application for Axion Capital. Mr. Higgins seconded. All-Aye. Motion carried.

13.058 NB Sprint (Co-location), 7 Vosburgh Road – Addition to Site Plan

This item was tabled due to the failure of a representative to appear before the Board for the addition to site plan application.

13.067 NB Trustco Bank, 215 Guideboard Road (Salty's Plaza) – Commercial Site Plan

Mr. Joe Bianchine, of ABD Engineers and Surveyors, stated the following: Trustco Bank currently has a branch office at Salty's Plaza. This is one of the few Trustco Banks without a drive-thru so, the applicant would like to add a drive-thru at the end of the building. The area at the end of the plaza is currently just a blacktop area and it's not really defined. To do this the drive-thru would have a small canopy over it and it would be set back about 25 to 28 FT from the corner of the building. The traffic pattern at the plaza would have to change such that traffic would come in and circle around and then come back up along the building so that it is on the driver's left hand side. There would be 2 lanes; 1 for a drive-thru and 1 for an ATM machine and then a 3rd lane for a bypass lane. To do this we had to extend the front because there is a fire lane along the front of the bank. So, we are extending that and putting in 4 FT high by 6 inch in diameter bollards so they are clearly visual. You can't drive through the bollards, but you can walk through them. The bollards would extend out to direct traffic that comes along the front of the building. There would be an island that would be a raised mound such that we could landscape it with some low shrubs. There would be directional arrows, a one-way and stop signs as needed around the turn. There could be an access from Hayner Heights Drive and you could go through the bypass lane and get to the front of the building. Mr. Ouimet asked would that design have any impact on the ability to get to the back of the buildings for drop-offs? Mr. Bianchine stated a truck could get through and go along the back of the building and make deliveries. Mr. Ouimet asked would the trucks have to back up all the way out? Mr. Bianchine stated no because that area is all wide open and the trucks would be able to drive in and out just like they do now. Mr. Nadeau stated I have a concern with using Hayner Heights Drive because I believe there are apartments in that area and I have questions about using that for heavier traffic to be using this facility. Mr. Bianchine stated people from Hayner Heights Drive could come through there to get to the front, which they can do now. Mr. Nadeau asked what would stop the public from coming through Hayner Heights and coming through your drive-thru? Mr. Bianchine stated they can do that now and there's nothing really to prohibit them. Mr. Higgins stated the following: When the applicant was here for Gil's Garage, we talked extensively about possibly cutting that off totally and he said "oh no, that is used by the public, delivery trucks and everything else all the time". With this design, the delivery trucks might be able to get back there, but they can't come back out that way. Mr. Bianchine stated if a delivery truck comes in this way, they can get back here and they can go to the back of the facility. Mr. Higgins stated but now they can back out through there. Mr. Bianchine stated but now they can come back out through there and if they wanted to, they have to come back to Hayner Heights Drive to Route 236. Mr. Higgins stated the following: As I said, when the applicant came for Gil's Garage, we talked about this extensively and he wanted to maintain that as an open area for traffic. What you're doing right now is preventing any kind of delivery trucks from going through that area and it's going to be restricted to strictly cars. Mr. Bianchine stated the deliveries truck can go one-way. Mr. Higgins stated but they can't come out that way so, that means all of the deliveries trucks are going to be forced out onto Hayner Heights Drive exiting the facility. Mr. Bianchine stated right and the owner of the plaza is aware of that because he signed off on the site

plan. Mr. Higgins stated the owner is, but I'm not quite sure that I'm comfortable with this setup. Mr. Nadeau asked are you saying that that is a through way now because I always understood that was kind of blocked off. Mr. Bianchine stated its wide open and it's not blocked off. Mrs. Murphy stated the following: What Mr. Nadeau is talking about is at one point there were yellow poles or bollards preventing use of that entrance based on Planning Board concerns with access onto Hayner Heights Drive. Those poles or bollards have since been removed and now it is a through way. Mr. Bianchine stated correct. Mr. Roberts stated I think we should refer this to Mr. Bianchino for review. Mr. Ruchlicki asked what is on Hayner Heights Drive? Mr. Bianchine stated there are apartments there. Mr. Higgins stated the following: What are the three lanes for? I see that one lane is for a drive up. Mr. Bianchine stated one lane is for drive up, the middle lane is an ATM lane and the third lane is the bypass or escape lane. Mr. Ruchlicki asked how many feet is there between Hayner Heights Drive and the front entrance off of Route 236? Mr. Bianchine stated it's probably about 250 FT. Mr. Ruchlicki stated people would already be slowing down for the intersection and I'm almost thinking it's going to be safer. Mr. Bianchine stated I tend to agree with you. Mr. Ouimet stated just so I understand; where is the main entrance to the drive-thru? Mr. Bianchine stated the main entrance would be coming in from the front of the plaza and looping around to the drive-thru. A few people driving on Hayner Heights Drive could come in from the back of the plaza. Mr. Ouimet asked is it the intension of the Bank to assign Hayner Heights Drive as the entrance way to the drive-thru? Mr. Bianchine stated no. Mr. Ouimet stated in order to understand what you're proposing; if you have 2 ways in, are you proposing to advertise 2 ways in or just 1 way in? Mr. Bianchine stated we're advertising just 1 one in from the front of the plaza. Mr. Ouimet stated the following: I think that that takes up a little too much room on that side of the plaza. I'm a little concerned about Gil's Garage because they have parking on the south side of the building and they have an operational overhead door there so that they can move cars in and out of there. If people are queued up to go into the drive-thru, it may pose a hazard of some nature. Mr. Bianchine stated there is plenty of stacking in one area along the building. Mr. Ouimet stated the following: I think this is something that we're going to have to refer to CHA for review. Also, I would also like to see an emergency services review because I wouldn't want to comprise any emergency plans that they have for that plaza.

This item was tabled and the Board referred the application to the Town Engineer/CHA and Emergency Services for review.

Old Business:

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

This item was tabled. The Board will consider this application after receipt of the Saratoga County Planning Board's review, which is expected at their July 18, 2013 meeting.

13.063 OB Saratoga Academy Preschool, 17 Executive Park Drive – Change of Tenant & Sign

Mr. Ouimet stated the last time the applicant was before the Board we set up a committee to go to the site to look at the actual function of the academy on Executive Park Drive. Mr. Higgins stated the following: We met at the site around 2:30pm and were there until 4:00pm. At that time we saw the pickup of the students at dismissal and the stacking of the parents and people picking up the children going up towards building #15. Overall I think it was fairly orderly. When we were there the rope was up and the children were playing in the back and then they moved the children inside, the rope came down and buses and the parents looped around. As I said the last time you were before the Board, when this proposal originally came in, we asked about the flow and how

pickups were going to be handled. I don't think at that time we did not envision that you were going to be stacking on a Town road for the parents to pick the children up. We thought it would be more spread out than it is. We also looked at the new site and with the 80 children plus the employees that you are proposing; there is not sufficient parking at the new site. Plus we have concerns that there is no way to flow the traffic through because you would have to pull in, pull into a parking spot, get the child out of school and put the child in the car and then back out of the parking spot and pull out. I believe Mr. Casper had said that you were trying to come up with a different arrangement and asked the applicant if he was able to do anything at this point. Mr. Michael Christensen, of Saratoga Academy, stated the following: Our landlord is here tonight and I believe they were going to address that. Mr. Berkowitz asked do you have a site plan of the building? Mr. Christensen stated I don't have one and 2 of the 3 of the three owners of building #17 are present here tonight; Ms. Linda Donovan and Mr. Brian Strohl. Ms. Linda Donovan stated the following: We met with a contractor about adding additional spaces at building #17 and he said he could easily add 10 spaces. We don't have a site plan yet because we just met with the contractor at the end of last week. The contractor said there is enough room between building #17 and #19. We also own building #19 and we would still have enough on the borders to add those spaces. The contractor's suggestion was that by the time we add that strip of spaces, it will be so close our parking lot at building #19 that we could just pave through, which would also allow a much easier pickup and drop off for Saratoga Academy. They could drive through the parking lot at #17 and then swing out through #19. We normally have people working from 8:30am to 5:00pm so it would not really cause any conflict with our employees as a general rule as far as the times that the parents pick up the children. Mr. Ouimet stated but that site plan proposal is not before us tonight, correct? Ms. Donovan stated no, it is not yet, we just spoke of it last week with the contractor and we are now waiting for it. Mr. Roberts stated the following: When we were at the site, my concern was that I counted 21 vehicles that were parked along the interior roadway waiting to go to pick up their children. Now, when you go to the new proposed site, are we going to end up having this same problem? Mr. Christensen stated the following: No and I think this was product of our unanticipated growth. We've grown faster than we thought we would. We're currently the fastest growing school in the Capital District and in just 4 years we are the second largest independent school in the Capital District. When we realized last year that we were going to be faced with a potential dilemma in the dismissal window, we approached the Town Planners to discuss a possible solution. So, originally we did not come before the Board and ask for that but we did come back to the Town and say this is how we anticipate alleviating this situation, which was a 1-year situation. So, what was witnessed last week no longer is an issue and if we were allowed to move, it would cease to be an issue because in that car line up that you saw probably 15 to 20 of the cars were for preschool and they'd be shifted from #15, 24 and 1 Executive Park down to the parking lot at building #17. So, the necessity of having to extend out into the roads would be eliminated by a move. Mr. Roberts stated that is good because we would not want to see that repeat itself again. Mr. Christensen stated that was part of our own concern with it. Mr. Berkowitz asked would that queuing on the road take place at in front of building #17 now that you are transferring the preschool over to that building? Mr. Christensen stated no, there would be no need to. Mr. Berkowitz asked how are you going to get in and out of the parking lot picking up or dropping off all those kids at one time? Mr. Christensen stated there are never all of those kids at one time. Mr. Berkowitz asked how would pick up and drop off work then? Mr. Christensen stated they would just park in the parking lot, go in and pick up the child, then leave. Mr. Berkowitz asked would this proposal have a different arrangement as far as what you have at that school presently? Mr. Christensen stated the following: That is correct. That was a 1-year problem with a 1-year solution in our eyes and by moving to another site would eliminate the problem that we

faced this year. So, there should be no reason to ever overflow any of our parking lots. Mr. Ouimet stated the following: The dilemma that I have is that we have your application for a change of tenant for #17 Executive Park based on its present existing configuration. We don't have anything showing what you have proposed tonight about adding additional parking spaces or spilling over into #19 or anything about that. Based on what we have in front of us, and based on the observations of the committee that went out to the site, the most that we could approve under the existing Town code is 60 students and 2 less teachers. That's what we have in front of us and that's all we can deal with tonight. Mr. Christensen stated the following: I certainly can open with 60, but it would be difficult for me to continue doing business with only 60. So, I would certainly welcome a passing of the motion that we'd be allowed to open with 60 contingent that we would come back with a site plan revision to add the adequate parking and the turnaround to allow for that expansion as soon as it could be made possible by having that done. I could keep 20 students for 1 more year in the current facilities that I have. Mrs. Murphy stated for clarification purposes; I think what the Chairman is saying is if you wait 2 weeks and come back with a site plan layout that shows the additional parking and the traffic flow, that you may be able to accomplish everything in one go with no promises. Mr. Christensen stated the following: That I understand, but what I'm suggesting is with 2 more weeks, we are getting close to September 1 and we may have already missed the window for that date. So, every 2 weeks becomes important. I would be willing to go forward with an agreement of 60, which would allow me to start expending funds and doing the work that would need to be done with the understanding that we'd be coming back looking to get an approval based on the fact that we'd be able to meet the criteria for that expansion in regards to the parking spaces and the flow. We would be doing that in good faith, but I would hate for that to be a moving target for us though. Mr. Ouimet stated the following: I think there is another issue too. The Board is also concerned with the issue of stacking that they observed when they were at the site and they don't want to see that at #17 or #17 and #19 whatever the combination ultimately turns into. Also, I think they would want the ability to monitor the situation, if we were to approve the change of tenant for #17. We would monitor parking situation of the drop off and pick up times and whether or not the cars are stacking on a Town road during this period of time. So, I think we would want a demonstration of good faith on your part as well as on our part if we are willing to entertain a future request for an expansion that you'd be willing to allow us to monitor the situation and determine if there is a parking issue or a safety issue created by the new site location, because there is no loop driveway. So, you can't do what you do at the existing site. We would want to see the whole school year to see how it worked out, but you'd only be operating under 60 students as opposed to 80 students. Mr. Christensen stated so, are you saying that you would be willing to approve 60 students for this year. Mr. Ouimet stated I didn't say that we're willing to approve it, I'm saying that we're willing to entertain it if the Board chooses. Mr. Christensen stated the following: Okay, you're willing to entertain it. Are you saying that you would not be willing to entertain an expansion of 80 students until the following school year as you would be monitoring it this year? Mr. Ouimet stated I think if you came in with a site plan that shows adequate parking for another 20 students plus teaching staff, I think we could entertain that without holding up the entire school year. Mr. Christensen stated okay. Mr. Ouimet stated and we would want to monitor the whole situation for a year. Mr. Christensen stated the following: As I said, the only thing that would create that situation would be if I wasn't able to move because I would have the same number of students and cars where I'm currently located. So, I don't see that as scenario that would play out this year at all. Mr. Higgins stated so; you would be moving the 60 preschool students from the other building and you wouldn't be moving any more students in that other building? Mr. Christensen stated the following: No. Our model is such that we had preschool through grade 6 this year. We are moving the preschoolers and we would move grades

5 through an expansion of grade 8 to a location in Rexford. So, now all that is there in the 2 existing buildings is kindergarten through grade 4. So, we're actually taking 6 classrooms out of that building. Mr. Nadeau asked how many students would remain there? Mr. Christensen stated right now it's 153 down from 220 and I can see that grow to about 175 to 180, but in our grade level configuration and you can do the math, we would never get back up that number with 3 kindergartens in two sections of our 2-1, our 3-2 and our 4-5 that is 9 classrooms and we currently have 12. So, we would never actually get back to those numbers, so there would be no necessity for doing what we had to do to get through this year. Mr. Higgins stated as far as the additional 10 parking spaces, are they totally on #17 and you would still have sufficient greenspace? Ms. Donovan stated I'm not sure about the greenspace, because I'm not sure what the actual requirements are, but yes, the additional parking spaces would be totally on #17. Mr. Higgins stated okay, because I believe the Planning Department can let you know, but typically it's a minimum of 20% greenspace. Mr. Strohl stated the following: We're not talking about touching anything in the front. We're mainly talking about the side of the parking lot and expanding that to pull in front facing angled parking. Mr. Higgins stated there is an elevation change between #17 and #19 and I'm assuming that you are going to regrade. Mr. Strohl stated it is a very slight elevation change. Mr. Higgins stated that's in the back and in the front there is a fairly substantial elevation change. Ms. Donovan stated the following: The parking lots wouldn't touch in the front, only in the back. If you're facing building #17, the strip would go along the left hand side of the current parking lot. When you get to the back of that, that parking lot angles and is very close to the parking lot of building #19. So, the plan would be to just do a cross through there in the back only. So, once you get to the back, there's not much of a grade difference. Mr. Ouimet stated okay, so there still would never be a possibility of a loop situation. Ms. Donovan stated not a loop per say, in theory the cars would potentially loop around between #17 and #19 if it got busy at pickup time because we would be paving between the 2 buildings. So, if it did get busy, cars could exit through #19 rather than causing a traffic jam at #17. Mr. Higgins stated I think we need to see a drawing on the proposed change. Mr. Ouimet stated the following: Yes, that is clear. What we have before us is a change of tenant for #17 without any change in the parking right now. So, the only thing that we can rule on is the application for building #17 right now as it exists. Mr. Higgins stated with 60 students and 2 less teachers than what was originally proposed, correct? Mr. Christensen stated that is correct. Mr. Ouimet asked are you saying that you are willing to reduce the number of students to 60 and the number of teachers from 9 to 7, is that correct? Mr. Christensen stated the following: What I'm saying is for the immediate purpose of getting approvals and being able to start doing construction. Yes, I could open with 60, but I can't continue doing business with 60, so that's the caveat that we would have to be able to consider the proposal of doing this additional work. Mr. Ouimet stated right, but you're clear that the number of parking places you have available to you in #17 and the fact that there is another tenant in the building, this Board is limited to what it can approve and it can only approve 60 students and 7 staff. Mr. Christensen stated the following: Correct. With the necessity of having 36 spaces allotted for having 80 students and the staff members, I don't see the necessity of having to put a loop in because in the past 5 years we never have had that many cars hit our preschool. Again, I don't necessarily see the necessity of having to create a loop, but certainly it could be done. As Ms. Donovan explained, they would enter at the side of the building, pick up the students, then exit around the back of building of her building and then out. So, we could create that loop, although again, I'm not certain that the numbers of students there would necessitate having one. Mr. Ouimet stated the following: I'm not suggesting that you have a loop, but a loop would help and you don't have a configuration with a loop. What you do have is a defined use in the code that requires a certain number of parking spaces and you don't have enough parking spaces to have 80

students and 9 teachers based on the configuration. If you add parking spaces and we don't have a transitional problem getting kids in and out of there or any other problems, that's something that we could entertain if you come in with a proposal to add parking spaces. Mr. Christensen stated knowing that in order for me to be able to do business there; I ultimately have to get to 80 and recognizing that it would require a site change or a site plan revision and things of that nature. What I'm getting from the Board is that you would prefer me to just come back with a site revision for 80. Mrs. Murphy stated the following: What I would advise the Board is they can't tell you that yes or no on 80 or even tell you that that's going to happen in the future because (A) they haven't seen it and (B) the proposal isn't before them. So, when they approve, if they were to approve 60 with conditions or whatever they decide to do, that's what they are doing tonight and there is no promise that when you come back that it will be 80. You're hearing from the Board that you're addressing their concern is helpful, but there is absolutely no guarantee that that will happen. They can't do it because they don't have it before them, which is why I think the Chairman started with "you may want to come back". Mr. Christensen stated okay. Mr. Ouimet stated the following: Obviously, it's your choice; if you want to put your proposal together with 80 students, you'll have to come back. If you want to go forward with this one, it's your choice. Mr. Christensen stated the following: In the discussions with our landlords, we would like to table this project until the July 8, 2013 Planning Board meeting at which time we would present a site plan revision to add the requisite parking and the flow through to have the 80 students that we originally proposed. So, if that is acceptable, we would like to do that. Mrs. Murphy stated the Board can table this proposal, but the applicant should get the amended application to the Planning Department prior to their deadline for that meeting, which is sooner rather than later. Mr. Christensen asked would this require a reapplication? Mr. Ouimet stated it just a modification. Mrs. Murphy stated right, it just a modification and the Planning Department needs to look at the layout before the July 8, 2013 meeting so that they can advise the Board as to whether it works or not. Mr. Ouimet stated we can set it for the July 8, 2013 Planning Board meeting or for July 22, 2013. Mr. Christensen stated the landlords told me that they should have that done within a few days. Mr. Harris stated I would need to have that by Friday, June 28, 2013 so that we can review the new proposal for the July 8, 2013 Planning Board meeting. Mr. Christensen stated okay

This item was tabled until the July 8, 2013 Planning Board meeting. The applicant stated they will develop a new site plan to show additional parking spaces and provide this to the Planning Department by June 28, 2013.

12.109 Halfmoon Assisted Living/Special Needs Assisted Living Facility,
410 Route 146 – Minor Subdivision
&
12.110 OB Halfmoon Assisted Living/Special Needs Assisted Living Facility,
410 Route 146 – Commercial Site Plan

Mr. Kevin Dailey, Attorney, stated the following: I'm here representing this project tonight with Mr. Brien Ragone from Lansing Engineering. We are pleased to tell you that we have a Planned Development District (PDD) approval from the Town Board and we're back here seeking 2 things; site plan approval and a subdivision approval. This is a project that you have seen for a period of years and you are very familiar with it. We have made some substantial progress and there is some work to be done. Mr. Ragone stated the following: As Mr. Dailey was stating, we're here for the Halfmoon Health Care PDD. The overall parcel is 25.2-acres and it resides on southern side of Route 146, just west of Fellows Road. There is approximately 11-acres of wetlands and some areas have been identified as archeological areas located on the overall parcel. The 3-lot

subdivision would have some form of medical office or facility on it and our plan represents the subdivision plan represents a conceptual of what they would look like. Once the development is complete, there will be approximately 21.5 to 22-acres of greenspace. Of that greenspace, approximately 10.5-acres or just under half of that will be wetlands. The remaining greenspace would be mostly lawn and landscaped or undisturbed wooded areas, which comes out to about 11-acres. Each lot would be serviced by municipal water and a force main would be installed for sanitary sewer that would connect to the Fellows Road PDD pump station located off-site up the road. Stormwater management would be managed on-site. I believe the next step in the process is that we're here to ask for a public hearing for the 3-lot subdivision part of this application. Mr. Higgins stated I know we had talked about landbanking some parking and you're showing 6 landbanked parking spaces. Mr. Ragone stated I was going to get into the site plan after the subdivision, but I can do that if you want. Mr. Higgins stated I would like to know what we're doing with this site before we start talking about potential subdivisions. Mr. Higgins stated do we have any idea what is going on those other 2 lots? Mr. Ragone stated other than what has been shown, we don't have actual tenants. Mr. Roberts stated regarding the 3-lot subdivision; these 3 lots being subdivided do not include the proposed hospital at this point, right? Mr. Dailey stated the following: The hospital and the location for that major medical facility are proposed for Lot #1. We also show 160,000 SF further back, which we had talked about as a Nano Bio-Research Facility at some time in the future. This PDD is 25-acres of lots #5, #6 and #7 from the original PDD is cutout as a separate parcel. We had to have more than 10-acres and lot #7 is really what we are focused on, which is for the memory care facility, was only 8.47-acres. So, we just took the next 2 lots in line and put that in with the PDD and we're about 23 to 24-acres from the total. The uses are exactly the same as what was approved in 2008 with the original PDD and we didn't change anything with those 2 buildings. We will probably desire to make some changes, but we know we have to come back to the Town Board and this Board for anything there, but we left everything the same rather than confuse the issue. What we're concentrating on tonight is the site plan for Lot #7. We had to do a subdivision for Lot #7 anyway so, we wanted to cutout Lot #5 and Lot #6 at the same time. Mr. Roberts stated so, we're reversing our trend here because in the beginning the hospital was supposed to be first and the way it looks now it may be last. Mrs. Murphy stated the following: For clarification; what happened was that the applicant had a very viable project that was not in conformance with the original PDD because it was prior to a hospital. So, the original PDD is gone and it no longer exists. This is a different PDD and the applicant went forward with the site plan and the PDD at the same time because everybody was very encouraged by having this type of use in Town and it helped the citizens to be able to have one of these facilities located in Town. So, we wanted to assist the applicant in going forward with that process, which is what happened. So, there is no hospital PDD in existence anymore. The applicant does intend on going forward with that process, but that's not before the Board. There is no application and it doesn't exist anymore. People are hopeful that that will occur in the future, but this is a separate PDD with 3 lots; one of which is being proposed to be developed as the Memory Assistance Facility and the other 2 are medical uses and/or bio-research according to the PDD. Mr. Ouimet stated the following: Taking it one step at a time, this is the subdivision and this is going to require County referral. The County Planning Board doesn't meet until July 18, 2013 so, if we set this for a public hearing, we can set it for our July 22, 2013 Planning Board Meeting to give the County time to issue an opinion because we really can't do anything with it until we hear back from the County. Mr. Dailey stated we are now going to go over the site plan for Lot #7. Mr. Higgins stated the following: I will now ask my question again regarding the landbanked parking for Lot #7. In my opinion I don't consider the 6 landbanked parking spots, considering the size of the project, to be sufficient landbanked parking space. Mr. Ragone stated the following: Right now we currently

have 82 parking spaces and with the additional 6 landbanked parking spaces it would bring us up to 88. I believe there were studies done. Mr. Higgins stated the following: I don't care about the studies. The Town regulations call for a certain number of parking spaces on that lot in order to be in conformance with the Town requirements. Obviously, we've talked about this a number of times. I'm not asking you to pave it; all I want you to do is to show me where you have enough room on that lot to give us the parking that is required by the Town ordinances. Mr. Dailey asked can you tell me for the record how many parking spots are required by the Town ordinance. Mr. Higgins stated I don't know. Mrs. Murphy stated the following: Here is what I think is happening; these plans are detailed plans and this isn't something that you would refer to CHA with this level of detail. So, what you need to applicant to do is to prepare more detailed site plans, so that you have something to refer to your engineer so that you can go forward with the site plan, and at that point in time you'll know based on the square footage of the building the requirement with regards to parking. Mr. Dailey stated the following: We did submit a parking study to CHA and the Town Board reviewed it. We commissioned the study, they looked at the uses and they looked at everything that we had in terms of background and I believe the parking study actually required 67 parking spaces, and we are showing 82 with 6 more landbanked for a total of 88. So, we conceivably have way more than we need. Also, it's a PDD that doesn't fit into the normal Town code process. Mrs. Murphy stated the following: The problem is that your plans just aren't detailed and you haven't gotten something from your engineer. When they did the PDD, they went through the SEQRA process and they talked about all of this. The site plan itself wasn't approved, but it was all discussed and the studies were done, but you want to hear from your engineer that it's okay and that's your issue. Mr. Higgins stated the following: I don't want to have problems at holiday times of people coming to visit their relatives and parking on Town roads. Mrs. Murphy stated there would be a restriction against parking on Town roads, but all of the plans that we've seen so far are in compliance with the approval of the PDD. I understand your concern and until your engineer reviews detailed plans, you're not comfortable saying okay. Mr. Roberts stated why don't we wait until we see a site plan that is accurate? Mr. Dailey stated we think we have an accurate site plan here. Mr. Ouimet stated where are your handicap spaces located? Mr. Ragone stated the following: There are handicap parking spaces in the front of the building. This site plan actually represents pretty close to what it's going to look like. No, it's not detailed, but that is going to be layout. Mrs. Murphy stated the following: I guess the detail question has to do with the grading, the slope and the layout and that it all works. That's the stuff our engineer needs to see. The "layout" works. The PDD approved the layout. So, the numbers are there, the land is there and it is in conformance with the size of the building proposed, etc. and that has all been gone through. Mr. Ragone stated our site engineering needs to be done and we do have to send it over the CHA. Mr. Ouimet asked when do you think you can do that? Mr. Ragone stated we are currently working on it right now and we're hoping probably within the next month. Mr. Ouimet asked can you do it before the scheduled subdivision public hearing on July 22, 2013? Mr. Ragone stated we can certainly try. Mr. Ouimet stated we also have to give CHA time to review it. Mr. Berkowitz asked does the County need all that information? Mrs. Murphy stated the County is going to be looking at the site plan and the subdivision is a separate issue and that's what we have to have a public hearing on. This proposal has already had 3 public hearings; 2 public informational meetings and 1 public hearing with regards to that picture that you have in front of you. Mr. Ragone stated I guess what I'm asking is; as soon as we are done with the detailed plans, the preliminary plans that you're talking about; can we send those on the CHA without coming back for another meeting? Mr. Ouimet stated I believe so and I don't see any reason why you couldn't. Mr. Ragone stated then when they have their comments; we can respond to them and then come back to that meeting at that time. Mr. Ouimet stated I just want to keep the

project moving along because it has been a while. Mr. Harris stated the following: If you're going to revise something before July 10th and get it to us, that's what we can have the public hearing on. If you want to just have it on the subdivision plan as submitted so far, that's fine. We just have to put what plan is the subject of the public hearing. Mr. Ouimet stated the public hearing will be on the subdivision that has been submitted. Mr. Ragone stated okay, because if you wanted the detailed plan for the site plan, we probably will not have that by July 10th. Mr. Ouimet stated so, if you can get the preliminary site plans over to Mr. Bianchino as soon as you can, that should give them adequate time. Hopefully, we'll hear from the County and we'll be able to go forward at that time.

Mr. Ruchlicki made a motion to set a public hearing for the minor subdivision application for the July 22, 2013 Planning Board meeting. Mr. Roberts seconded. Motion carried.

The Commercial Site Plan application was tabled for the applicant to submit a revised engineered site plans to the Town Engineer/CHA to allow review prior to the July 22, 2013 Planning Board meeting.

12.101 OB Victor's Farm Subdivision, Farm to Market Road/Smith Road – Major Subdivision

Mr. Jason Dell, of Lansing Engineering, stated the following: I'm here tonight on behalf of the applicant for Victor's Farm Residential Subdivision. The parcel is located along the southern side of Farm to Market Road and across from the intersection of Cary Road and Farm to Market Road. The overall project parcel is approximately 23.9-acres. The existing site is currently occupied by a house and several ancillary structures along the southeastern side. The parcel is broken into 2 pieces and right now there are approximately 21.7-acres, which is the majority of the parcel. Then there is a smaller triangular piece of property that is occupied by the confluence of those 3 roads, which is approximately 2 plus acres. The current zoning for the parcel is Agricultural-Residential (A-R) and the proposed project includes the subdivision of that property into 13 residential lots; 12 proposed lots and 1 existing lot. The proposed lots will all be in accordance with the required A-R zoning requirements. The allowable density of the project is included in the narrative and we calculated a net usable acreage of approximately 9.81-acres, which based upon the underlying 20,000 SF, the allowable density is approximately 21 lots so, we are significantly below the allowable density. Vehicular access to the property to the project will occur from 2 curb-cuts; one curb cut on Farm to Market Road and one curb cut on Smith Road that will be shared drives. The first drive will come off of Farm to Market Road and will extend eastward approximately 900 FT. The proposed access road would be maintained and owned by a Homeowner's Association (HOA). We do have a proposed turnaround for emergency vehicles located at the terminus of that shared drive. The second shared drive will come off of Smith Road and extend approximately 720 FT towards the west and will also have a hammerhead turnaround. We did submit this plan to Mr. Steffen Buck, Director of Code Enforcement and Emergency Services Coordinator, and we did receive an email from him today indicating that he does not have a problem or he sees no issues as far as fire and emergency vehicles access the proposed lots. Mr. Buck did cc: me on that email that was also sent to Mr. Harris and Mr. Casper from the Planning Department. So, they do have that email and we also received that email late this afternoon. The proposed subdivision intends to utilize the existing public utilities in the area. We will be connecting to the sanitary force main that is located along Farm to Market Road. Also, we will be extending a water main from Smith Road into the project and we'll have hydrants located throughout. Stormwater would be managed on-

site in designated stormwater management areas as well as through green infrastructure runoff reduction techniques and we would have to work with CHA in getting the designed dialed in according to the regulations. The subdivision proposes several features aimed to create a community with the design principles that have been developed in accordance with the (GEIS) Northern Halfmoon Generic Environmental Impact Statement of findings. The proposed lot layout includes the development of the lots while permanently protecting approximately 12.5-acres of the site. So, we would be proposing a restricted area along the front for a permanent openspace area as well as the southern side of the parcel. Just shy of 2-acres will be protected along Farm to Market Road and the remainder of approximately 10-acres would be along the south side, which would include the wetland areas and buffer. That would equal out to approximately 53% of the property that would remain as permanent openspace. The 2 shared driveways also will reduce the amount of curb cuts onto Farm to Market Road, and we would have houses that would front onto an internal subdivision road and would backup to Farm to Market Road. Then along the western side the roads, would front on a private internal access road as well as Farm to Market Road. However, there is a considerable wooded buffer that would be located between the proposed shared drive and Farm to Market Road. The lots and houses have also been situated fairly far away from Farm to Market Road and each one of those houses is setback well in excess of 100 FT from Farm to Market Road except for the existing house is at approximately 72 FT at its closest point to Farm to Market Road so, we wouldn't be changing that location of that house. Additionally, in the area along Farm to Market Road, we are proposing to do a landscaped berm in that area that would further enhance the appeal and the look of the backs of the proposed lots. Mr. Nadeau stated the following: On Smith Road, I think there were supposed to be some changes on the previous subdivision and that never happened with accessing from Smith Road onto Farm to Market Road. Has the Town looked at that because the problem with coming from Smith Road crossing Farm to Market Road is that you need to look over your shoulder to see what's coming, and there is a lot more traffic on Farm to Market Road. I'm just wondering if anybody has been looking into this. Mr. Polak stated we're trying to get a major development to help us straighten that out and go out the other end. Mr. Nadeau stated off of Smith Road, it doesn't need to have a lot, just a small curve which would allow that vehicle to be at least 90 degree looking both ways, and right now it is at a 45 degree, and it wouldn't take that much to correct that. Mr. Polak stated the following: Yes, I'm aware of the situation there, but it is going to take some good funding to do that. Like I said, we looked at it several times and we're just waiting for a big development and there are a couple coming in on Farm to Market Road and maybe we could get that done with one of them. Mr. Ruchlicki asked what is that solid black line along that first section of houses on the north side of the road? Mr. Dell stated that would be a retaining wall. Mr. Ruchlicki asked how high is that going to be? Mr. Dell stated the last time the plan was in front of you, I think at that point in time the wall would have been at its highest point at approximately 8 FT. However, the revised layout has actually pulled this road back about 10 to 15 FT from the road further down the hill so, with the goal of lowering the height of that wall. Mr. Berkowitz asked is there a culvert in that area that has been backed up or has that area ever flooded before? Mr. Dell stated the following: I did go out and there and take a look at the stormwater. Currently, the stormwater from the site flows down and there's a wetland channel that then discharges down to an existing 36-inch culvert, which comes across Smith Road, discharges into a drainage channel that meanders up, comes over and comes into another 36-inch culvert that goes under Farm to Market Road. The culvert end section underneath Farm to Market Road at the entrance to the culvert has been crushed in so, that would need to get repaired by this project. When I was at the site, I didn't see any evidence of flooding and there was no debris or high sediment mark in the area where you can see a high water level based upon the elevation where the sediment starts to dissipate or deposit

out. So, I didn't see any evidence of that at this time. I did hear in the past that there had been some beaver activity that backed up some water out there. When I was out there, the water was flowing clearly. Mr. Berkowitz stated the following: When were you out there? Was it within the past 3 weeks? Mr. Dell stated the following: No, it was not within the past 3 weeks. It was probably in early spring. Mr. Berkowitz stated I don't know if it has or has not flooded there, but you might want to check again just because of all the rain that we've had in past month or so. Mr. Dell stated okay. Mr. Higgins stated the following: It flooded a couple of weeks ago, and I have some pictures if you'd like to see them. Is Lot #8 going to have an ejector or is that going to be septic? It's not showing an ejector line. Mr. Dell stated Lot #8 would require an ejector. Mr. Higgins stated does Saratoga County Sewer District have a problem with all these individual tie-ins? Mr. Dell stated we have not presented this plan to Saratoga County Sewer District yet. However, Saratoga County Sewer District has approved projects with grinder pumps in the past on multiple occasions. Mr. Higgins stated the following: Okay, because right next door there is another pump station. Is there any way that you could tie-in to that one? Mr. Dell stated the following: We will look at that when we get into the design phase because topographically, there is the potential that this section could come down and tie-in to the pump station over here. However, we don't believe that this area could do that. We would have to come across and if the Saratoga County Sewer District did have an issue with a multiple of grinder pumps, we could propose them to come together into one grinder line that comes across the street. So, there are alternatives to the grinder pumps. Mr. Higgins stated as far as the existing house, is that going to be demolished or just rebuilt? Mr. Dell stated I don't have the answer to that question right now. Mr. Higgins stated the following: I was curious because where you are showing the common driveway was the area that flooded just recently, and I'm aware of the culverts there that you're talking about. However, there have been problems with that specific area flooding in the past. Where it goes under the driveway for the existing house, there is bottleneck there and it's backed up to the point where it has almost gone over Smith Road and Farm to Market Road. Further up Smith Road, right where you have the common driveway, I know the culvert is there, but even with the culvert there, there has been enough water that it actually flooded right over the top of the road. Mr. Dell stated we can certainly look into that and upsize that culvert. Mr. Higgins asked are you going to elevate the roadway at that point? Mr. Dell stated yes, we would have to make improvements to this road and if it's known to flood at this point in time, it would be in everybody's best interest if that was upsized. Mr. Ouimet stated the following: We as a Board commented on this proposal twice before. One of the issues that was raised is sight distance where both entrances come on to existing roads. Have you done any mediation work on those sight distance issues that were raised previously? Mr. Dell stated no, we have not done any mediation work at this point. Mr. Ouimet asked are you planning on doing any? Mr. Dell stated if it is needed to be done, yes we would do it. Mr. Ouimet stated I believe Mr. Nadeau raised the issue on the sight distance. Mr. Nadeau stated the following: My concern was the sight distance with Smith Road and I don't think there is a sight distance onto Smith Road. On Farm to Market Road, what relation is that to the Klersy Subdivision (The Meadows of Halfmoon) that we just approved? Do you know where that falls in relations to their entrance? Mr. Higgins stated the following: I think the Klersy entrance is a little east of this proposal. They have a stake out there with a flag on it on Klersy's showing the centerline of the road coming out and I believe it's in that open area just east of this proposal. I think it is just about where the edge of the tree line is shown on the drawing. Mr. Ruchlicki stated I could be wrong, but I honestly believe that where those 2 green spots are on the other side of the road going to the corner at Cary Road at the triangle is where that whole area has been graded and the brush has been removed. Mr. Dell stated I believe the applicant had pulled some of the tree line back in that area once before. Mr. Higgins stated to answer Mr. Nadeau's questions; it's

almost across from each other. Mr. Ouimet stated I know CHA has raised a number of issues with this particular subdivision and asked if those issues had been addressed or have you discussed those issues? Mr. Bianchino stated the following: We have met with the applicant and one of the reasons they submitted a narrative is that they tried to address some of those Northern GEIS comments. I think he has done a good job of describing how they had it modified now. It is more consistent with the GEIS findings. We haven't done a follow up letter yet because frankly I wanted the Board to see it before we did a final review, but I think we're fairly comfortable that they've addressed those GEIS concerns that we had. Mr. Higgins asked what is the elevation change on the driveway going out to Farm to Market Road because that is fairly steep over there? Mr. Dell stated the elevation change currently there right now is approximately 30 to 32 FT. So, you would have to work your grade down and that's the idea of coming back with a switch back into the house. Mr. Ruchlicki stated yes, from the house driveway, you're going to slope that up so that by the time you get to Farm to Market Road in that hook, you're already on level ground. Mr. Dell stated that is correct. Mr. Higgins asked would each of the lots own the entire area; for instance 2, 3, 4, 5 and 6 – that lot owns both sides of the common driveway? Mr. Dell stated that is correct. Mr. Higgins stated the following: Okay. Then it said deed restrictions on a land preservation line on the backside and on the other side would they be limited or would there be some kind of restriction on what they could build or put on the opposite side of the common drive? Mr. Dell stated the following: It is buildable area; however, it's going to have some sort of a restriction on there because we will need to do our stormwater mitigation for the roads and houses potentially along the side of the access road. So, it would be limited in the development potential on that side. Mr. Higgins stated the following: So, what does that mean; no buildings or they could build a parking area, but that is it. Mr. Dell stated the following: We would look to do our green infrastructure swales on this side. So, I don't believe that without doing the actual grading yet that they would be able to fit with the stormwater mitigation feature and a buildout because we also have 100 FT adjacent area over there and a New York State Department of Environmental Conservation (NYSDEC) wetland. So, to answer your question, I don't believe that it's going to be a feasible building area. Mr. Berkowitz asked would there be a Homeowner's Association (HOA)? Mr. Dell stated there will be a HOA that will own and maintain the roads. Mr. Berkowitz asked would they take care of the opposite side of the road also or would that be the individual homeowner's responsibility? Mr. Dell stated the HOA would have to be in charge of a stormwater feature if it were on this side of the road. Mr. Berkowitz stated I'm talking about mowing. Mr. Dell stated mowing into the wetland buffer; we wouldn't be looking to disturb that. Mr. Berkowitz stated the following: On the right hand side, on the other side of the road, it's green. Is it wetlands or is it just regular lawn or yard or what is it? Mr. Dell stated right now it's going to be regular lawn and once we look at the features, we don't know what its going be yet as far as stormwater mitigation as to what kind of maintenance and upkeep would be required. Mr. Berkowitz stated let's call it lawn; who takes care of it? Mr. Dell stated the following: We would have to determine whether it would be maintained at that point in time or the HOA. If it's all part of the drainage and drainage conveyance system, then we would have to have the HOA maintain it and mow it. Mr. Berkowitz asked and if it is not; it's each individual homeowner's. Mr. Dell stated that is correct, but we would work through that with engineering with Mr. Bianchino.

Mr. Berkowitz made a motion to set a public hearing for the July 8, 2013 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried.

13.027 OB Christopher J. & Phyllis Abele Subdivision, Lower Newtown Road – Minor Subdivision/Special Use Permit

Mr. Duane Rabideau, of Gilbert VanGuilder Land Surveyors, PLLC, stated the following: I'm here tonight representing Pastor Duke's request for a 4-lot subdivision and a special use permit. We are proposing a 4-lot subdivision for Lot #1, #2, #3 and #4. On Lot #1 we are requesting a special use permit for a duplex and Lots #2, #3 and #4 are proposed for single-family residences with private septic and water. This proposal was tabled at the last meeting until the soil disturbance issues were resolved, and I believe they have been at this point in time. This is our proposal, but the emergency services have been in discussion with the Planning Department, and they did not like this configuration with one common drive and three drives splitting to each individual house. They would prefer to have one drive come up to a turnaround with the 3 individual driveways coming off of this turnaround instead of the other configuration. We have talked to our client about this and he is in agreement with that. We will modify this map to meet the request of the emergency services. Mr. Nadeau stated for clarification; we're doing a Subdivision and not a Special Use Permit, is that correct? Mr. Ouimet stated we have applications for both. Mr. Nadeau stated then we would have to have another public hearing for this change. Mr. Ouimet stated that is correct. Mrs. Murphy stated the following: The notice that went out for the initial public hearing was solely for the subdivision and not for the Special Use Permit. So, we have to do another notice with the Special Use Permit contained therein and you can do both at the same time. Mr. Nadeau stated my point is that we're not reviewing the Special Use Permit; we are reviewing the subdivision tonight. Mr. Ouimet stated we could do both or we could do them separately. Mrs. Murphy stated but you can't do anything until you have an additional public hearing. Mr. Higgins stated according to previously regulations; we would of only been entitled flaglot on this lot, but with the changes that were made, it's at the discretion of the Planning Board, is that correct? Mr. Ouimet stated that is correct. Mr. Berkowitz asked if they put a Town road with a cul-de-sac, would that create non-flaglots? Mr. Higgins stated that is correct; that would then be non-flaglots. Mr. Berkowitz stated because that is basically what emergency services wanted. Mr. Rabideau stated they wanted a beefed up driveway to meet the codes with the turnaround and not a cul-de-sac. Mr. Berkowitz asked what is the difference as far as putting a Town road with a turnaround verses an enhanced driveway? Mr. Rabideau stated the cost wouldn't make it feasible. Mr. Ouimet asked the difference between an enhanced driveway and a Town road. Mr. Rabideau stated that is correct. Mr. Higgins asked why is it wider? Mr. Rabideau stated the following: The Town road specs are very specific and expensive. A driveway that would meet the State Fire Codes for access is a lot cheaper. This makes the project feasible. When you have a Town road, you need building lots on both sides. I think the cost of a road is about \$355.00 a linear foot and it's just cost prohibited. Mr. Ouimet stated but you would still have to construct a common driveway that would support a fire vehicle. Mr. Rabideau stated yes, that is correct. Mr. Higgins stated and a turnaround at the end. Mr. Rabideau stated that is correct. Mr. Berkowitz asked how wide of a driveway do you need? Mr. Rabideau stated Mr. Casper had mentioned something about 25 FT. Mr. Casper stated emergency services had requested at least 25 FT wide. Mr. Berkowitz asked how wide is a Town road? Mr. Bianchino stated 28 FT with 2 FT wings on each side for a total of 32 FT. Mr. Casper stated emergency services also requested the duplex to have a 25 FT wide driveway to access that. Mr. Ouimet asked Mr. Casper if he was saying that if the Board does approve a duplex for that one lot that they would want an enhanced driveway constructed for that. Mr. Casper stated emergency services did say that it would be ideal for their access to have a 25 FT wide driveway for the duplex. Mr. Ouimet stated if we approve the duplex because we don't know that yet. Mr. Nadeau stated but if it was a single residence, then that would be sufficient. Mr. Ouimet stated then it would be just a normal driveway. Mr. Higgins stated the following: With all of the

additional expenses associated with the driveway, where if it was just 2 individual driveways on their own property and not shared, wouldn't it kind of balance out to just put 2 houses back there instead of 3? Because of the comments that we received at the last public hearing on this; a lot of the neighbors were questioning the density and that fact that there were 3 flaglots and everything else. Mr. Rabideau stated the following: The buildout with 3 houses really does fit and it's not packing them in. The reason for the flaglot configuration is because of the remaining lands. The basic configuration of the lot and there is plenty of room in the back in between the house for 3 instead of just 2. Mr. Berkowitz stated but there is not enough room to get in there. Mr. Rabideau stated that is because of the configuration of the lot. Mr. Berkowitz stated so, that's not our fault. Mr. Rabideau stated that's true. Mr. Higgins stated I guess my opinion would be if you're talking about a couple of foot difference and a little bit building difference, and if you want the 3 back there. In my personal opinion, I think I would prefer to see a Town road going back there so it's built so that emergency people can get back there, garbage trucks and everything else can get back there and split it out and the 3 driveways can come off the cul-de-sac at the end. You're only talking 28 FT verses 32 FT and it still has to be built to handle the fire and emergency equipment. So, I don't see that there is a huge difference in the price of building that driveway. Mr. Rabideau stated there is. Mr. Higgins stated the following: He is benefiting because he's getting 4 lots with 3 lots in the back off of individual flaglots, which previously he would have had 1 and that's it. So, he's benefiting by getting 2 additional lots. Mr. Rabideau stated it can support 3 lots. Mr. Higgins stated well fine, but getting the access to those 3 lots is what I have a question on. Mr. Rabideau stated the driveway will meet the emergency services criteria for access and it makes it feasible. Mr. Nadeau stated I think in fairness to the applicant, I think we need to specify that we can be doing a subdivision and approve a subdivision, but it's not necessarily going to be for duplexes. Mr. Rabideau stated is it possible that we set 2 public hearings; one for the Special Use Permit and one for the subdivision? Mr. Nadeau stated right, but I don't want you to get the interpretation that because it is a subdivision it was automatically going to give you duplexes. Mr. Rabideau stated I understand that and I understand that it is two separate items. Mr. Roberts stated please inform the applicant that there are no guarantees here regarding the duplex and the subdivision. Mr. Roberts stated yes and that is why we are here. Mr. Ouimet stated there are no guarantees on any of it, but you are entitled to your public hearings. Mrs. Murphy stated the following: I believe that we already did a public notice on the subdivision and we had a public hearing where people came in and complained. Then there was no notice for the Special Use Permit. There hasn't been a vote with regards to the subdivision, but the new public hearing has to be for the Special Use Permit. Mr. Rabideau stated so it would be a continuation of the public hearing for the subdivision. Mr. Ouimet stated but they are making a lot of modifications to the original submission. Mr. Rabideau asked why can't we have a public hearing for the Special Use Permit? Mr. Ouimet stated you can, but I think the Board preference was that they separate them. Mr. Roberts stated why would we want to schedule a public hearing for Special Use Permit if the subdivision doesn't pass? Mr. Rabideau stated at worst case scenario; if the subdivision doesn't pass, the lot still would be viable for a duplex. Mr. Ouimet stated let's take it one step at a time. Mr. Rabideau stated okay. Mr. Higgins stated the following: I would like to propose 2 separate public hearings on the same night. Do the subdivision first and then do the Special Use Permit second. That way the people only have to come once and they'll be able to be here for both functions.

Mr. Berkowitz made a motion to set a public hearing for the minor subdivision application for the July 8, 2013 Planning Board meeting. Mr. Ruchlicki seconded. Motion carried. The applicant stated they will develop a new site plan reflecting the driveway alterations recommended by emergency services.

Mr. Berkowitz made a motion to set a public hearing for the Special Use Permit application for the July 8, 2013 Planning Board meeting. Mr. Roberts. Motion carried.

Mr. Ruchlicki made a motion to adjourn the June 24, 2013 Planning Board Meeting at 8:51 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary