

Town of Halfmoon Planning Board**Meeting Minutes – October 27, 2014**

Those present at the October 27, 2014 Planning Board meeting were:

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

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski

CHA Representative: Mike Bianchino

Mr. Ouimet opened the October 27, 2014 Planning Board Meeting at 7:02pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the October 14, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the October 14, 2014 Planning Board Minutes. Mr. Berkowitz seconded. Mr. Partlow abstained due to their absence from the October 14, 2014 Planning Board Meeting. Vote: 7-Aye, 0-Nay, 1-Abstained. Motion carried.

New Business:**14.116 NB Cardinal Health, 4 Liebich Lane – Sign**

Mr. David Nuzzi from DNA Signs stated the following: We are here for a sign change and an additional sign for Cardinal Health. Mr. Ouimet asked Mr. Roberts if he had reviewed the signs? Mr. Roberts stated yes I have and the signs meet the code.

For the record: The Planning Department's write-up for the sign(s) is as follows:

Number of Signs: 2

Sign 1

4'x 8'= 32 SF

Wall-Mounted (below roofline)

Sign 2

66"x 112"= 51.33 SF (102.66 SF total)

Two-Sided

Free-Standing/Monument

Height: 5'6" total

Mr. Roberts made a motion to approve the Sign application for Cardinal Health. Mr. Nadeau seconded. All-Aye. Motion carried.

14.128 NB 421 Halfmoon Flex Park PDD, 421 Route 146 – Site Plan/Planned Development District Recommendation

Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant for the 421 Halfmoon Flex Park. Also here with me this evening is Mr. Dean Taylor, Realtor who is also here on behalf of the applicant for the project. Tonight I would like to give the Board a brief overview of the project for the site location and the site characteristics and then I will turn it over to Mr. Taylor for a brief explanation as to the proceed need for this type of zoning in the area and the proposed uses that would be coming to it. The project site is located along the north side of Route 146, its east of Parkford Drive and west of Enterprise Drive and it's the area in between the two Planned Development Districts (PDD's). There are two parcels that are currently zoned C-1 Commercial and the project site will also extended onto the 4 Enterprise property which is part of the New York State Electric & Gas (NYSEG) PDD right now. The proposed project that we would like to construct is true manufacturing and flex space. The applicant would like to construct a 45,500 SF building as well as a 15,000 SF building. The parking for the site has been laid right now according to the Halfmoon Zoning Code. Water will be extended up into the facility from a connection to the existing water main that is located on Route 146. I have contacted the Water Department and there is adequate capacity in the area to accommodate the project. Sanitary sewer will connect also to an existing force main that's located along Route 146 right now. I have also contacted the Saratoga County Sewer District (SCSD#1) and there is adequate capacity in that force main also to accommodate the project. Stormwater will be managed on-site by a New York State Department of Environmental Conservation (NYSDEC) required system as well as the Town of Halfmoon. As part of the application package; we also submitted a Geo-Tech report just outlining the underlying soils as there will be material that will have to be excavated and removed from the site to accommodate the large pads. So, to accommodate the project and to meet the objectives of the project, we would have to incorporate the two parcels that are currently zoned C-1 Commercial as well as a small portion of the 4 Enterprise property, that 1.9-acres of that property and we would have to consolidate them and join them with the Parkford PDD, which allows for a manufacturing aspect of the zoning. So, it's the goal of this project and for these buildings to be used for the manufacturing, storage and distribution of goods. So again, there would be the two parcels, we have the large parcel of 6.8-acres approximately, a smaller parcel here and 1.9-acres of what would be required as part of the modification to the existing NYSEG PDD as well as incorporating two C-1 zoned Commercial parcels into the Parkford PDD. Mr. Ouimet stated so; the pink area is from the NYSEG PDD, right? Mr. Dell stated correct; this is from the NYSEG PDD and then there is the small parcel up front that is .61-acres and the rear parcel, which is 6.87-acres. Mr. Ouimet stated and would that be joined with the Parkford PDD? Mr. Dell stated the following: Correct. Also, as a public benefit, the applicant has offered to the Town Board a proposed donation of about \$30,000 to be used for snow removal or the purchase of additional snow removal equipment. With that; I would like to turn it over to Mr. Taylor to just give an overview of the need for manufacturing space in the area. Mr. Dean Taylor stated the following: I'm a licensed New York State Real Estate Agent with RE/MAX Park Place and I reside in Clifton Park. Mr. Higgins asked Mr. Taylor if he had a letter from the owner saying that you are certified to speak in his behalf? Mr. Taylor stated on this particular project, no. Mr. Higgins stated okay, then it's up to Mr. Ouimet and Mrs. Murphy if you can proceed. Mr. Ouimet stated I don't see a problem with that so, go ahead Mr. Taylor. Mr. Taylor stated the following: The reason why we are seeking to do the manufacturing zone is pretty much a supply and demand situation. What's happening in other municipalities and in our own municipality here in Halfmoon, we have to look at what's out there and what are people leasing or not leasing. At Exit 10, this here is in the approval process for site plan and I do believe that we'll receive final approval within the next couple of months or at least by the end of the year for 100,000 SF of typical distribution light industrial space that would be similar to the NYSEG Park. Mr. Mark Rekucki is a developer and there is a demand for this problem and he did do a 40,000 SF building, it's right

at the Northway exit and in the same time that Liebich Lane has a 60,000 SF building, Mr. Rekucki filled this building and is starting a 15,000 SF building again and I did most of the leasing here and we did do quite a job with the Global Foundries support companies and there are eight different companies in this location. They typically chose that strictly because most of them have service contracts with Global Foundries and they do need to be at the site for the most part and it does vary from industry to industry, but typically from the time they get the call, they need to be on-site with the part in hand within 30 minutes. The one company here; ASML is one of the largest toolers and they actually make the lithograph machines that they put the information on for the disc and they passed on a site on Maxwell Drive at Exit 9 because they felt that there was too many lights before they got onto the Northway and that's how time sensitive it is. My opinion is that this particular product is going to be the first off the shelf as it's basically proven and it's going to go before regular light industry warehousing would come off of the Northway exit. The site that we're looking at is approximately 1.7 miles off of Exit 9 and there are series of lights to go through. In addition to that, this is an approved subdivision and actually the Town of Clifton Park approached the owner of this project and me a couple of years ago and asked us why we weren't developing it and it was zoned Corporate Commerce so; we did similar to what we're doing here. We explained to them what we felt the changes needed to be, what the uses needed to be in the zone in order to get the project so that the developer would invest the hundreds of thousands of dollars to get the site approved. So, this site now has all the traffic study, all the endangered species and everything is approved and it's a filed subdivision just like you would do in housing unit and each user now just needs to go into the Town and get site plan approval. Also, because of all those items done, we feel that we are going to be able to get site approval in two to three meetings and as a result I expect that there is going to be an announcement relatively soon of a pretty good size player in the area that's going to do that and the key reason why they went is due to the timing. They know that all the other leases are coming up on November 1st and they need to be in the building by November 1st so they can go right through the process, they don't have to guess on archeological, and they don't have to guess on endangered species as it is ready to go. This project as we look at it; the concept is 450,000 SF. I have 100,000 SF here and 450,000 SF here and that's a lot of square footage to absorb. I'm suggesting to the owner of 421 Halfmoon Flex Park that if in fact we could do light manufacturing, but for the most part it's an assembly in manufacturing. In this particular zone they can do up to like an injection mold, however, we don't know that that requires more parking and less space so; we're really aiming more for the distribution here. The request to go into the Industrial (M-1) zone will allow us to actually manufacturer. There is one of the companies here Ryan Hertho who distributes the fine piping that goes into Global Foundries and the interested part of that is that they were showing me that it is a 1/4-inch pipe, but it has such precision and I don't know what the actual details are to it, but it cost more per linear foot then a water pipe that is a 12-inch water pipe. So, that's the kind of industries that we're dealing with here. Not everything is going to be tech part related, however, in this particular project here in this overall area there is 150,000 SF of tech related companies and the interesting part of why we want to get involved with that is that Panalpina started out with 54,000 SF and that's all needed to accommodate Global Foundries. They are a logistic company and they secured so many other clients that they actually doubled their space. So, from 2011, last year they doubled it from 54,000 SF to 100,000 SF. Danforth are currently in 18,000 SF and they are going to be looking to at least double that if not more because they only need the 18,000 SF to accommodate Global, but while they are here, they are picking up other industries and not everybody does that. In addition to that we did sign leases in here of companies that are not related to Global Foundries. I'm talking with an actual brewery, not a brew pub but a brewery. We have identified the site and everything looks good, but without the zoning of M-1, we couldn't have a tasting room as the M-1 zoning would actually allow that business. I'm not sitting here saying that I'm going to sign a lease if you approve this project, or will I sign a lease if we don't get this approved. Mr. Dell stated with that; we're excited about the project and we're here tonight to answer any questions that the Board may have and to advance the project forward.

Mr. Higgins stated the following: There are a lot of wetlands on that site and I know other people have looked at it previously. I see that you're planning on having a couple wetland disturbances and as far as stormwater management; you're going to use a combination of underground and porous pavement. Obviously, we are going to refer this to our engineering to look at (CHA), but it just seems like you're trying to crowd too much in too close to wetlands. Mr. Dell stated the following: We have had the wetlands delineated and you are correct; the black and white image that's in packet that I just handed out and it shows the actual delineation of the wetlands. We are proposing about a 1/10th of an acre disturbance to those wetlands; however we feel that we will be able to get the site to drain properly and we will be able to get the required stormwater management as we have to be able to get the required stormwater management by law and obviously that would be reviewed in detail during the detailed design phase by CHA. Mr. Higgins stated as far as tractor-trailers in and out of the site; are you assuming that you are going to have a right in and a right out only for tractor-trailers or are you going to put a stacking lane on Route 146 for tractor-trailers coming from the Northway trying to make a left into the site? Mr. Dell stated we will as part of the design phase and we have done a traffic study that will identify anything of that nature that would be required. We also have to work with the New York State Department of Transportation (NYSDOT) with this entrance specifically because it is on Route 146. So, we would have to supply the NYSDOT with whatever they require for the entrance. Mr. Higgins stated and there is no other way to make any other access in and out of the site and not through NYSEG or anything else. Mr. Dell stated no, the creek is over here and it goes down quite steeply on this side down to the creek. Mr. Higgins stated okay. Mr. Berkowitz asked how much greenspace do you have minus the wetlands because I noticed that it's 50% on here? Mr. Dell stated minus the wetlands, I do not have that figure and with the wetlands we have about 53% greenspace. Mr. Berkowitz asked can you figure out how much without the wetlands? Mr. Dell stated off the top of my head I don't know, but certainly I will have that the next time. Mr. Berkowitz stated okay thanks. Mrs. Sautter stated did you say that the NYSDEC was going to regulate the water on wetlands for you? Mr. Dell stated the following: No, we have to abide by the NYSDEC's regulation when it comes to mitigating stormwater. However, these would be Army Corp of Engineers (ACOE) regulated wetlands. Mrs. Sautter stated because they're are Federal wetlands, correct? Mr. Dell stated yes. Mrs. Sautter stated the following: He gave us some examples, but going from C-1 Commercial to M-1 Industrial; can chemicals be brought on the property and is it hazardous? I know that the Town Board had brought this up and what other things besides a brew pub that you can't drink could it be? Mr. Dell stated I know that it was mentioned at the Town Board level that they would like to have the opportunity to allow a laboratory, if need be, move in there and that would obviously have chemicals associated with a lab, but I'll let Mr. Taylor talk more about that. Mr. Taylor stated on the M-1 I think that there is something like 19 to 20 uses and it's the general intent of it that we're looking for and that would be heavy manufacturing. For example; this particular use here allows for chemicals as an ancillary use and this is in Clifton Park, but it allows for chemicals as an ancillary use to the business and that is something that we would also be looking. However, in your M-1 zoning right now you have Momentive Performance Materials at 20 Parkford Drive and that is something that we would like to have included here. The Town of Halfmoon's fire personnel is all trained in that and there are several layers of oversight on those type uses. Mr. Higgins stated Momentive in Parkford is storage only and there is no production. Mr. Taylor stated the only thing that I'm wondering though is like at Advance Cooling Manufacturing, they use urethane in the liquid form and then they spray it and form it in and that would also be the type of use that we would be looking for here. Mr. Higgins stated yes, because I know with Momentive that we went through extensive discussions with them and they came back with all kinds of assurances that it's storage only. Mr. Taylor stated the following: Yes, Momentive is storage only and then we would be looking for that, but we would also be looking to be able to use it as an ancillary and that's why I wanted to bring it up. I don't know that it actually says that in the zoning, however, I believe it's implied because like the Advance Cooling Manufacturing; that's the type of

manufacturing that we're really looking for. So, I don't want to hold anything back from you, but we are going to be looking for uses of ancillary uses like Advance Cooling Manufacturing. Mr. Higgins stated yes, but chemicals are not going to be your primary and it's just chemicals used in the manufacturing process. Mr. Taylor stated well, that or the storage like Momentive. Mr. Higgins stated right. Mrs. Sautter stated are the other areas that he showed us; one was 100,000 SF and 400,000 SF and now we're talking 45,000 SF and 15,000 SF and that seems kind of small to me and the others seem like compounds and I know where it is, but didn't this property used to have a home on it? Mr. Dell stated yes. Mrs. Sautter stated okay, so there was a little farmhouse in the front that was residential, but it was always C-1 Commercial, right? Mr. Dell stated correct, it's C-1. Mrs. Sautter asked did that change or was that always C-1? Mr. Dell stated as long as I know, it's been C-1. Mrs. Sautter so; I was just curious about this size and if you're saying that they keep expanding and expanding is it just going to keep rotating or is it too small for people as it just seems like those things connects the dots where these are just two buildings out there and that the only concern that I have. Mr. Taylor stated the following: I personally hope they would. The Synergy Technology Park on Kinns Road and Route 9; these are generally larger buildings that would be one or two tenants. So, I'm not going to be signing 5,000 SF users in this park. However, what happens is on the 40,000 SF that was at Exit 10 that we were talking about; mainly the reason why that went so quick was that it was 5,000 SF increments. So, for example, there is one 6,000 SF tenant, three 5,000 SF tenants, a 10,000 SF distillery so you get the brewery in and then the distillery comes in and then there is a distribution center of approximately 10,000 SF. Right across the street there was a 37,000 SF building and it started out as two 18,000 SF tenants and now one of them has to move out as the brewery is expanding. So, we start them out small and hopefully watch them grow and the site can only handle that. However, we are looking for the flex space and the whole idea behind that was that we can break this up into approximately 4,000 SF or 8,000 SF and we're looking for sort of like 40 FT by 100 FT and that's generally what seems to be working with one loading dock and one overhead door. Then what they can do is they can bring the product in from the loading dock, run it through their manufacturing system and come out the overhead door to deliver it. Mr. Nadeau stated the following: My concern is that I'm looking at 14 trailer trucks coming out and going in there and that's what you're showing there so; I would be concerned with the traffic. Have you not done any projections or guestimates? Mr. Dell stated no, we have not done a traffic study yet as we are looking to get feedback from the Board and we will certainly have one done as we move forward. Mr. Nadeau stated okay, because obviously we know that Route 146 has pretty heavy traffic. Mr. Dell stated correct and the trucks wouldn't be coming in and out all at the same time, but I certainly understand what you're saying. Mr. Higgins stated the following: Mr. Ruchlicki and I were looking at that also and that's a major concern with not just the trucks, but with the people and everything else. We were just kind of looking and the area to the east; I know you said there is a stream there, but would there be any way at all to make another access out to Enterprise Drive? Mr. Dell stated no, this is an older aerial photo, but we did the 4 Enterprise expansion a few years back and then that drops down from that expansion probably about 15 FT to 20 FT to the stream and then it climbs back up to this site. Mr. Higgins stated it's hard to see as you drive along Route 146 and you really can't see that difference. Mr. Dell stated if you can get back in there, you could dig right down to the stream and it would be very difficult. Mr. Higgins stated we were just looking to see if there was an easier way to do it. Mr. Ouimet asked did you do the presentation in front of the Town Board? Mr. Dell stated yes. Mr. Ouimet asked was there representation at that presentation that you were anticipating using smaller delivery trucks and not full sized tractor-trailers? Mr. Dell stated well, what's on the plan right now are not the large highway haulers the WB63's and these are the WB40's and the WB50's that are a little bit smaller than the large highway haulers. Mr. Higgins asked how are you going to control that if they're bringing material from across the country because they're not going to run a 40 footer and they are going to run a 53 footer and it cost the same to run it? Mr. Dell stated the following: Mr. Taylor can probably talk a little bit better to the kind of deliveries that are going to be heading up to

Global. I believe it would be more so in the kind of small pup trucks as opposed to highway haulers. Mr. Ouimet stated before Mr. Taylor answers that, which one of you made the presentation in the front of the Town Board because I want to know what you told them. Mr. Dell stated we both made the presentation to the Town Board. Mr. Ouimet asked who talked about the trucks and the size? Mr. Dell stated I had the discussion about the trucks and I did not mean to misrepresent the sizes. Mr. Ouimet stated the following: I'm not suggesting that you did and I just want to make sure that we hear the same thing that they heard before they referred this to us. The Boni PDD is across the street on Route 146; do you have any idea where the roadway structure that's being proposed on the Boni PDD matches up to where you're proposing a driveway cut? Mr. Dell stated it would be further to the east. Mr. Ouimet stated yes, but it's not that much further is it? Mr. Dell stated well, here's the property line right here and the roadway is coming in approximately over here. Mr. Ouimet stated and there is already a plan for the Memory Care Facility and that's further east? Mr. Dell stated the Memory Care Facility is right in here. Mr. Ouimet stated so; you don't see any conflict with your driveways? Mr. Dell stated well, we are offset and I don't have the exact dimension, but the next time around I'll certainly have that for you. Mr. Ouimet stated yes and I think it's important as we move forward that you have more information about the kinds of trucks that you're going to have in servicing these buildings as well as a traffic study because you're putting a lot of cars in that one little area. Mr. Dell stated we'll certainly have a traffic study for the next time and as far as nailing down the exact truck traffic, I feel it may be a bit tougher as we don't know the exact tenants yet. Mr. Ouimet stated yes, I think it will be tough, but it's of concern to a number of the members of this Board. Mr. Dell stated we can try. Mr. Ouimet stated I think you have to do the best that you can. Mr. Taylor stated when we were getting this project done with the subdivision, what we did is we took and estimated the amount of manufacturing, the amount of warehousing and then the amount of office use and that's how we came up with our traffic study and generally on these site plans for the traffic study, the first couple in are going to have a lot more leeway, but the total traffic is going to have match generally what the concept was. Mr. Ouimet stated well, you do that based on square footage anyway, right? Mr. Taylor stated right, we didn't do it on this and we didn't get into too much detail because we need to make sure that it's going to be a project that the developer is going to want to follow through with before we spend a lot of money with the engineering and that I think would certainly be something that can help us and with the parking as well. Mr. Higgins stated the following: Traffic patterns up there, as you know, are totally different than what we're dealing with on Route 146. On Route 146 for the hours in the morning and the hours in the evening, it's solid commuter traffic. I know where you're talking about up there and it's very little commuter traffic up there. Mr. Taylor stated the following: I know that it's totally different, but I haven't met a project yet that didn't have a traffic concern and the concern on that project was that Farm to Market Road and across Route 9 going up Kinns Road with that area right in there because of all of the traffic. So, what happened is that we identified the full buildout with the possible buildout around with that project could do and we did do a turn lane that is triggered after a certain amount of the project is builtout. So, I think that can be addressed, but the key to getting a handle on the traffic was by breaking it up with the amount of manufacturing, office and warehousing. We couldn't do that here because we're not allowed to do manufacturing and warehousing without moving forward. Mr. Berkowitz asked is Global a 24-hour operation? Mr. Taylor stated it's my understanding that it is absolutely a 24-hour operation. Mr. Berkowitz stated so; these could be operating on off peak hours also if they need something in the middle of the night? Mr. Taylor stated I can't answer that only because what happens is I don't know when the truck shipments are coming in. Mr. Berkowitz stated right and it depends on what you have in there also. Mr. Taylor stated but I believe that the small vans traffic could happen and that's going to be spread out over a 24-hour period if it works out to be just like what this park here did because these guys are 24-hours and just about everybody in here, but they're delivering and most of them go in their cars, pickup trucks or small little vans and they'll grab a couple of parts and run. Mr. Berkowitz stated okay so; this could be depending on what goes in there such as a 24-hour operation or a

limited operation. Mr. Taylor stated yes. Mr. Roberts stated for a 15,000 SF building, are you proposing that the workers in there park along the western side of the entrance; is that what those parking spaces are for? Mr. Dell stated yes. Mr. Roberts stated so; they're going to be backing out and also walking in the same area where the tractor-trailers are coming in and out. Mr. Dell stated correct. Mr. Roberts asked wouldn't that be a little safety concern there? Mr. Dell stated the following: It is a wider area that we are proposing in there and it's certainly something we can look to revise with a separate drive aisle. However, there are quite a few places out there now that have a very similar situation. Mr. Roberts stated it just seems that the parking spaces are pretty far away from the building. Mr. Ouimet stated you might want to think about putting in a sidewalk in front of those parking places and instead of walking down the street, they can walk down the sidewalk. Mr. Dell stated yes, we have the parking lot there, but we will extend that. Mrs. Sautter stated the following: It appears that looking at the full site map that you're only using partial and it looks like that whole tip of the top that you're not using. It's almost like its cutoff there and I know there are wetlands up there, but is there also a ravine and is it topography? Mr. Dell stated the following: Well, you kind of get diminishing returns as you have the wetlands that come up through here and you're left with this narrow area and as we move forward we may look to use that area for a banked parking lot for employees up in that area. However, in order to fit a building in there; we don't feel like we would be able to accommodate that with side yard setbacks, rear yard setbacks and then the wetland itself as well as get parking in there and traffic circulation. So, it just narrows itself out. Mrs. Sautter so; at this point you're just leaving it as greenspace. Mr. Dell stated correct. Mrs. Sautter stated okay, I just wanted to be sure that there wasn't a phase 2 on that.

This item was tabled and referred to CHA for their technical review. The Board tabled the request for a PDD Amendment Recommendation to modify the existing Parkford PDD to add two adjacent C-1 zoned parcels and a portion of land from the NYSEG PDD to the Parkford PDD, for the purpose of constructing two new manufacturing/warehouse flex space buildings.

14.129 NB Betts Farm PDD, Betts Lane – Major Subdivision/Planned Development District Recommendation

Mr. Gavin Vuillaume from the Environmental Design Partnership stated the following: I'm here this evening Mr. Chris Abele from Abele Builders. We're very happy to be back in front of the Town with this Planned Development District (PDD). It's one that was probably started about two years ago and at that time the developers were also heavily involved with two other local projects, which I'm sure everybody here is familiar with both Sheldon Hills and the Glen Meadows projects. So, this project is kind of going to follow the same type of typical excellent quality builder pattern that Mr. Abele and his brother are very happy and proud to be working in the Town of Halfmoon. Certainly, the Sheldon Hills project is wrapping up now and I think they're on the last phase of that project and we were just in front of this Board a few weeks ago for Phase 2 of Glen Meadows. So, those two projects obviously have kept these guys pretty busy over the years and now they are getting into the Betts Farm PDD. So, we're very happy to again be in front of the Town to give you guys a quick update on where we are with things. Where we left off is; we did have a PDD layout that I think everyone was very comfortable with. Essentially, you're familiar with the site that is 152-acres; it has access off of both Hayner Road and off of Betts Lane. So, we have two very good points of access and I should say "somewhat good" as Betts Lane obviously is going to need some work and I'll get into that a little while. Essentially, the project is again, very well thought out we feel. We've had some discussions probably within the last year about potentially making a few changes to it so, that's really why we're in front of the Board this evening. I will basically be giving you the same type of presentation information that we gave to the Town Board back in the beginning of October when we were in front of the Board. So, essentially here is the original plan. The road layout essentially is going to stay the same and we do have our main access points, which I pointed out earlier that are both on Betts and Hayner so, you're all very familiar with that. The

interior road layout is also very similar now with this new layout. I guess the biggest change was the reconfiguration of some of the roads and the introduction of some additional units. We would like to try to do a very small decorative roundabout very similar to like we did at Glen Meadows. So, that's a little different from what we had before. I guess the main change to the site plan was the way that we're treating the cul-de-sac at the very lower end of the project and the reason for that is because we did have some conversation or interest by the school to potentially maybe purchase some land down in that lower corner. So, we've kind of made it so that if they do come back and they are interested it's something that we could provide land to the school in the future. Again, they're not ready to commit either way so, we have to pretty much assume that they're not going to be part of this PDD and that we have to develop it without any interest by the school. Originally on our original plan we had the parkland that we were dedicating as our public benefit on the opposite side of that small connector road. We are now bringing the park in that other area that has about eight acres of land that we would be donating to the Town as part of our public benefit and we would also be constructing the fields providing parking areas, landscaping, and the construction of whatever type of fields. We have noticed in the papers that there has been some interest for softball fields. So, right now I'm showing softball fields, but it could pretty much be whatever the Town felt they needed at the time. However, we feel it is an important public benefit. Another item that we are bringing to the table with the additional units of our project is a commitment now to bring Betts Lane into a more Town approved road. The road itself is rather narrow, there are some grading issues at the very top of the hill that need to be repaired and reworked and it's going to be very expensive and we know that is part of our project and we're really not using that money towards the public benefit for this project, but it is one that we're again very committed to the Town and we want to make sure that the Town understands that we're going to do everything we can to make sure that Betts Lane is brought up to Town standards. That would include widening it, paving it all the way from the beginning to the end of the road and again, it is something that is a well needed improvement especially for the people and residents that are on Betts Lane. As far as the overall numbers for the project, I'll just quickly go over those just in case you get confused between the two plans. Originally we had 178-units and the breakdown was 76 two-family homes, 54 patio homes and 48 estate lots or larger lots. One of the things that the Abele's have been noticing is that there really isn't a lot of demand for the larger lots or condensed townhomes. So, we've essentially gone away from that especially with Glen Meadows and for this project I think Mr. Abele can speak a little bit about the marketing, but certainly we are seeing a very high demand for the small patio homes and those are the type of lots where this new layout and now we would be introducing about 120 of those verses and originally I think we were only thinking 50 of the patio homes. So, that is a very popular product that I think is needed in this community and this project obviously we'll be bringing to the table again a maintenance free landscaping and it will include the plowing and the mowing of the lawns and things like that so; it is very desirable product that I think Mr. Abele can speak to you a little bit about if you're interested in the homes themselves. Then along with that we still would be having some two-family homes that we originally were proposing. That along with the obvious caveats with PDD; which include the preservation of environmentally sensitive areas, the preservation of approximately half of our site that I think is 60-acres of common openspace are still being proposed as part of this PDD. I think we're at a point now where we're ready to I guess get to the next stage of the PDD approval process, which typically at this point would include a coordinate review in SEQRA and I think we would be working with CHA on getting that all ready and out to interested agencies if the Board so desires. Mr. Ouimet asked have you had any preliminary discussions with either the Highway Department or with Emergency Services? Mr. Vuillaume stated no, I haven't recently, but we can. Mr. Ouimet stated so; they haven't really seen this plan yet? Mr. Vuillaume stated the revised plan no, but I think they saw the first one back when we had it two or three years ago. Mr. Ouimet stated based on your layout; how many buildable acres are there. Mr. Vuillaume stated as far as the density goes; we're still under the two units per acre and I would have to say out of the 152-acres I think it's about 43-acres that are

constrained. So, you'll have a little over 100-acres that are buildable. Mr. Ouimet stated and you said the density was 2.22? Mr. Vuillaume stated roughly around 2-units per acre and I think we want make sure that we're close to that. Mr. Nadeau asked what would the density be on a conventional subdivision on that property? Mr. Vuillaume stated the following: If you were to lay it out as a conventional subdivision, again depending on how you laid out the roads and things. I think we did do one at one point, didn't we? Mr. Nadeau stated I don't recall so; what was that? Mr. Vuillaume stated 150 maybe because we did a layout and I can get that information for you as we did an actual layout for this at one point that showed all the roads laid out and everything. Mr. Berkowitz stated it says here 130 to 140. Mr. Vuillaume stated 130 or 140; that sound maybe closer and we did have a layout for that. Mr. Harris stated the following: I do want to mention that we did send the concept plan to Fire, Ambulance, Highway and Water. We did receive comments back from Water, very preliminary and it just indicated that it would require a Water District Agreement and that the water connection should be made to the existing main to the rear and east of the project to connect to a future 12-inch main at Hayner and Route 236, but they needed more detailed plans. Mr. Vuillaume stated yes, that was always the plan. Mr. Berkowitz asked are you counting the twin family homes as one unit or two units? Mr. Vuillaume stated those are two unit buildings, but I'm counting those as individual units. Mr. Berkowitz stated so; instead of 102-units it's 204 families. Mr. Vuillaume stated its 102-units right so; divided by two it would be two families. Mr. Ouimet stated you are saying the opposite as he's counting each individual home. Mr. Berkowitz stated the total number of residences is what? Mr. Vuillaume stated it is 102 for the two-family. Mrs. Murphy asked how many buildings are there? Mr. Vuillaume stated there are 51 buildings. Mr. Harris stated but that's not including the 120 single-family homes so; it's 222 total. Mr. Vuillaume stated yes, 222 is the total number of units. Mr. Nadeau stated on the Betts' property, is the farmhouse staying there? Mr. Abele stated the farmhouse is on a separate parcel and I want to say that it's a 12-acre parcel that the Betts family still owns. Mr. Nadeau stated the following: I looked at a subdivision there years ago and that's a very tight area there. So; your entrance is going to come right through that area of the house? Mr. Abele stated we are going to have the two entrances; one is here obviously and the other one is Betts Lane and that basically is an existing Town road that's going to be improved, but it's going to continue right through the site. There are a couple of these buildings and I do have the right to take them down and I did negotiate that. Mr. Nadeau stated if I recall, those buildings are almost right on top of the road there. Mr. Abele stated yes and I do have the right to take them down. Mr. Nadeau asked and are you? Mr. Abele stated yes and these are the ones that are in disrepair and I have no desire to take down the silo and the farmhouse and some of these other buildings, but just the two or three buildings that are adjacent to what's going to be the Town road coming through. Mr. Nadeau asked is the Town road going to be contiguous as the way you have it out of your initial entry cul-de-sac? Mr. Abele stated yes. Mr. Vuillaume stated the following: It's the very high spot of the road so; we have to shave that down as well. I don't know if you have driven up there, but it really comes up to a point and then it goes back down so; that has to get all shaved down. We actually even talked to the neighbors to the south and they're amenable to moving their driveway. So; we're going to have to move their driveway. Mr. Nadeau stated on the traffic projections have you guesstimated which entrance they would use verses the other? Mr. Vuillaume stated yes, I would say probably 60 to 70% are actually going to use Betts Lane and we do have the traffic report and I can get you the numbers, but I would say a majority of them are expected to use Betts Lane. Mr. Ouimet stated you are going to have some issues there with that barn. Mr. Vuillaume asked are you referring to the existing barn that is way down at the corner? Mr. Ouimet stated yes, with sight distance. Mr. Vuillaume stated they've looked at the sight distance and they've determined it was okay believe it or not and I hear you and I know that it's too close to the road, but they've look at it. Mr. Ouimet stated that's all I'm saying. Mr. Nadeau asked who did it? Mr. Vuillaume stated Greenman-Pedersen looked at the sight distance and they did the report and seem to think that that's okay. Mr. Higgins asked when they were loading or unloading hay? Mr. Vuillaume stated I don't know if the hay loading was part of the

study. Mr. Higgins stated the following: Well, because they are almost out in the road. The area in the lower right that you said potential some use somewhere down the road; what's the access to that? Mr. Abele stated that would be Hayner Road into here and then you would have obviously circular traffic through Betts Lane. Mr. Higgins stated so; you're talking school buses and everything else potentially going out that way. Mr. Abele stated right, it could be. Mr. Higgins stated the following: Also, the Highway Department has told this Board that they really don't want cul-de-sacs and that they would prefer through roads because its maintenance headaches for them. I see that you have a potential connection to the Swatling Falls Subdivision and eliminate those upper two cul-de-sacs. Mr. Vuillaume stated the following: We can look at connecting those, but again that might cross a wetland area and again, we always try to avoid that, but certainly we can look at that. We know that they are not crazy about cul-de-sacs. Mr. Higgins stated they're a little more emphatic than that. Mrs. Sautter stated you pointed to it earlier and maybe I misunderstood, but is that a separate parcel on the bottom there or is that indicating a separate school zoning? Mr. Berkowitz stated Mrs. Sautter is referring to the southeast corner. Mrs. Sautter stated you can even see that there's a line that indicates and looks like it's a separate tax parcel I believe. Mr. Abele stated that used to be part of what was the Gorski Farm, which is now Glen Meadows and we subdivided that and added that to this about five or six years ago and that was more or less at the urging of the Board I think. Mrs. Sautter stated so; you just added that greenspace there? Mr. Abele stated yes. Mrs. Sautter stated okay so; that's about 25-acres and are you not using most of that? Mr. Abele stated well, there is a lot of steep topography and grades to that. Mrs. Sautter stated the following: That's what I'm saying so; it's unusual and I get that. What about McDonalds Creek that runs all around there, do you have large enough buffers because aren't some of them 500 FT as opposed to 100 FT in that area? Mr. Abele stated I think we have more than that because McDonalds Creek is way down in there and basically the 100 or so acres that we're going to build on is up on the plateau and then you have the slopes down to the creek. Mrs. Sautter asked isn't there water up top too? Mr. Ouimet stated yes, that's McDonalds Creek too in the upper left corner. Mrs. Sautter stated and that I believe you are right on top of and that's a huge problem up there. Mr. Ouimet stated those are the two corner lots there. Mrs. Sautter stated you said it's approximately 100 buildable acres and does that include the wetlands or not because you just said the topography? Mr. Vuillaume stated yes, I think we have roughly 8.5 to 9.0-acres of wetlands and then the rest of that number was steep slopes and the balance there is probably maybe 30 to 35-acres of steep slopes. Mrs. Sautter stated okay, as long as you are taking that into consideration because I believe some of those areas are 500 FT buffers and not just 100 FT buffers in that area.

This item was tabled and referred to CHA for their technical review. The Board tabled the request for a PDD Recommendation to establish a new residential PDD consisting of 222 dwelling units, with 120 single-family homes and 102 units in 51 two family homes.

14.133 NB Dave the Sign Guy, 3 Plant Road – Change of Tenant & Sign

Mr. Dave Ashley, the applicant, stated the following: I'm applying for a Change of Tenant and a Sign application. Mr. Roberts asked will you be the only person working there or will you have other help too? Mr. Ashley stated no, it's just me. Mr. Berkowitz asked which building is it on that parcel? Mr. Ashley stated if you're familiar with the body shop that used to be there, it's the smaller building to the right, which is the smaller gray building to the right. Mr. Berkowitz stated okay. Mr. Ouimet asked are you going to occupy the entire building? Mr. Ashley stated yes, the smaller building that is on the right, which is approximately 1,200 SF. Mr. Ouimet stated right now you're over across the street in the Savemore Beverage building, correct? Mr. Ashley stated correct, I am presently in the Savemore Beverage building and I have been there for about 12 years. Mr. Ouimet asked Mr. Roberts if he had an opportunity to look at the Sign application? Mr. Roberts stated yes, I have and the sign meets the code.

For the record: The Planning Department's write-up for the sign(s) is as follows:

Number of Signs: 1

Wall-Mounted

Internal lighting

4'x 8' = 32 SF

Mr. Roberts made a motion to approve the Change of Tenant and Sign Application for Dave the Sign Guy. Mr. Berkowitz seconded. All-Aye. Motion carried.

Old Business:**14.112 OB Duke's Grove, 480 Hudson River Road – Addition to Site Plan**

Mr. Marc Pallozzi from LaMarche Safranko Law stated the following: I'm here tonight on behalf of Mr. Don Neddo and this is the application for an amendment to the Duke's Grove Site Plan. I believe that the last time that I was here the application needed to be referred to the County for review and there was also a question regarding what's on the site plan map as a proposed septic system. It is my understanding and I answered via email that that system actually was put in place back in 2011 and I believe that it was approved by this Board in the same year. Mr. Ouimet stated I think there were a couple of things here; I think the last time you were here you indicated to us that you didn't need a Building Permit for the pavilion. Mr. Pallozzi stated it was our understanding that a Building Permit wasn't necessary because it was a metal framed pavilion and it didn't actually qualify as a structure under our interpretation of the code. Mr. Ouimet asked now has your opinion changed? Mr. Pallozzi stated I don't think so. Mr. Ouimet stated so; you still don't have a Building Permit? Mr. Pallozzi stated we don't have a Building Permit, no. Mr. Ouimet asked Mr. Harris if he talked to the Building Department and is a Building Permit required? Mr. Harris stated yes, I checked with the Building Department before the last meeting and after the meeting just to confirm and they indicated yes that initial discussions with owner was a much different type of construction and that once this was built and they took a look, it was not what they previously thought and they indicated both before the last meeting and since the meeting that a Building Permit is required. Mr. Pallozzi stated okay, if the Board feels that's necessary, we can get a Building Permit for this. Mr. Ouimet stated the following: Okay. The issue with the septic; on the map that we have been provided, we have just indications of proposed septic locations. Mr. Pallozzi stated yes, I understand and if necessary, I can get the Board a map that shows the actual septic systems is in place at that position. I talked to Mr. Neddo about it and it was put in place and was approved by the Board I think three years ago. Mr. Ouimet asked so; can you get us an as-built that shows everything exactly? Mr. Pallozzi stated I sure can. Mr. Ouimet stated I also think we had a couple of other questions at the pre-meeting. Mr. Higgins stated also, if there are any wells and whether they are being used or not on this property and adjacent properties, you have to show them on the drawings. Mr. Pallozzi stated okay. Mr. Higgins stated the following: Also, the fire department came back and said that with the site changes that we're looking at here; they recommended an 18 FT wide road throughout on all the roads between the parking lots and between the main road, and all the way up through and it would need to hold 75,000 pounds. So, is the applicant going to provide some kind of an engineered drawing or an engineered certification of all the driveways showing that they are 18 FT wide and that they can handle 75,000 pounds? Mr. Pallozzi stated the application was just for the metal framed pavilion. Mr. Higgins stated it doesn't make any difference as you're changing the use. Mr. Pallozzi stated the following: Right, I just want to understand where you're coming from. So, this wasn't provided in the initial one? Mr. Higgins stated it wasn't, but you're also adding a bunch more people because you have more square footage. Mr. Pallozzi stated again, those picnic tables that are at that place existed before the metal framed pavilion was construction and we're not changing the amount of people that are going to be at the facility at peak hours or any hours. Mr. Higgins asked then why did the applicant build the building. Mr. Pallozzi stated again, the reason for this pavilion being constructed was that in the event of

inclement weather and people could still enjoy the picnic table area and eat their food while it's raining out. Mr. Higgins stated the following: The applicant is coming back before this Board asking us to review these changes and as part of that; his request was sent to the appropriate departments in the Town. The Halfmoon-Waterford Fire Department responded and their feeling is that with what they are seeing now on that site and they're requesting an 18 FT wide road that will handle 75,000 pounds. So, typically this Board at least listens to the request from the emergency service departments and that's what they are asking for. So, I'm asking you can the applicant provide an engineered certification of all the roads. Mr. Pallozzi stated I will have to confirm that with the applicant so; I will find out. Mr. Higgins stated okay, thank you. Mr. Ouimet stated so; this was referred to the County and what were the County's comments on their response? Mr. Harris stated the following: The County found No Significant Countywide Impact, but had the following comments for the Halfmoon Planning Board's consideration: The 14-acre site used for such non-restaurant uses as a dog kennel and boarding houses and the question that the County Planning Board sought clarification is whether the Halfmoon zoning ordinance allows for more than one principal use on one lot. If it is permitted that several principal uses (as permitted uses within the schedule of uses in Town Code) can legally occupy one building lot, then is there the requirement that each of the permitted uses must meet the bulk/area requirement on its own merits? Also, at a minimum, the Saratoga County Planning Board recommends that an overall plan of development be provided to the Town Planning Board as part of this application for post-approval of pre-constructed structures. Mr. Ouimet asked has that response been provided to council for the applicant? Mr. Harris stated no, it was not. Mr. Ouimet asked can you provide a copy to them? Mr. Harris stated sure. Mr. Ouimet asked Mrs. Murphy if we had any issues here based on the County's comments? Mrs. Murphy stated based on the conversation it is my understanding that you're going to refer the comments to him and give him an opportunity to redo the plans for you; respond to those comments and proceed. Mr. Ouimet stated right and you already agreed to give us an engineered drawing anyway showing the actual locations of the septic and any wells and you're going to check on whether or not you can certify that the comments of the Halfmoon-Waterford Fire Department. Mr. Pallozzi stated that's correct and the certification of the roads for 75,000 pounds. Mr. Ouimet stated so; we'll provide you with a copy of the County's comments. Mrs. Sautter stated also supply them with the copy of the letter from the fire department as well just so he knows what they said.

This item was tabled. The Board tabled the request for an Addition to Site Plan application for the construction of a pavilion. The Board requested the applicant respond to comments received from the Saratoga County Planning Board and the Halfmoon-Waterford Fire District. Also, the Board requested a revised "as-built" site plan indicating all existing structures, including wells on this property and adjacent properties.

14.114 OB T-Mobile Co-Location, 19 Route 236 – Addition to Site Plan

Mr. Steve Ellsbree from Pyramid Network Services stated the following: I'm here tonight representing T-Mobile who has applied for a co-location on the existing Verizon tower located at 19 Route 236. I presented this project previously and we were awaiting comments from the County Planning Board. Mr. Ouimet stated I think that at your last presentation when we adjourned this the last time, there some indication that you were installing additional ground support equipment and do you have to expand the parameter that exists right now? Mr. Ellsbree stated yes, if you review the Woods Plaza site plan approval, there were three equipment areas approved on that approval so; Verizon installed at their location and I believe they installed a fence for a portion of that. Mr. Ouimet stated yes. Mr. Ellsbree stated the following: AT&T has been approved as the second location and now T-Mobile would be the third. So, it's all within the original approved footprint. Mr. Ouimet stated so; within that coral, if you will, the fenced off area; would your equipment be located inside there and you wouldn't have to expand that? Mr. Ellsbree approached Mr. Ouimet and showed him where the Verizon installation was located and these are the two future

installations. Mr. Ouimet stated so; this is the existing so, you don't have to expand this at all, correct? Mr. Ellsbree stated correct. Mr. Higgins stated so; is all of the existing shrubbery that's there around the outside of the fence is going to stay? Mr. Ellsbree stated correct. Mr. Higgins stated and none of that is going to be removed, correct? Mr. Ellsbree stated correct. Mr. Higgins stated also, the last time you mentioned that you're going to reinstall the fake tree branches once you put your display up there then you'll put the branches on the outside so it will look like it does right now, correct? Mr. Ellsbree stated correct and there will be space taken up by the antennas that are installed and those mounts that the antennas are installed on have positions for branches. Mr. Higgins stated so; it will just be more branches that you're going to see. Mr. Ellsbree stated right. Mr. Ouimet stated so; it will be a fuller artificial tree.

Mr. Berkowitz made a motion to declare a Negative Declaration pursuant to SEQRA. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Mr. Berkowitz made a motion to approve the Addition to Site Plan application for the T-Mobile Co-Location. Mr. Ruchlicki seconded. All-Aye. Motion carried.

14.125 OB Crescent Gardens Mobile Home Park, 15 Plank Road – Recommendation for a Mobile Home Park Expansion

Mrs. Murphy stated the record should reflect that I'm removing myself from the room. Mr. Ouimet stated can we have the services of the Deputy Town Attorney then? Ms. Cathy Drobny sat in for Mrs. Murphy in her absence. Mr. Gavin Vuillaume from the Environmental Design Partnership stated the following: I'm here tonight with Mr. Michael Klimkewicz from MRK Realty to again present the Crescent Gardens Mobile Home Park rehabilitation project. Again, we're glad to be back in front of the Board here for this project. We presented this project back in September and I think September 22, 2014 was the last meeting we presented the proposal. We are proposing to both improve and expand upon an existing mobile home park located off of Plank Road so; you're all familiar with the site. I'm not sure if anybody has been out there since then or not and asked if the Board had scheduled a site meeting at all? Mr. Ouimet stated I don't believe we did site review, no. Mr. Vuillaume stated the following: So most of you obviously are very familiar with the site. We're proposing an expansion of the road system that is there and along with that we would be proposing 12 additional mobile home unit spaces. We presented that plan at the last meeting and I'll just quickly go over it again just as a refresher. The existing road is a circular road that comes off of Plank Road here and a majority of the mobile home units are down in this vicinity. What the applicant has done; he has purchased some additional land just to the north, which will enable us to expand not only the access around the park, but also to add some additional units and again; improve it from its current condition, which over the years obviously these mobile home parks do get old and a lot of the older units that are in there really need to be taken out and I think that will be part of the goal of the applicant is to remove some of these units and really create a much more esthetic looking mobile home park similar to some of the others in Town. The issues I think that we discussing at the last meeting and we did receive a review letter from CHA and I'll just quickly go over some of those issues that we discussed. One of them was the location of a couple of the mobile homes in the vicinity of the existing water main. The applicant met out in the field with Mr. Frank Tironi who was very helpful in determining the location of that waterline. We were also provided with an as-built that showed where the lines are so, we survey located where the existing line is and we relocated some of the units that needed to be moved away from that waterline. They happen to still fall within a 40 FT easement that's there and Mr. Tironi had mentioned that he really didn't need the 40 FT width of an easement for the waterline because he knew right where it was. So, if we reduced the easement down to 20 FT, all the units would be outside of that easement. So, that is going to take a little work to get that easement refined and redefined as far as its boundaries, but we will not have any of the mobile homes near the water main or over the new

easement. So, hopefully that was represented somewhere on the site plan that the Board has. The other item that we discussed was the sanitary sewer and we looked into the existing pump station and last week Mr. Klimkewicz met with an outfit that was able to uncover the pump pit and determine the horsepower of the pump that is in there and we determined that the discharge is about a 2-inch discharge and I think he had measured 60 gallons a minute that they were pumping as a test. Again, we'll redo this test and make it a little bit more official if the project moves forward, but we just wanted to get a feel for how things are operating over there and it does appear though that there is plenty of capacity for this existing pump pit to take the additional 12-units, but like I said, we would make a more formal analysis that goes to the Saratoga County Sewer District (SCSD#1) if the project moves forward, but it all looks good on the sewer front as well. So, sewer and water are really things that we feel are in pretty good shape. Stormwater; there's always room for improvement in stormwater and we haven't got into any detailed grading plans, but we are certainly willing to provide additional information as far as grading of the area. We're not going to change a lot of grades, but there may be some areas that we could hopefully capture some more of the stormwater on the site. The soils are pretty good and we were actually out there on a rainy day last Friday when we had all that rain and there really isn't a lot of standing water and I didn't really see any standing water in any of the roadways. So, the drainage that is there does work and obviously the way things are setup now with the unusual configuration of some of the units certainly can be improved. So, we are willing to make some drainage improvements, but again, the disturbance that we're talking about doing and what Mr. Klimkewicz wants to do is really under the acre and really by law we technically don't really need to do post stormwater management, but we are willing to obviously make improvements wherever deemed necessary. That really brings us to what we feel is probably the make or break discussion for us and that's the requirements as Chapter 107 has several requirements and these are more or less dimensional requirements for mobile home parks. I don't know if we want to get into the whole list of where we meet and where we don't meet, but I can point those out at some point. We've said from day one that there's no way that he could get all the improvements made without the additional units to help pay for some of the work that he wants to do to improve this park. To get those additional units, we could not meet, for instance; the 50 FT adjacent area and I know that's one that is always a concern and that's where you're trying to provide 50 FT of adjacent area around the entire park. So, if we did that, we just wouldn't have room for the number of units that we need in order to make this project work. So, that's one in particular that we're very concerned with and we know the Town would like to see that requirement being met. However, in all honesty, there are a lot of mobile home parks that are existing in this Town that do not meet all of those requirements and they are very nice looking facilities and they do provide a much needed housing product that is affordable and really the only way to do it is for us not to meet all those requirements. Again, we did do our best to refine our drawing to try to meet as many as we could, but we feel that that's probably our biggest hurdle and we're willing to work with the Board if you're willing to work with us on some of those requirements. Getting back to the buffer; if we do want to get into all the buffers that are there, I have photographs with pretty much every square foot along the parameter of the site and again, I can point out certain areas if there's a certain spot that you feel that an additional buffer might be required. We are saving whatever existing buffers that are there so, if there are trees there now, and we went out and measured quite a few of them and they generally range anywhere between I would say 15 and maybe 25 FT of width around the parameter of the site and I have kind of highlighted those in dark green here of some of the more important ones. Certainly all that vegetation is going to stay and we're not going to touch any of it. The areas that we're proposing are new locations for these mobile home units are in areas where there is either an existing mobile home unit now or it's an open lawn area. So, we're not taking a lot of buffers out in order to make this project work. We're willing to preserve and protect whatever buffers are there, but dimensionally they just don't need that 50 FT requirement. Like I said, I have some photographs if you're interested to see where some of those buffers areas might be. Mr. Ouimet stated the

following: Well, as you know, this is not a traditional site plan review. So, in doing due diligence I think this Board referred your proposal to CHA for review and CHA was thorough in pointing out the fact that the park as it exists today without any modifications or expansion is non-conforming to the mobile code regulations. Normally the way the Board functions; if you're expanding a pre-existing, non-conforming use, which is technically what you're doing, is that we would not have the authority to allow you to do that. That's why I asked the Deputy Town Attorney to do some research on this question as to whether or not we were bound by the normal rules of zoning and asked Ms. Drobny what she has found out. Ms. Drobny stated the following: It's different than the normal application or site plan and it's done totally through Chapter 107 and if it's a non-conforming use, it can continue as a non-conforming use if it's approved. Mr. Ouimet stated but is that an approval by this Board or by the Town Board? Ms. Drobny stated what it is; you put in your opinion to the Town Board and they make the decision, but you do not go to Zoning. Mr. Vuillaume stated no, it's the Town Board that makes the final decision and I think it even says that the Town Clerk issues a permit or something. Mr. Ouimet stated the following: Right. So, the fact that it's an expansion of a pre-existing, non-conforming use is not an issue for this Board to react to, correct? Ms. Drobny stated correct. Mr. Ouimet stated moving on from there; there was a number of questions that were raised by CHA, by Highway, by Water and by Fire that I'm not sure you addressed Mr. Vuillaume. Mr. Vuillaume stated well, not having the detailed plans probably didn't help. Mr. Ouimet stated can I backup a little bit and ask you; do you know whether or not the minimum road width that you're proposing in the new expanded park or the new improved park is 18 FT? Mr. Vuillaume stated the following: Originally we had proposed 18 FT and I did meet with Mr. Steffen Buck, Director of Code Enforcement, and he said it needed to be 20 FT. So, we are now proposing 20 FT and that's what is shown on the current plan. Mr. Ouimet stated okay, so it's at least 18 FT and I think that was a question that was raised by the Waterford-Halfmoon Fire Department. Mr. Higgins it says 22 FT in the topics. Mr. Ouimet stated the following: 22 FT on the roadway cut on Plank Road and did you address that at all? Regarding the entrance off of Plank Road; the Fire Department recommended 22 FT feet because of the swing. Mr. Vuillaume stated I think we can do that and that's fine. Mr. Ouimet stated it was just on the entrance Mr. Higgins. Mr. Vuillaume stated yes, we can do that. Mr. Ouimet asked did you say that you met with Mr. Frank Tironi and he's okay with what you're proposing to do? Mr. Vuillaume stated with the water, yes. Mr. Higgins asked if you have a 40 FT easement now, I guess I don't understand. Mr. Vuillaume stated we're going to just center it right on the water main because we know right where the water main is so, you'll have 10 FT either side of the water main and that's typically what they ask for an easement. Mr. Higgins stated and if they have to dig up that water main, they can do it? Mr. Vuillaume stated 20 FT is plenty of room to dig up a water main, yes. Mr. Higgins stated the following: Okay, I guess if Mr. Tironi is comfortable with that. Again, I understand that it's financial, but you're just trying to pack way too much into the site in my opinion. I understand what you're saying as far as you need to have more sites to make it financially workable, but again, in my opinion, I think you're not providing enough buffering and enough space between the neighbors as they are used to it now and as soon as you start making changes and as soon as they start seeing something different, I just think we're going to hear about it. Mr. Vuillaume stated the following: Well, that's probably true and asked if there any place in particular because maybe there is something that we can do to improve it? Like in any particular spot that you're thinking? Mr. Higgins stated the Code calls for 50 FT from the adjacent property lines and you're at 20 FT. Mr. Vuillaume stated the following: We're at 20 FT with a lot of it and I agree. Just for instance; like here we have the 20 FT and you have 20 FT here. Again, this area to me isn't that important because these are mobile homes right here so, maybe this one isn't as critical where as these are up abutting some single-family and maybe we can try to gain a little more of a buffer there, I don't know. Mr. Higgins stated let me ask you this; if you don't expand this park and if it sits the way it sits right now, do you have 50 FT of buffer? Mr. Vuillaume stated no. Mr. Harris stated the following: Late this afternoon a neighbor, one of the Sheridan's who is off of Plank, who didn't submit written comments, but he is planning to. He came

in and looked at the plans that we had on file and did express concern regarding what you're showing as one of the more narrow green areas in the upper right corner there and his house is the one that is located there. Again, he expressed concern and asked if there was a Public Hearing tonight. I said no and that he could always submit written comments and I would bring them to Board and I think I failed to mention that at the pre-meet. I suggested to him that often the Board will require or request the applicant to install additional evergreen type buffering and I said that that's usually a reasonable accommodation made and that we're not at that stage yet, but for a Public Hearing. Mr. Vuillaume stated I have some photographs and you can see that that's along the road here and you can see that there is decent vegetation there, but a lot of it is deciduous and maybe some evergreens would be nice along that edge. Mr. Harris stated and he mentioned with the additional units going there because there is one there right now and now there is going to be five. Mr. Vuillaume stated right, this one is a little close. Mr. Harris stated there are two close by and now there would be five and he expressed concern regarding trespassers, which isn't necessarily your issue 100%, but rather than people that want to cut over and go to Stewart's and stuff. Mr. Ouimet stated the following: Well, the role of this Board is limited in this situation. I think the best we can do is voice our concerns and whatever we refer to the Town Board; we need to send with them all the information that we've developed by our referrals so, they have all the information in front of them and they can make an informed decision. Mr. Vuillaume stated that's fine and again, if you want to put together a letter or something that describes some of the areas that you're concerned with, we'll try to improve on those areas the best we can. Mr. Ouimet stated well, I think that's a negotiation that you can have with the Town Board because this Board doesn't have the authority to do it. Mr. Vuillaume stated yes, I understand and that's fine. Mr. Roberts stated I agree with Mr. Ouimet and I wish there was a way that you can bring this into compliance. Mr. Higgins stated I do too and I realize it's financial and I'll make a recommendation that we send a negative recommendation back to the Town Board. Mrs. Sautter stated am I correct? Mr. Ouimet asked is this a discussion on Mr. Higgins' motion? Mrs. Sautter stated no, it is not and I asked him to hold on that. Mr. Higgins stated I'll withdraw my motion. Mr. Ouimet stated okay. Mrs. Sautter stated so, there will be no Public Hearing on this from this Board or the Town Board, is that correct? Mr. Ouimet stated not from this Board. Mrs. Sautter asked or the Town Board? Mr. Harris stated yes, the Town Board. Mrs. Sautter asked will the Town Board have one? Mr. Harris stated yes, I believe so, but not the Planning Board because they are not required to hold a Public Hearing. Mrs. Sautter stated I just wanted to make sure because my biggest concern is that I know it looks nicer and I know that it's not already in compliance but my biggest concern is one of the neighbors like you said and that it won't come back here and we can address those things, but as Mr. Ouimet said, we will put them in writing and hopefully whoever has concerns will show up and maybe voice more and you can work with them. Mr. Vuillaume stated yes, that's fine. Mr. Klimkewicz stated I have a good relationship with the neighbors and they want to see the park upgraded. Mrs. Sautter stated yes, I hope so and I'm sure they do. Mr. Berkowitz asked Ms. Drobny if the members of Planning Board were able to voice their concerns and just send it to the Town Board without a recommendation? Ms. Drobny stated what you do is; you send your opinions to the Town Board. Mr. Berkowitz stated so; we don't have to positively or negatively recommend this back to the Town Board and we can just send it back to the Town Board without a recommendation. Ms. Drobny stated or you can put in your concerns. Mr. Berkowitz stated right, with our concerns and they'll know our concerns from our meeting right now, but we don't have to give a positive or a negative recommendation for this project. Ms. Drobny stated the following: You give your findings and your opinion, but you do not have to go one way or the other. So, they take it into consideration. Mr. Higgins stated the following: That's contrary to what was said at the last meeting and what was said at the pre-meeting. So, I'm confused. Mr. Nadeau stated I think Mr. Berkowitz's question is; do we need to vote? Mr. Berkowitz asked can we just recommend this to go back to the Town Board and just voice our concerns without voting negative or positive? Mr. Nadeau stated right, the question is; is a vote required? Ms. Drobny stated I do not believe you have to vote, but you do

give your findings so, if your findings include the vote and you want to give them your opinion, you can. Mr. Berkowitz stated so, we can just send this back with a voting on it. Mr. Higgins stated so; can we send it back without a recommendation one way or the other? Mr. Berkowitz stated we can just send it back with our comments without a positive or negative recommendation because we have no control over this. Mr. Higgins stated the following: I agree, but we were told previously that it had to go back from this Board to the Town Board with a recommendation one way or the other. Isn't that the impression that you got Mr. Nadeau? Mr. Nadeau stated yes. Mr. Higgins stated and that's the impression that I had and I just want to confirm that that is the case. Ms. Drobny stated well, you have to give your findings, correct? Mr. Harris stated the wording says that the Planning Board shall transmit the application back to the Town Board together with its written findings within 60 days of receipt of the completed application containing all the required information and failure to act within 60 days of receipt of the completed application shall be deemed a disapproval recommendation. Mr. Berkowitz stated so; we're not approving it, we're not giving a positive or negative recommendation and we're just sending it back to the Town Board with our opinions. Mr. Ouimet stated with our findings. Mr. Berkowitz stated correct, with our findings. Ms. Drobny stated that was how I interpreted it. Mr. Ouimet stated with our findings based on the reviews that we sent out. Mr. Berkowitz stated I would feel more comfortable doing that then giving a recommendation. Mr. Higgins stated yes, I was under the impression that we had to give a recommendation, but apparently that's not the case. Mr. Berkowitz stated right, along with our comments. Mr. Nadeau stated yes, with our comments as well as I think the comments will pretty much show the direction. Mr. Ouimet stated we don't have the County's comments yet, do we? Mr. Harris stated the following: I don't have the written County comments as they met Thursday, October 16th and deemed it No Significant Countywide Impact with comments. I don't have them comments written, but verbally I was told the comments are consistent with the findings of CHA's review letter, which they had at the time of their meeting on Thursday, October 16th, but I tried to reach out to staff today and it was unavailable. Mr. Ouimet stated so; our return to the Town Board should include whatever written comments that we get from the County. Mr. Harris stated the following: Well, the Town Board needs the County comments since they're the body acting and they'll need the County comments under the General Municipal Law before they act, but you don't necessarily have to have them as that's your decision or at your discretion, I think. The General Municipal Law applies to the body that is acting and in this case it's the Town Board. Mr. Ouimet stated I guess my only concern was that since we don't have the County's written comments, can we even act on it tonight or do we have to wait until we get them? Mr. Higgins stated that was going to be my question because I know we have it verbally. Mr. Harris stated I don't think you have to as the Town Board cannot act on this until they have the County's written comments back that also have to go to the Town Board. Mr. Berkowitz stated so; the Town Board is going to receive the County's written comments along with our comments. Mr. Harris stated yes and they will probably have them tomorrow as I tried to get them this afternoon, but they don't have them written. Mr. Higgins stated as I understand it Mr. Harris; your interpretation of what you were told verbally was that the County also had concerns regarding the distances that were required by the Town regulations verses what the applicant is proposing. Mr. Ouimet stated it sounds like the County's comments were the same as CHA's. Mr. Higgins stated and also the same concern that some of the Board members have expressed tonight and I for one expressed a concern. Mr. Harris stated the following: I do want to just mention the next section in the Mobile Home Ordinance says "the Town Board shall review the findings of the Code Enforcement Officer and the Planning Board and by resolution indicate its approval or disapproval of the application within 60 days of the date of receipt of the recommendation of the Planning Board or recommendations received within 60 days after". So, I'm thinking that's why I probably paraphrase in your topics and things "recommendation, recommendation" and that kind of thing. It's up to legal council's opinion and not mine, but you probably could go anyway on this. Recommend yes, no or in findings. Ms. Drobny stated the following: Right, that's how I interpreted it. You do not have to say yes or no

and you could say "we reviewed it and this is how we feel". If you want to give a yes or no on we approve it or we don't approve it you can and they will take what you write in your findings and review it. Mr. Berkowitz stated can I make a motion that we send this back to the Town Board along with our findings based on our meetings along with our meeting minutes? Ms. Drobny stated yes. Mr. Ouimet stated along with the reviews done by the referring agencies; CHA and the County. Mr. Roberts stated I would like to express my concern that I think that they should conform to the requirements. Mr. Higgins stated yes, and I also said that.

Mr. Berkowitz made a motion to send the application for Crescent Gardens Mobile Home Park - Recommendation for a Mobile Home Park Expansion back to the Town Board along with our findings based on our meetings along with our meeting minutes and the reviews done by the referring agencies; the Town Engineer/CHA, the Saratoga County Planning Board, the Halfmoon-Waterford Fire District, the Town Highway Superintendent and the Town Director of Water. Mr. Roberts seconded. All-Aye. Motion carried.

FINDINGS. The Board chose not to declare a positive or negative recommendation regarding the proposed expansion. The Board voted to forward its findings relative to the comments received from the Town Engineer/CHA, the Saratoga County Planning Board, the Halfmoon-Waterford Fire District, the Town Highway Superintendent, and Town Director of Water to the Town Board for consideration. The Board requested that the findings be forwarded with the Board meeting minutes, if/when approved at the next meeting on November 10, 2014.

Mr. Ouimet asked Mr. Harris if he could make sure that a package is put together with the all the comments from all the involved agencies together with tonight's meeting minutes, but we can't send it until we approve tonight's meeting minutes at our next meeting. Mr. Harris stated yes right, I'll do a resolution that references the discussion in the minutes and all agency comments. Mr. Ouimet stated I don't know if I'm comfortable with that. Mr. Harris stated okay, no? Mr. Ouimet stated we really can't submit a full package to the Town Board until our minutes for tonight's meeting are approved at our next meeting so, we will have to wait until our next meeting. Mr. Harris stated your minutes will be your findings are what you're saying and they are not final until the November 10, 2014. Mr. Ouimet stated no, what I'm saying is; the minutes of tonight's meeting have to be part of our findings and they can't go to the Town Board until they are approved. Mr. Harris stated right, your findings are in the minutes of tonight's meeting, which won't be finalize until the November 10, 2014 Planning Board meeting. Mr. Ouimet stated that's right. Mr. Berkowitz stated that is well within the 60 day period that they need. Mr. Harris stated well, you could deem it not complete until tonight's presentation so; yes you're good. Mr. Vuillaume stated you have 60 days after you put together the findings. Mr. Ouimet stated well, it's either tonight's meeting or two weeks from tonight when we meet again. Mr. Vuillaume stated that's fine. Mr. Ouimet stated alright so, your package needs to be put together, but it can't go until our next meeting. Mr. Vuillaume stated that's okay.

Mrs. Murphy returned to the podium for the remainder of the Planning Board meeting.

13.054 OB Self Storage Facility, 423 Hudson River Road – Commercial Site Plan

Mr. Tom Andress from ABD Engineers and Surveyors stated the following: I'm here tonight for the applicant and owner of the property, Mr. Dave Mulinio. This was a project that the Planning Board approved last September 9th. So, that was a little more than a year ago. Unfortunately, at that approval there was a condition for an archeological review and a year and plus 5,000+ later we did an archeological review that showed that it was all fill as we knew and there was nothing found at all. Unfortunately, the archeological study was completed I believe in the end of August and there

was a determination made that even though we had the archeological study the department really wanted to have a sign off from the State Historic Preservation Office (SHPO). So, that took another month or so and that put us into over a year from that approval. The plans were never signed because we obviously had to meet that condition. So, we're back before the Board I guess for a re-approval of the project just to keep everything on the up and up here. Mr. Ouimet stated so; your understanding is that the only reason why it hasn't gone forward is because of the SHPO review taking as long as it did? Mr. Andress stated that's correct and unfortunately what happened is the approval was in September and we probably should be archeological consultants instead of civil engineers and they are so far behind that it is almost impossible to get those guys out and they can only do it when the ground isn't frozen and we probably had the worst winter on record for conditions for the archeological studies because they do the Phase 1A, which is the literature review, but I've never in my life and ever since I worked have I ever seen a Phase 1A not got to Phase IB, which is the testing at the 50 FT or whatever it is or 30 meter intervals or whatever. So, that can't be done until the ground is soft enough for them to dig the holes and then sift the materials. So, that doesn't start until this year and it didn't start until the end of April and they had such a backlog that it was almost impossible to get anyone out there. So, they didn't get out there until almost the middle of the summer and they called us right away and said that they found nothing and then it took another two plus months for them to write up the report. It's a little disheartening, but it's one of the issues that you have because the New York State Department of Environmental Conservation (NYSDEC) put in at the last minute after consultant review the regulations that require if you're over 1-acre that you need to get some type of a sign off so, that's a fairly large burden for small projects. This was at least in an area that could be archeological sensitive, however, when we went out and did the topo and survey, it was very clear that it was all fill. Mr. Ouimet stated this says that the plans have been revised; what are the revisions? Mr. Andress stated the following: The revisions were because the Board had some concerns and there were discussions of the restaurant next door and in the back of the restaurant over to the south there is a residential home and there we some concerns from that resident in reference to the buffering. There is an existing fence that comes to the back of where the parking lot is, but it doesn't extend across the back. So, what we did since then is we added a row of pine trees along there. We did have tree plantings in the front because you do have distribution warehouses across the street, but we did add more plantings into the front streetscape. Mr. Ouimet stated there was one issue with the Waterford-Halfmoon Fire Company about equipment that they were looking for. Mr. Andress stated yes, we had gotten a previous sign off from them, but when it went back to them on the more recent one, they were concerned about being able to get into the individual lockers so, we said that we would provide them with a grinder cutoff for the locks, but they actually want to be able to cut the siding so, they can slice open the building. So, we've actually talked with a number of fire departments and it's the same saw that they have that is a rescue blade. So, we're proposing to provide them with another rescue blade and they are not like the circular saws that you can buy at Lowe's and they are \$250.00 rescue blades that are specially made. It's interesting when you go into it and they can't even be in the same room with petrochemicals because the bonding material that the petrochemicals are made of will actually deteriorate over time. Mr. Higgins stated there is a note in the topics about floodway and wetland; was all of that delineated? Mr. Bianchino stated yes. Mr. Higgins stated okay, there was a note in here and I just wanted to make sure.

Mr. Roberts made a motion to reaffirm the prior approval for the Commercial Site Plan application for the Self Storage Facility as presented tonight. Mr. Higgins seconded. All-Aye. Motion carried. The Board renewed the Commercial Site Plan approval granted on 9/9/2013 for the proposed 41,975 SF (8 building) self-storage facility.

14.039 OB**&****14.040 OB****Bisceglia (2-Lot & 4-Lot) Subdivision, 683 Hudson River Road –
Minor Subdivisions**

Mr. Gil VanGuilder from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight representing Mr. Tom Bisceglia. I have put both of the projects up here as they are adjacent. This is the southerly property that Mr. Bisceglia owns that consist of 5.84-acres. The Board has previously seen this conceptually and asked if we had met with the Halfmoon-Water Fire Department and we have addressed their concerns. There is public water on the westerly side of Route 4 and there is a hydrant over there and they were concerned with the length of the driveway and the number of homes that they wanted the public water extended into the site. Actually, we've discussed with Mr. Frank Tironi, Director of the Water Department, and this can be a private waterline that would be extended into the site. It would be a 6-inch water main, which is adequate for fire protection. The driveways have been reconfigured for the long wheel base vehicles that the fire department customarily has to use in their emergency calls. Connection to the sewer line, which is on the easterly side of Route 4, would be done by individual laterals via grinder pumps. The main focus of this layout was to minimize the impacts to the Federal wetlands on the site that run pretty lineal with Route 4 in these two patterns. The only disturbances that are being proposed in either of these is a minor crossing here and a minor crossing here where the driveways are grouped so that they are not four individual driveways for this site and they'll share the driveways and the driveways will be maintained under a common maintenance agreement, which we can submit that language for review by council if the Planning Board would like. In kind of conjunction with this, Mr. Bisceglia owns a separate piece of property, which was subdivided in 2012. A single-family has been constructed on the northerly portion of this site and that access is via its own driveway up on the north end. On this portion of the site there is an existing wood framed house and we are proposing to create an additional lot in the rear that would access via this common driveway and its utilities would come in over that same utility corridor. So, everything would all flow together in a common use type situation of the driveways and the utility corridors. Mr. Ouimet stated we had a committee of the Board look at this and asked Mr. Higgins what their findings were. Mr. Higgins stated Mr. Nadeau, Mrs. Smith-Law and I went out and we spent quite a bit of time out there and did your representative on that walk through bring back our comments to you. Mr. VanGuilder stated the following: Yes, he did and he indicated that the Board felt that there were too many homes in this area, but I think one thing that the Board has to keep in mind is that public water and public sewer are available. The focus here is on the river and this is a beautiful ridge right here where it overlooks the river and Mr. Bisceglia would like to capitalize on that focus on this ridge. One concern that a representative did mention was concerned about the flood plain and that was a concern with this house here and we worked closely with the builder to make sure that the lowest floor elevation was above the flood plain. As you can see here, the 100-year flood plain is the 40 contour and it is close to this house, but that's the highest part of the lot. Mr. Higgins stated yes, but what happens if the driveway floods? Mr. VanGuilder stated the following: This elevation right here is the 60 contour and that's 20 FT higher than the river. The flood plain, according to the Federal Emergency Management Agency (FEMA) mapping is confined just to the river corridor and it doesn't go up those wetland fingers. So, those are not in the flood plain. Mr. Higgins stated the following: Well, I for one thought we were very clear that we were not at all in favor this plan. There are other Board members, but I still feel the same way because it is way too crowded up on the ridge. I understand that he's trying to maximize his return on an investment, but we just felt that it was way too much for the area that you're dealing with and with the accesses that you were dealing with, with the potential for flooding on the west side of the homes and everything else and we spent a lot of time out there. Mr. VanGuilder stated I know that one of the concerns was that we work with the fire department on the emergency access, which we met several members of the fire department on-site and we have submitted the plan to them for their review, but we believe

that we have addressed all of their concerns. Mr. Higgins stated but that was only one of the items that we discussed that day out there. Mr. Nadeau stated I think it was Mr. Rabideau that was at the site with us. Mr. VanGuilder stated yes, he was. Mr. Nadeau stated I thought he was looking at it the way we were looking at it. Mr. Higgins stated yes, I thought so too and that's why I'm very surprised that you came back and presented exactly the same thing. Mr. Nadeau stated yes, I think it was showing that that northern portion of that subdivision was kind of an encroachment on that other property and as we looked at the lot it seemed to me that we were in unison about the tightness of that north lot basically and that's why we felt one less lot would make that a much more useable area. Mr. VanGuilder stated are you referring to the north lot? Mr. Nadeau stated yes, I believe it was. Mr. VanGuilder stated the following: Okay, I can certainly go back to the applicant and discuss that with him. I do want to stress that I certainly understand your feelings, but we have public water and public sewer, it is in the R-1 Residential zone and 100 FT of width is the required width so, we're meeting all of the standards. I understand that there is a spatial feeling, but since we have worked with the fire department, I don't know that we have a formal response from them, but I will check that out and make sure that we do get something from them and I will talk to the applicant about a reduction in the number of lots. Mr. Ouimet stated according to the fire department concerns and I guess they had four concerns; one was the turnaround that you needed to provide for the fire trucks and asked do you have that? Mr. VanGuilder stated yes, they were looking for a configuration of the driveways like this here so that they could maneuver in this area here and that was their prime concern. Mr. Ouimet stated what about the steepness or the sharpness of the driveways for fire engines to turn on? Mr. VanGuilder stated these have been flattened and right now it's about a 60 FT radius on the curve, which is adequate for their fire apparatus and that's bigger than the radius on a cul-de-sac in a subdivision so, they should not have a problem negotiating that. Mr. Ouimet asked what about your entrance off of Route 4 & 32; is it 40 FT wide or wider? Mr. VanGuilder stated they were looking at this portion and they did not mention that when we met with them in the field, but I'll ask that question to see if they're happy with that. Mr. Ouimet asked have they seen this plan yet? Mr. VanGuilder stated yes, it was submitted to them and I know Mr. Radideau was supposed to check with our liaison to the fire department to see what their response was and they have had it for a few weeks. Mr. Ouimet asked Mr. Harris if we received anything back from the fire department since this revised plan came in? Mr. Harris stated no we have not. Mr. VanGuilder stated so; that's one thing that I do need to check and it's a formal response from the fire department. Mr. Ouimet stated yes, I would be curious to see how they responded to your changes in the driveway configurations. Mr. VanGuilder stated yes, sure. Mr. Ouimet stated well, at this point you have heard the concerns of the Board and the Board is concerned over the number of lots. Mr. VanGuilder stated okay. Mr. Ouimet stated I don't know what you want to do with that; if you want us to refer this plan to CHA, to schedule a Public Hearing and where are we going to go with this? Mr. VanGuilder stated the following: Let us check for a formal response because I think the fire department response is key as to whether they're comfortable with this plan. We believe that we put in all of the elements and we haven't heard back from them. One of the key concerns was getting fire flow back here closer to the buildings where they could connect up their lines from the fire hydrant to the trucks and we have accomplished that. Mr. Ouimet stated yes, I think that is one of the keys and we should refer this back to Mr. Tironi to see if the shared water service is still something he's objecting to. Mr. VanGuilder stated I did discuss that with Mr. Tironi and he actually suggested that. Mr. Ouimet stated really? Mr. VanGuilder stated yes and he said it had been done in a couple of areas like at Dahoda's and he said that they extended a private line back to two or three homes there and he said that was working fine. Mr. Ouimet stated the following: Alright. I guess you have heard the concerns of the Board so; take that back to you client and then we'll proceed from there. Also, at some point in time we're going to have to make a referral to the County and whatever you guys settle on. We're also going to have to have a Public Hearing at some point. Mr. VanGuilder stated yes, okay. Mr. Harris stated we're also going to wait on a referral to CHA, correct? Mr. Ouimet

stated I want to see how they are going to revised this if they are going to revise it at all. Mr. VanGuilder stated yes and that I need input from the fire department and from the applicant. Mr. Ouimet stated right and please stress to the applicant that we're all cheery with the number of lots that he's proposing here. Mr. VanGuilder stated okay, I'll do that.

This item was tabled. The Board tabled the Minor Subdivision applications pending review and response from the applicant regarding Board concerns related to the density of the development, and concerns expressed by the Halfmoon-Waterford Fire District and the Director of the Water Department.

14.123 OB Cardin Subdivision, Roger Lane/Chateau Drive/David Lane – Amendment to Site Plan

Mr. Nadeau recused himself from this item and Mr. Partlow sat in for Mr. Nadeau. Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant for the modification to the Cardin Subdivision. When the Cardin Subdivision was approved back in 2007, a note was included on the plan that required a 4 FT separation from ground water to the lowest floor elevation of the house and we're back this evening to continue that discussion. At the last meeting the Board expressed their concerns about what was done and what we are proposing. At this point in time, we have addressed all of the comments that we've received thus far from CHA. The applicant has done an extensive survey of the groundwater conditions that are out there on the site and for over a year he monitored the elevation of the groundwater and included within that period there was one month where we had approximately 20-inches of rain, which was a historic high for the area. So, we're here tonight again to further the discussion about lowering that requirement down from 4 FT separation to groundwater to 1 FT separation to groundwater. Mr. Ouimet stated I think after the last meeting we referred your analysis to CHA for review. Mr. Dell stated correct. Mr. Ouimet asked Mr. Bianchino if he had conducted the review? Mr. Bianchino stated the following: Well, as I had said before, the original condition on the subdivision plan was based on the fact that I think back when this thing was originally done, we had some soil information and some groundwater information, but it wasn't extensive throughout the site. I think because of that there was a concern raised and I don't recall who required it and it was probably the applicant who said "hey, in order to be safe, we'll just require a 4 FT separation", if I'm not mistaken and it could have been a condition of the Board, but I don't recall. Anyway, I think what these guys submitted basically was a monitoring of wells installed throughout the site, to do continuous monitoring of the groundwater elevations throughout the site and track their changes and identify what the maximum groundwater depth was determined to be during the period where the monitoring wells were in place. Based upon that information; they feel that they have a much better understanding of the maximum height of the groundwater on that site and it's the reason why they came in for the revision. I would agree that the analysis that they use is typical of what we would use when we're monitoring groundwater and wetlands or any other places putting in some groundwater wells determining and monitoring what the level of the water is in those wells and it does provide, generally speaking, a good analysis of the maximum depth of the groundwater. It's based on that analysis where they went through and looked at the site and determined what they felt for each lot was the recorded maximum depth of the groundwater and then, as Mr. Dell said, selected finished floor elevations a foot above that. The analysis and the work that was done was in accordance with acceptable standards. The real question is; can I guarantee to you that they're not going to have groundwater in their basement; no, I can't and that's the God's honest truth. I think their analysis was good and again, I think it was in accordance with all standards. I had suggested to these guys or to Mr. Dell that I think that I would suggest and I think one of the Board comments that was made at the last meeting was as a little factor of safety, do we want to keep the footings out of the groundwater and if we raise the elevation another foot; in other words, instead of going down to 1 FT, go to 2 FT and that would theoretically raise the footing height so that even the footings would be above groundwater. I

thought that was a reasonable compromise, but again, I think what the Board is asking me is; can I guarantee that these basements aren't ever going to be wet, I can't say that. Mr. Ouimet asked are we still having issues with groundwater in that area with the existing homes that are there? Mr. Bianchino stated the following: I think some of the Board members have said that they know people in that area that do have groundwater problems in their basement and my comment to that is; I have no idea where they built their basement elevations. The parcels to the north of site; they may have taken the existing grade and excavated out the foundations, which would have put them below the groundwater elevation. What these guys are proposing is basically excavating the topsoil out on some of these sites and that's where your footing elevation is. So, not even going in the ground and basically going above the ground, am I correct? Mr. Dell stated correct. Mr. Bianchino stated so; Mr. Ouimet I think the answer to your question is; yes, it sounds like they do have existing groundwater problems, but again, I don't know from what basis that those issues were caused. Mr. Ouimet stated the following: Members of this Board have walked that area prior to our initial approval of this project and that experience, if you will, doesn't indicate that there is a lot of comfort, at least for some of us on the Board, in lowering the foundations. Those of you who did take the walk, do you have anything to say? Mr. Higgins stated yes, would you be willing to leave the monitoring wells in and come back next year at this time. Mr. Gil VanGuilder, Managing Member of Cardin Acres LLC, stated they are all still in place and they are being monitored. Mr. Higgins stated okay so, you're not going to build any houses until you come back next year. Mr. VanGuilder stated the following: The road is currently under construction; CHA is inspecting the Town portion of the work, Saratoga County Sewer District (SCSD#1) is inspecting and they are intending to start with Phase I using the original lowest floor elevation because there's little difference between the approved on the plan and the elevation. The elevation of the groundwater in this area here was higher or it conforms or is consistent with the original plan. It's this area right here that we see the biggest differences and there was very little test pit information given and we've monitored three wells in this area from early May 2013 through July 2014 and we used the highest elevation and added a foot for the basement floor elevation. These in this area here could be lowered 3.5 to 4 FT per what the foundation was established at given the very minimal information that was collected in 2005. Mr. Berkowitz stated but that area actually was the wettest when we were walking it. Mr. VanGuilder stated I disagree with that because this isn't quite high. Mr. Higgins stated isn't that right where the wetlands are there? Mr. VanGuilder stated the following: The New York State Department of Environmental Conservation (NYSDEC) wetlands are back here, but this is a ridge. This is the end of the road where you come off the end of Chateau and then it curves around and that's quite a high ridge right through there. Mr. Higgins asked where's Plant Road? Mr. VanGuilder showed the Board the location of the Plant Road. Mr. Higgins stated okay, I'm sorry then and yes, I agree. Mr. VanGuilder stated the following: Yes and I agree with that and what the builder has agreed to do is to use the lowest floor elevation that is on the approved plans. The findings from the test pits were very consistent with the elevations found in that area. So, there's really very little change proposed, but the area in the back is where it would be. It's not just a matter of saving money that allows the builder to more esthetically site the houses because they don't have to bring in as much fill to taper it out and take out more trees and they can site the house at a circle level and then grade around it and not have to clear the lots near as much. Mr. Higgins stated so; you actually have three different phases that you want to do this in? Mr. VanGuilder stated yes. Mr. Higgins stated so it's one, two and three. Mr. VanGuilder stated the following: Yes, this is the first phase. As you may remember, all of Cardin Acres was just built on one entrance and in order to build any additional homes this secondary entrance had to be put in. So; this is Phase 1 just by necessity of the additional access to the site providing a secondary access. This will be Phase 2 and in this phase a connection will be made to the water line as the public benefit for this project is connecting up the water line here because Orchard Park to the north has problems with water pressure at hypo times and that connection will be made here and CHA did the modeling on that back in 2005. This is Phase 3 with a connection here and this road. This area here will receive the

greatest difference in the approved lowest floor elevation and the intent is just because this is a higher ridge and the engineers had so little groundwater data that they erred way on the side of caution in that particular area. Mr. Ouimet stated so; you're not going to get to that part for a while, correct? Mr. VanGuilder stated yes, it's projected that that would be two years away. Mr. Ouimet stated so; to monitor for an additional year I don't think would be a hardship. Mr. VanGuilder stated no, we'd gladly do it. Mr. Ouimet asked in Phase 2 are you requesting that that be lowered to one foot? Mr. VanGuilder stated the following: Yes, it would be lowered to one foot, but it would be not much different than it is right now with the detailed test pit data that we have during the high run of times. On David Lane, most of those houses are only being dropped a half of foot and one is only being asked to be dropped 1.5-FT. Mr. Ouimet stated that's from the 4-FT that we've already approved, correct? Mr. VanGuilder stated that's below the elevation that was previously approved. Mr. Ouimet stated which is 4-FT, right? Mr. VanGuilder stated well, this is the elevation that was put on the plan and the proposed elevation and that's the difference between them. Mr. Ouimet asked so; when are you going to get to Phase 2? Mr. VanGuilder stated they're expecting next year. Mr. Ouimet stated so; are you still monitoring the water levels there now? Mr. VanGuilder stated yes, we are. Mr. Ouimet stated the following: So; we will have some more data available should we table this request for a while. What I'm suggesting is that you may be premature in your request right now because we're not all that comfortable and we might get comfortable as time goes on, but I don't get a sense that we're comfortable now as far as addressing your request. Mr. Partlow stated I have a question regarding to where the wells are actually located and what I see on the map that I have here; the wells are located on the road sections and not where they are actually going to be located. Mr. VanGuilder stated the following: Those were the original test pits that were done in 2005. The wells that are on Lot #9, Lot #10 and Lot #15, on Lot #12, Lot #8 and Lot #1, and then Lot #18, Lot #21 and Lot #26. So, we spread them out as much as possible and Mr. Dan Loucks, the geotechnical engineer that was here laid those wells out for the maximum amount of coverage on the site. Mr. Higgins stated the following: I'm confused. In the first phase you agreed that you're going to do them as they were approved. The second phase with those little differences; why don't you just go ahead and do Phase 2 with what's approved because if you're only talking about a half of foot, that's six inches. Mr. VanGuilder stated there are a couple lots; one is a foot and a half and is 2.3 FT and I agree; it's not that much. The main thing that we wanted to do is; if anybody who picked up those plans and when they saw that note from a builders side, they were very nervous about what the possible consequences were because later on in the thing that says it will always be four feet above the highest observed groundwater that would put the some of the houses three feet out of the ground and that wouldn't be the intent as the land is never inundated out there, the groundwater does come up close to the surface, but it's never above the surface of the ground in the area of the proposed houses. Mr. Higgins stated on Phase 3 I agree with you and I don't have a problem with monitoring phase 3 and as Mr. Ouimet said; let's take a look at it somewhere down the road. Mr. VanGuilder stated well, we will be monitoring the wells in Phase 2 and Phase 3 just so that we have it for comparison purposes. Mrs. Sautter stated the following: I think you have a good plan in place and I think I agree; Phase 1, Phase 2, Phase 3 and I would like to see all of them monitored and I mean the second Phase 2 and Phase 3 because of the roadways going in and the impervious surfaces just to see the changes because generally it may be dramatic and it may not at all, but it would be a good baseline for us to know what type of things that you're doing out there and how much really it does count for future projects as well. I think that would be a great thing. Mr. VanGuilder stated I agree. Mr. Ouimet stated let me ask you; Phase 1 is under construction now and are you still going to monitor Phase 1? Mr. VanGuilder stated well, the problem is that one of the houses that they're proposing to build as a model home, and these test wells were put right in the center of the proposed house so; we're going to lose the test well on that one lot. So, we can put in another test well. Mr. Ouimet stated what I'm thinking is; that may help you validate the results. Mr. VanGuilder stated sure and I know in Mr. Loucks' presentations, but we are expecting that as the infrastructure starts working that the

groundwater will be controlled from the peaks because of all of the conduits to relieve the groundwater quicker. Mr. Ouimet stated I hope you're right. Mr. Higgins stated and you're putting in all of the stormwater retention and everything else that is approved that's associated with the roads and you're doing that at this point, correct. Mr. Dell stated for Phase 1, yes that's all going in there, correct. Mr. Higgins stated but are you putting in roads for Phase 2 and Phase 3 at the same time? Mr. VanGuilder stated no, only Phase 1 roads. Mr. Ouimet asked so, is the best thing to do is to table this until we can get some more data in the next however number of months it takes. Mr. Dell stated see you next summer. Mrs. Murphy stated I'm sorry Mr. VanGuilder, did you say that you were agreeable to tabling it for additional data for the Board. Mr. VanGuilder stated yes and why don't we take a look at the proposal for Phase 2 starting next summer and that way they'll have the ability to monitor it through the Spring season, which is typically the highest season so, that will give us some data for Spring of 2015. Mr. Higgins asked Mrs. Murphy if it could be tabled for that long. Mrs. Murphy stated with his consent it can and we can deem the application not complete without all of the additional information that you've requested. Mr. Ouimet stated we should take a vote to table this proposal until June of 2015.

Mr. Roberts made a motion to table the Amendment to Site Plan application for the Cardin Acres Planned Development District until June of 2015 for additional data on the groundwater. Mr. Ruchlicki seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the October 27, 2014 Planning Board Meeting at 9:14pm. Mr. Partlow seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary