

**MEETING MINUTES
Town of Halfmoon Planning Board
January 26, 2015**

Those present at the January 26, 2015 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

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: Jeremy Connors

Mr. Ouimet opened the January 26, 2015 Planning Board Meeting at 7:00 pm.

Mr. Ouimet asked the Planning Board Members if they had reviewed the January 12, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the January 12, 2014 Planning Board Minutes. Mr. Ruchlicki seconded. Vote: 7-Aye, 0-Nay, Motion carried.

Mr. Ouimet: First thing on the agenda tonight is a public hearing.

Public Hearing:

14.148 MMMH Enterprise LLC, Firehouse Road – Minor Subdivision & Special Use Permit

Mr. Ouimet asked if anyone wanted the Public Notice read, no one came forward.

Duane Rabideau from Van Guilder and Associates representing MMMH Enterprise LLC, which is requesting an approval for a three lot subdivision and a special use permit to build three duplexes on these three lots that are located on Firehouse Road, right in back of the Country Drive In. The zoning in this area is Professional Business Residential. The three lots will be in a flag lot configuration with 20 foot strips for road frontage for each of these lots. The lots will be serviced by public water. There is a water main right here with a fire hydrant over in this corner right here. The lots will have on-site septic's. The septic areas, we have done perk tests out there and each of the septic areas have been qualified by a professional engineer. The wetlands have been identified on the strips through here and some strips through here. They are Army Corps wetlands and not DEC. The second component of this request is for the special use permit for requesting the Board to allow duplexes to be constructed on these three lots. In this parcel, we feel it is appropriate for this parcel due to the existing zoning and the build out in the immediate area. As far as mitigating potential impacts by putting duplexes there instead of single families, we have set this configuration up so that the development is to the westerly side of the parcel. We have two single family

residential lots here so basically maintaining a wooded buffer along these rear lot lines. This is the LaValley PDD which is a multi-unit project up here. This is the National Grid substation right here. This is the National Grid power lines and all of these lots here are professional residential lots. That is our request before the Board.

Mr. Ouimet: Thank you. Would anyone from the public wish to speak?

David Allen, 43 Firehouse: I believe that there is going to be numerous problems. The traffic problem, the ice cream place is horrendous in the summer time. I have people parking in my yard, in front of my driveway, it's unbelievable. It's accidents constantly there. That is probably the number one problem. The water problem, I believe that there is going to be serious water problems there. The lot that you got past perk with red clay I can't believe that because I have walked that property a million times and it is all red clay. Red clay has zero perk. The impact, there is wildlife there, deer that come down and drink out of my pond out in back. It is going to have an impact on the wildlife. I believe it is going to cause a sewage problem. They increased the height of the ice cream place a couple of years ago and I got a crack in my foundation. How is that going to affect my house with all of the bulldozing and raising up the property level. Army Corps of Engineers, I do not know how they would even approve that, Encon wouldn't approve that. I have question marks all the way across. Like I said, I think that it is going to be a serious, serious traffic problem. It is unbelievable what we got there now. If they actually had to bring a fire truck through there, it would be impossible and nothing is done about that. We had a mailbox knocked down constantly, sometimes calling the Sheriff to get out of your driveway. My tenants go through a lot over there. Adding another driveway there and adding six more families back there with the traffic. Another thing, it is a fire hazard. How are you going to get a fire truck back there? You can't get a fire truck in Firehouse Road, let alone back into a keyhole lot. So they got some serious issues that you got to review here before you approve this place. What the impact is going to be on the neighborhood. I guess that is basically what I have to say but, I think that it needs to be researched a lot more.

Mr. Ouimet: Duane, do you have anything in response?

Duane Rabideau: Basically, as I said before

Mr. Ouimet: Where is your house located?

David Allen: Right here is my house

Duane Rabideau: As far as the soil conditions that are there, we had professional engineers go out and do a perk test specs for the septic systems and the two front lots are going to be standard septic systems. Basically we hit sand, ground water; it is one if these deals where high and dry, low and wet. The rear one will be just a built up system by about a foot, so soil conditions are actually very good on this site. We did have them pre-qualified so that we know that they will

David Allen: What time were those perk tests done?

Duane Rabideau: It was done in the fall, I think October maybe. As far as the neighbors, the residents, it does fit the character of the neighborhood as far as, we have been portraying this as a kind of transition between the multi-unit PDD, the businesses in the front and the residential lot on the right. So we feel it is a good use for that. As far as addressing the fire safety issue, the driveway will be built to the 503 -511 standards. You will be able to get a fire truck in there. Rich showed me that they wanted a place where they were able to get two trucks to at least turn out in there. We've modified the mapping for the trucks to get in and turn around and come out. There is a water main in the front with a hydrant, maybe 100 feet to the west, so you have good firefighting capabilities. So, we feel that we have addressed that. As far as the issue with the traffic, basically, with signage and enforcement by zoning or whatever. I know that that place does get very busy, but that is an issue that basically needs to be controlled on this parcel.

David Allen: If you look at the width of this road, Firehouse is maybe 20 feet. I do not know what your proposed driveway is going to be for any fire truck to get in there especially when it is busy at the ice cream place; it's not going to happen.

Duane Rabideau: Like I said, it is really an enforcement issue by the town, safety hazard for us; it is a safety hazard for everybody. It is not just our problem. I understand that is a concern but, there are two entrances to Firehouse Road, so it can be mitigated.

Mr. Ouimet: Rich Harris, with respect to the fire company, I know we asked for referrals to West Crescent Fire District, did you get a response?

Rich Harris: Yes we did. The fire district requested that the driveway be able to handle a 85,000 pound vehicle, that it be a sufficient width to withstand two fire trucks passing in case of a fire in that deep lot that is 450 or so feet back. They asked us to look into the location of the nearest fire hydrant on Firehouse Road. There is one located to the left or kind of northwest. They wanted one in close proximity on Firehouse Road and they also requested that we have the Director of Water take a look at what the requirements would be for water service and Mr. Tironi indicated that he would perk town regulations and they would be required to have at least a one inch minimum service line to each home from that main on Firehouse Road.

Mr. Ouimet: Who from the fire district issued the opinion?

Rich Harris: Bill Bryans

Mr. Ouimet: And he's the Deputy Chief?

Rich Harris: I'm not sure his title he is former chief two years ago and he said he was designated by the chief to review plans.

Mr. Ouimet: Okay, thank you. Anything else sir? I'm sorry, you're going to have to use the microphone.

David Allen: Well like I said it's the width of the buffer zone between there, I mean, from my house to Rodger's house is, and you put a 20 foot road in there it's going to be an impact on both those houses. I'm sure all of us have been to the Country Drive In or everybody in this room has probably been to the Country Drive In, in the summertime. Trying to find a parking spot is almost impossible, it's a zoo and if they had to get a fire truck down back in there that's going to be a problem. The width of the road the turn they can't there's no way they can build a road to accommodate two fire trucks in there, I mean it would have to be 40 feet wide.

Mr. Ouimet: The problem that I see is we had the fire chief look at it and they came back and said it works.

David Allen: Well I don't know. Don's right across the street and he's been with the fire company for years and he can't, he pulls his hair out just looking at the traffic in there all the time. I mean if he had to get back down to Morris's that way it'd be impossible. But anyways I think it's going to cause a lot of problems. I'd like to know is someone going to take care of my property if this is going to cause consequences to me.

David Allen: Water problems, sewage problems, I mean I could go on and on, I mean if they raise that lot up leach field problems, it could be a serious problem to me, you know, if they build it up. I don't know how high they plan on going like I said as far as I seen red clay. I mean I have walked back there it's a mud hole when it rains. In August my pond rise up, alright, and my pond is usually three to four foot deep in the center.

Mr. Ouimet: Where's your pond in relation to the purposed property?

David Allen: On the very back of the property, it is right here actually. And that pond is overwhelmed, but in August it is rising up. If I don't turn the well pump on and fill it back up I got it stocked with fish and like I said the

wildlife come down through here we get everything from deer to ducks and you name it. How is that going to affect my pond, how is going to affect sick. I just don't want to later on want my property to wind up being devastated and then I'm financially damaged or monetarily damaged by the consequences of three more units there. And like I said I don't see any pluses there at all for them being back there. And I know they tried to get it before and it was not approved and they've have problems getting it approved and I can see why. Like I'd like to see how wide this road is, the West Crescent fire trucks are huge. How are they going to make that turn?

Mr. Ouimet: Two fire trucks so it's gotta be 20 foot wide, correct Duane?

David Allen: Well not one, two and how they gonna make that turn? Trucks are what thirty, forty feet long?

INAUDIBLE TALKING FROM THE AUDIENCE

Rich Harris: John, I just want to clarify I was corrected; Bill Bryans was recently elected Chief of West Crescent Fire District so his title is Chief again.

Mr. Ouimet: Okay

Rich Harris: And he reviewed the plans. For the record.

Duane Rabideau: As far as the concept of the two fire trucks basically what the fire departments are looking for is the road going in and the turn out enough to get one vehicle off the side and let the other one go by. There not looking for a driveway that will take two fire trucks coming in. So basically we have the setup at 16 feet wide here and if they want to turn out potentially one right here where you can just get a truck off and let the other ones pass, plus you also have these driveways to actually go up to the building. Now as far as the septic areas we have the nearest septic area is this one right here this building, gentleman's house is right here so we've got probably 250 feet. The intent of the subdivision is to keep it concentrated as much as possible, minimize clearing, this is all going to stay buffer here. So this is all going to be all woods from probably I would think 20 feet from the edge of the building out and keeping the building envelope as tight as possible so we do retain the buffering, specifically buffering for these residential lots and also for these two buildings here. So we have condensed it we want to leave as much buffering as possible basically the pond is here and it drains this way there is a low area here, but then it goes up probably five, six feet. So that's, as far as elevations for the buildings, the proposal is to not raise them but to work with the surrounding area so we can leave as much vegetation as possible. So that is the intent of what we are trying to do.

Mr. Ouimet: Does that answer your question?

David Allen: Yeah it's just going to be real tricky, you know, like I said I'd like to know if I get **(INAUDIBLE)**

Duane Rabideau: No we were surprised how good the soils were, the ground water is low because the fact that he does have the pond there and it is lower so that really does control the ground water so we're up high enough. And the fact that in order for this to financially work for the applicant he can't afford to be drawing and filling and raising this up he has got to work with what he's got out there. And he does actually have an ideal situation.

Mr. Ouimet: And understands if he engineers a lot that is injurious to a neighbor he is going to have to compensate the neighbor.

Duane Rabideau: That is correct and that is why we're leaving as much vegetation as possible right around this whole thing. We fully understand that.

Mr. Ouimet: Thank you. Anyone else from the public wish to speak? Yes ma'am come on up.

Lena Riberty: My name is Lena Riberty, I own the property at 1455 Vischer Ferry Road. I guess I have some of the same questions as the last gentleman. The water is very high over there; there is a large water issue. I know in the spring when the thaw comes he puts a hose out with the water just running into the road. So the septic's, I have a lot of concern for that because that can be a big issue, for me as a business owner. I am just wondering who's going to oversee. I know it has to be engineered and it gets stamped and everything, but who is going to oversee that it is working properly and that it's going to work properly? I know in other towns they have committees that do that, I know in our town we don't. We inspect it and then it goes forward. And I guess the traffic on the road, you guys have said to me many times that the traffic is a problem on the road, and I think the situation I am in I can't really control the traffic. I mean if you were all a business owner, would you say, can you guys come tomorrow, not today because there's too much traffic? You wouldn't do that, but just adding six more places behind there, I think, is just going to be overwhelming. We put the dentist's office across the street that added a lot of traffic; I mean I don't think it is just me. And can you have three flag lots on one piece of property? I'm just, I wasn't sure about that.

Mr. Ouimet: Yeah you can.

Lena Riberty: Okay.

Male voice: Duane, any response?

Duane Rabideau: Basically the traffic issue, it's just really going to get worse. I believe just six units will have a minimal impact compared to potentially using the pipeline for that corridor. Just west of there is potentially could be a lot more, so it is a problem, but you know it is what it is. It is a collector road so I believe what we're adding to it is minimal, at best. If we had three residential lots back there, there really isn't that much difference between like my understanding of the usage between a duplex and a single family because of a generally with a single family as the family grows up they get more cars, duplexes have a tendency to maintain that car level at a certain level all the time.

Mr. Ouimet: Which is usually two, correct?

Duane Rabideau: That is correct. Two, max three. Well per unit, two per unit.

Mr. Ouimet: Correct.

Duane Rabideau: That is correct. But families have a tendency to grow, my family went from two to four in one year. That is just my family, but I believe that happens a lot.

Mr. Ouimet: Okay, thanks. Anyone else from the public wish to speak? If not I'm going to close the public hearing and open it up for board questions. Anyone from the board have any questions?

Mr. Higgins: Duane is there a reason we didn't get full sized drawings on this project? I can't read this, maybe I'm getting old.

Duane Rabideau: I have a full sized copy, we just basically from the input from the fire department stuff we were still adding to it going along. We do have a full sized copy.

Mr. Higgins: Yeah because I mean all the notes none of it is readable on what we have here.

Duane Rabideau: It basically is your standard notes, standard zoning notes, things of that nature.

Mr. Berkowitz: Duane do you plan on screening the driveway from the neighbors at all?

Duane Rabideau: What was that?

Mr. Berkowitz: Do you plan on screening the driveways from the neighbors at all if they want?

Duane Rabideau: Basically we want to use whatever is there now. The idea is to just get the driveway through.

Mr. Berkowitz: How much is there now? I'm looking at an overhead of it and it doesn't seem like there's a lot up there. It looks like there's about three or four rows of trees.

Duane Rabideau: Yeah we were not going to add screening to that since it's only a driveway it's not like a building. So it's, and the fact

Mr. Berkowitz: Yeah, but he asked for the screening.

Duane Rabideau: That's true, but then again his building is also a triplex so it's not a single family residence.

Mr. Berkowitz: So you're building a duplex what's the difference? Besides one unit?

Duane Rabideau: Basically..

Mr. Berkowitz: And he was there first.

Duane Rabideau: That is true. But, that is a 60 foot wide strip and we're only anticipating probably maximum of 24 disturbance so we're gonna have 20 feet on each side of whatever's there now.

Mr. Berkowitz: That could be 20 feet of nothing.

Duane Rabideau: There is some stuff there, I wouldn't say it's prime stuff, but there is some sort of vegetation.

Mr. Berkowitz: It is still something he doesn't want to see, but.

Duane Rabideau: We can put some kind of screening for a short ways, where it would minimize impact as far as.

Mr. Berkowitz: I realize you can't go up to the road, but I'm sure he would just want some screening behind it.

Duane Rabideau: Yeah we can we can come up with some kind of screening that would be acceptable as far as not overdoing it, but enough to be effective. Yes, that's what we're looking for.

Mr. Berkowitz: Okay, okay.

Duane Rabideau: Okay. We will do that.

Mr. Roberts: This is a tough one, I think. I share the concerns about the traffic issues. I'm torn, I'm not sure whether that can be resolved or not. I don't know, I just have to think about it some more.

Mr. Ouimet: Marcel?

Mr. Nadeau: I know the fire department has looked at that I am just concerned with, on a July day or so, when the restaurant is packed with people, the roads might meet the criteria and everything, but it can present a problem. Possibly ten more cars coming out of there, we have a bad problem and we're just going to make it worse.

Mr. Ouimet: Margaret?

Ms. Sautter: I have a couple of things, Mr. Allen had talked about it and a few of the board members here they don't recall all the history of it, There was something planned there before and it either didn't go through or it was denied. Do you remember what it was that was proposed? And why?

Duane Rabideau: My understanding, it was proposed, but I don't think it ever got to the point where it got before the planning board. Why it was withdrawn I'm not sure, but I know there was a proposal, but what happened to it I don't know.

Ms. Sautter: Okay, also another concern of the wetlands and looking as they're saying this is very hard to see, I see the wetlands all in the third lot, the furthest back lot.

Duane Rabideau: Yes

Ms. Sautter: But, also right on Mr. Allen's property I believe what he's calling is a pond I'm assuming that's a natural pond because it is wetlands that kind of go across to his driveway and it looks like it would come straight in through to your property, on the back side.

(INAUDIBLE voices in the audience)

Duane Rabideau: Yeah this is a wet area with a pond behind it, but the all the drainage heads from his pond up towards, up this way, it doesn't run this way. It drains through our parcel so it'll be going under our driveway and it does get very contained into a ditch that was dug many years ago so we plan to obviously keep that open.

Ms. Sautter: Okay, because it is labeled wetlands just, right? Even though a ditch was dug by whom for whatever reason?

Duane Rabideau: It's really the terminology would be waters of the U.S. It's wetlands plus the ditching so that's a component of it, yes.

Ms. Sautter: Also, in our reading and maybe it's your interpretation it just says here, trucks to pass must be wide enough to allow two fire trucks to pass side by side. It doesn't say anything about one pulling over or one not, so I'm a little concerned with your interpretation of what they have.

Duane Rabideau: When they say that, this is based on here and other towns do this that's what they're looking for is the ability to go down the driveway and have the ability to get two trucks to pass. That doesn't mean side by side moving, but one that they can pull over. Every three hundred feet a lot of places are five hundred feet, but in this case if we put one about 250 feet back that would be effective, plus you have the turnouts to the driveways to the buildings. That's what they're really looking for, they don't expect to have a 24 foot wide road for passing. That's the intent.

Ms. Sautter: Okay that was my question because that is what it states here in our topics. Also I know before this even came before the public and I have to agree with them that was something we talked about when we first saw this. Is that, that specific where that road is coming out, is the turn that goes right around the ice cream and that is forever congested and like we said we know that, but that is a particularly bad spot. That is just, if you could have picked any other, there is no other worse spot than that turn right there. For that so that is a big concern of mine.

Duane Rabideau: That was, we looked at that too, under certain Friday night, Saturday night type of deal, does have a lot of traffic there. But then again it's a situation it is a town road and I think people have the, everybody along that road has the right to free access to the public. And it also becomes an enforcement issue, I know it's the place and town stuff, but it does have a tendency to be overbearing. I've seen it myself, and it makes me cringe, but that's the issue we're trying to prevent.

Ms. Sautter: Alright I won't say it, I was going to say we shouldn't just grin and bare it though and I don't see that so we should just stop.

Duane Rabideau: I understand the board's concern, but there's only so much we can do. You know it is a tough spot, we agree with that.

Mr. Nadeau: You could do single residence.

Duane Rabideau: That is true.

Mr. Higgins: I just said the same thing under my breath that Marcel said. You could put single families in there. That'd be half the amount of cars going out. And I'm not quite sure I agree with your interpretation of the fire department because if you've ever tried to back up a 40 foot truck for 250 feet to let another truck go out, it's not easy, especially in bad weather.

Duane Rabideau: No the intent is so they have the ability, we've got the setup so they have the ability to turn around. They come in and back out and go out.

Mr. Higgins: Well that's fine, but you still have the distance from the curb cut all the way to the first driveway. Which is how many feet? It's gotta be 200-250 feet. I mean I interpret, and maybe we can get an exact interpretation from the fire chief, but I'm interpreting that at least to where there's the first turnout. He wants something so that he can..

Duane Rabideau: That maybe his interpretation, but I doubt it.

Mr. Higgins: Well I'd prefer to get something from the chief himself explaining what he means when he says he wants to be able to have two trucks.

Duane Rabideau: Because normally if there's a fire in any one of those houses, the first truck in is going to stay in there and when they're done they're basically going to back out of there because they have to pick the hose up. So I drive a fire truck, I think they have the same operating procedures as we have, I would think. It doesn't vary that much.

Mr. Higgins: But I'm talking about ambulances and other fire trucks and first responders and everyone else. Everyone trying to get in there at the same time.

Duane Rabideau: Yeah that's correct. I believe that he refers to that as a turnout, but maybe not. But I don't think so.

Mr. Higgins: Maybe we could get an exact description of what he's looking for so we don't just assume.

Rich Harris: Okay, I will ask for clarification on that.

Mr. Higgins: Okay and as far as the traffic, I mentioned it at the pre meeting, I mentioned it before. That is horrendous spot back there, it's tight and when the ice cream place is busy there's no place to park and as the gentleman mentioned people will park anywhere they can and I agree it's an enforcement, but it is an existing condition from many many years. So just because it's existing because it's a town road doesn't mean that if we're looking at the safety and welfare of the people in that area that duplexes are a good idea for that site.

Duane Rabideau: Understood.

Mr. Ouimet: Tom?

Mr. Nadeau: Just one more thing John. When we're doing the criteria as far as the fire trucks getting in and out we're assuming that the road is fairly clear, but we're not assuming when the road is packed with traffic. Are they, does it still meet those proper specifications to get in and out? I think the fire departments probably looking at that with nobody on that road, but when it's loaded with traffic it's not going to happen.

Duane Rabideau: I think it'd be a case of talking with the gentleman again and see if they, if that's an issue for them or not. Obviously that is a potential concern, but are they looking at it as an empty road or the understand the dynamics of the country drive in and they say yeah okay we can do that or it is a problem or what not.

Mr. Ouimet: Tom did you have anything?

Mr. Ruchlicki: Who's going to maintain that in the winter time? Who's going to plow the snow?

Duane Rabideau: The actual owner of the duplexes.

Mr. Ruchlicki: So you'll you have essentially three, when you say the owner of the duplex, you're talking the fellow that's going to rent them?

Duane Rabideau: That is correct, yes. The intent is to rent all three under one ownership.

Mr. Ruchlicki: I would only question what I'm assuming is your rendition of a hammerhead at that last, where it goes to that last apartment. There is that turn around in there.

Duane Rabideau: We have obviously for the cars, we have one now positioned here so basically say the fire truck comes in they can back up there and drive out.

Mr. Ruchlicki: I would be concerned about snow removal in that last area of that turn going to that last apartment or last building there, the last duplex. And that little tail that you got coming off of there they'll fill that full of snow in a good winter, plowing it unless they're going to be able to plow right off of it.

Duane Rabideau: We could potentially setup clear, certain areas for just snow removal, I know these issues come up in other towns about snow removal and as long as there's a place to put it, it seems to mitigate that issue.

Mr. Ruchlicki: Well I'm just bringing it up because if we're already concerned about fire equipment and the length of that driveway, you start filling that up with snow, I don't know I would have concerns with that I would make allowances for more than what you have there.

Duane Rabideau: We can do that, that is something we can mitigate.

Mr. Ruchlicki: Okay thank you.

Mr. Ouimet: I think a lot of the comments tonight have raised a lot of questions for the board, I for one have a number of questions that I would like to see looked at by the town engineer, I know you've heard a lot of things tonight that you probably hadn't considered or to the extent that you've considered them you've heard..

Duane Rabideau: We've considered some, but not to the extent that that we've heard of.

Mr. Ouimet: More things tonight, I think what I would like to do is refer this to the town engineer. I also would like to get back in touch with the chief of the West Crescent Fire District. I can't in my wildest imagination think that he isn't aware of what goes on across the street from the fire house and he's been the chief there for a while. But I think that we need to make sure that everything that has been brought to our attention tonight by the public and by questions from the board are resolved before we take a vote on this so unless there is an objection from the board what I want to do is refer it to Clough and back to West Crescent Fire District with specific attention paid to

the traffic issue, the issue of water, where water drains, soil conditions, buffering for that driveway to the existing land owners and a description of what he means when he said for trucks being able to pass each other. I think we're pretty good on what the fire district needs to get to us.

Mr. Nadeau: A readable map, can we get that? It would be nice if we had readable maps. We can't read these.

Duane Rabideau: That was only as a courtesy, you will have bigger maps.

Mr. Ouimet: We're older here.

Duane Rabideau: I know I couldn't read it either.

Mr. Ouimet: Thanks, so that's what we're going to do.

Ms. Murphy: And you're going to show an area designated for snow removal?

Duane Rabideau: That's correct, based on Clough Harbor's review we'll add that plus whatever.

Mr. Ouimet: That should go to the fire district as well because what Tom raised is a very valid point, that turn around for a fire truck is going to be full of snow in the winter.

Duane Rabideau: Okay, got it.

Mr. Nadeau: Duane how many single residences are in the area?

Duane Rabideau: These two here that is a single family but it's in the professional office zone, this is a three unit. I think that's one, these are all the apartments and then the National Grid lands.

Mr. Ouimet: Sixty days we have to make a decision, correct?

Ms. Murphy: I would say that the application is incomplete based on the fact that we're requiring additional information. That's what I was just running over with the planner, but I do like him to keep that sixty days in the back of his head.

Mr. Ouimet: Okay that's what we're going to do. Thanks.

Duane Rabdieau: Thank you.

New Business:

15.009 NYSEG Mechanicville Service Center, 6 Werner Road- Addition to Site Plan

Jacqueline Phillips- Murray: Good evening everyone, my name is Jacqueline Phillips- Murray and I'm an attorney for New York State electric and gas also known as NYSEG and we're here tonight in furtherance of replacing the existing the 190 foot tower that has been at the service center at 6 Werner Road for some time. The purpose for replacing it is two fold, first the tower is not structurally capable of supporting new equipment that is needed by NYSEG to modernize their sub-station communications and land mobile radio communications in the region. And secondly to that end they're currently endeavoring in a project to modernize how they monitor, operate, and secure all of their substations in the region. In that regard we currently are appearing in Stillwater this evening in furtherance of securing an approval of a 190 foot tower at the Luther Forest substation that needs to have a direct microwave link back to the Mechanicville service station in furtherance of modernizing that

substation among others. By way of background, NYSEG currently has land mobile radio and two band radio antennas at the existing 190 foot tower. Those antennas are hard lined and the other communications that come from those antennas, to those antennas are hard lined using traditional telephone lines. One aspect of this project is to start back hauling NYSEG's telecommunications equipment by using a direct microwave link so any communications in the area will no longer have to rely on land lines and instead will be supported by a proprietary back haul system. As you'll see in the tower elevation drawings that were submitted in our application, there are microwave dishes that are proposed on this tower for that purpose and the existing tower is not structurally sufficient to support the loads presented by those microwave antennas. The other component of this project is to no longer have to rely on NYSEG's personnel to physically visit substations in the area to collect data regarding the health of the substations and then bring it back to the service center, analyze the data and then dispatch the personnel physically back to the substation to perform any repairs to the substation. Rather, the initiative which is part of a federal department of energy initiative called Smart Grid is to have fully functional, automated monitoring and control of the substations without having to physically dispatch personnel to the substation to collect that data. So that is the other component of this project where by there will be antennas installed at substations in the area including microwave antennas that will then relay the data that can be collected remotely from the substation back to the service center. In furtherance of those purposes and the Smart Grid initiative we're proposing to simply take down the existing 190 foot tower that is there and replace it on the site with a 195 foot tower. The proposed 195 foot tower will be a self-supporting lattice tower; it will be entirely contained within the boundaries of the NYSEG property. It will be much greater than its height in terms of its distance from property lines and it will continue to be to the back of the existing service center building, approximately 79.5 feet, actually it is exactly 79.5 feet from the existing tower. There is no need for security fence because it is going to be within the existing security fence. There is no need for any existing equipment shelter or access driveways to be installed because all of that infrastructure exists.

Basically, we are proposing to install a new 195 foot tower that is structurally capable of supporting these new antennae's to modernize the operation of NYSEG's systems in the area. Once that tower becomes operational, we will decommission, or in other words remove the existing 190 foot tower.

Mr. Ouimet: So, at some point in time, there will be two towers?

Jacqueline Phillips- Murray: Only until the new tower is operational. It is a very temporary period. Typically, it takes about 6 weeks to complete one of these projects. To that end, the only antennae's that need to be relocated to maintain the existing operations are existing antenna's, and they can transition over to the microwaves system more gradually. So, the term in which the two towers standing is very temporary. The intent is to get the new system ready as soon as possible.

Mr. Ouimet: Right. Your definition of temporary is what?

Jacqueline Phillips- Murray: When we typically do these projects, it will depend on when we think that permitting can be secured and construction can be scheduled. Depending on the seasons and whether we can perform all of these tasks with in climate conditions, we will sometimes have a condition that the existing tower will be decommissioned within six months to allow us to adjust for different conditions that are presented. It could be less than that. If we needed more time than that obviously, we would have to come back to the town and request it.

Mr. Ouimet: Just a point of clarification. The six months that you are referring to for transitioning, is that from approval date or from the date that the new replacement tower is functioning?

Jacqueline Phillips- Murray: That would be from the approval date, yes and generally speaking, these projects are subject to budgeting and if there are funds in the budget at a given time, they have to be used in that year that the budget is established for. If we were in that and there weren't funds in the budget, we may ask to adjust it, but that also means the new tower project wouldn't start yet either.

Mr. Ouimet: Any questions from the Board?

Mr. Nadeau: So the neighbors really wouldn't see anything much different?

Jacqueline Phillips- Murray: I don't believe so because currently, the building is screened and the base of the tower is screened from views. A large portion of it is along Enterprise Drive and Warner Road and then to the rear there is vegetation.

Mr. Higgins: That property goes up, so how much higher is the site where the new tower is going versus where the existing tower is?

Jacqueline Phillips- Murray: I'd have to check. Let me see if I have that information about the ground elevation. The existing tower is at 514 feet above sea level and the new site is at 512. To that end, just so you know, I consulted, it's our FFA filing. We consulted the FFA to determine whether the replacement, even though it is at the same site and there has been a tower there for a long time, if would require any marking or lighting. There has been a determination that it will not require any marking or lighting or otherwise present a hazard to air navigation.

Mr. Berkowitz: Thank you. Will NYSEG be co-locating with any other companies on this?

Jacqueline Phillips- Murray: Generally, it is very difficult, NYSEG will make the tower very local for co-location, but what we see is that it is difficult for wireless carriers to co-locate on NYSEG's towers because they need special training to access the NYSEG properties because they are there for a different purpose, for a utility purpose and the training that staff needs that is going to access the controlled area which is the fenced area. 99% of the time, I can't think of any time that I have seen that the wireless carrier's personnel have the proper training to perform maintenance in the secured area. Aside from that, NYSEG's infrastructure is considered critical infrastructure so there is a security interest in limiting the personnel that is accessing the site where this is located.

Mr. Ouimet: Any other questions? Can I have a motion?

Mr. Marlow: Due to the fact that it is fairly straight forward, we could probably call and see if they could do a MOU. If not, it would have to be the February meeting. We could try for the next meeting and do a MOU, if not it would be late February.

Mr. Ouimet: Because we need a county referral, we are not able to act on it tonight.

Jacqueline Phillips- Murray: I understand.

Mr. Ouimet: So, adjourn it. Possible for the 9th of February or 2 weeks from then, depending on when the county can opine on the request.

Jacqueline Phillips- Murray: So, it will either be 30 days or if they do something sooner?

Mr. Ouimet: It would be 2 weeks or 4, OK

Jacqueline Phillips- Murray: That's right, February. Thanks.

Mr. Ouimet: Therefore. we will table the item. Thank you very much.

Jacqueline Phillips- Murray: Thank you. Have a good evening everybody.

**15.010 Subdivision of Linden Village PDD & Lands of Craver, Wright and Hughes,
Dunsbach Road- Major Subdivision**

Donald Zee: Good Evening. My name is Donald Zee and with me tonight is Ken Wersted from Creighton Manning Engineers as well as Ivan Zdrahal who is the engineer for this project. This board has seen a portion of this project several times and that was the subject of the Linden Village PDD. That is this land in this area right here. The project that was proposed is now adding additional lands, but we are not seeking a rezone of that. This portion of lands is zoned R-1. The entire project that we are seeking the sub-division for consists of 75.5 acres. The Linden Village portion of it which is this area westerly is 38.8 acres. That is the lands controlled by Halfmoon Holdings. There is 2.5 acre parcel which has existing residents on it and that is owned by Judith Wright. We have another 2.5 acre parcel owned by Theodore and Pam Craver and that also has a residence on it. This board may recall that when we came before dealing with the recommendation for the Linden Village PDD, there had been discussions about having access from the proposed road to the lands of Wright as well as arrangements with Craver with regard to accessing easement areas. We are now adding in our application, as I said for the zoning district of R-1, the lands of Elliott and Bonnie Hughes. That has 30.9 acres and there are 3 existing residences on that property. The application is seeking a total of 87 building lots of which there would be 5 single family homes that exist to remain. So, it would be a total of 82 additional building lots. I know that at the meeting, our June information meeting on the Linden Village PDD, there had been a question raised by I believe Mr. Berkewitz. I asked him as to whether the applicant from Linden Village PDD had control or contracts with any of the adjoining property owners. At that point in time, I specifically stated that we did not. At this point in time, we do have a contract with the adjoin property owner and I just wanted to give the Board a copy of the first page of the contract just to show that the contract is dated December 9th, approximately 5 months after we were here on that informational meeting. I just want to make sure the Board knows that I do not make any misrepresentations about any control over adjoining properties' at the time. That is important for SEQRE purposes, so there was no segmented review.

With the project that we proposed, we now have a loop road, two means of ingress and egress to Dunsbach Road. As you may recall at the point in time that we had proposed the Linden Village, we acknowledged that we had to have a secondary means of ingress and egress to this project. At that point in time, we had the possibilities of going to properties that are currently owned by Hoffman or Northway II, LLC. We looked at the possibilities of the other lands including Hatlee. At that point in time, the approval of the PDD, there was no specific location, but we will recognize that there was the need for a second means of ingress and egress and with the Hughes property; we now have that means of secondary means. We have set a loop road which will be approximately 38 feet in length. We'd also proposed two cul-de-sacs. Since the application was presented to the town, Ivan has met with the Highway Superintendent. Ha has talked to him about the project as we have proposed it with the two cul-de-sacs. He has not rendered an opinion about the roadway design completely. He did like the idea; we have made a modification about the egress from the Linden Village PDD side of it, now working with the Craver's, are able to talk about having a four way intersection. So the means of an ingress and egress would be opposite Red Maple Lane. That is something that we did not have the ability to do previously. He liked that idea.

Secondly, there are numerous curb cuts along Dunsbach Road with the existing homes that currently exist there. With the project as we have proposed it, several of the homes will now have access directly to the road that will be built, thus eliminating several of the curb cuts onto Dunsbach, and it's the Highway Superintendent's opinion and ours, will make it a safer situation. At our meetings, the Board and the public had raised numerous concerns about storm water management and drainage in this area. Many of the residents who lived across the street of Dunsbach have raised that issue. Now, with the ability to have the Hughes property as part of the entire project, what we are able to do with the storm water management here and here, is to look to divert the water onto the west side of Dunsbach Road, down into this area here. As you can see the green area here, this is additional storm water management area. We are able to handle flows throughout the site and then move them northerly in the natural corridors, thus reduce potential storm water impacts on the properties across the street impacting neighbors. That is something that we've looked at and we will ultimately have some storm water analysis for your engineer to review.

Mr. Berkowitz: Could you explain that again?

Donald Zee: Sure. We have storm water management area shown here and here as well as in this area here. We anticipate by design having the ability to make improvements to the ditch lines stream line in this area and be able to collect the storm waters and make it flow down in this direction and not go either across the street. I believe at the public hearings the residents in this area were concerned about storm water coming from our site on to their properties. But with the ability to collect storm water in this area here, we were able to divert the storm water in that direction and not cross the road impacting these properties further down Dunsbach Road.

Mr. Higgins: How are you going to cross Brown's property with the storm water?

Donald Zee: I believe that right now, it would be within the right of way of Dunsbach Road and we would have the ability in that right of way to handle the storm water.

Mr. Berkowitz: Is that going to be piped or is that going to be a ditch?

Donald Zee: I will leave that up to Ivan to talk about.

Ivan Zdrahal: We do not have the final design done yet, but there is a substantial change in grade from this area going down to the sewer district pump station that is very well defined and drainage ditch, we feel that we can divert the storm water there

Mr. Higgins: Where is it going to go from there?

Ivan Zdrahal: Here is where the sort of natural drainage corridor which is controlled by the outflow from this drainage basin, drainage corridor. This is controlled by the existing culvert which we will be replacing as part of the public benefit. So, we will be studying this area that gets flooded naturally under a large storm event, so there will be...how large this new culvert will be. It is an effort to reduce the rate of flow to downstream to the maximum extent possible. And also we will be proposing these lots here. There will be another closing here which also will allow us to control any water coming from here. It will be like a two stage storm water control for water from this side and also from the upstream area to control the rate of flow to downstream.

Mr. Ouimet: Ivan, have you given any thought to where the water is going to go from lots 28 – 40 going from west to east, the other side of the road from the drainage corridor that you have just been spending a lot of time describing.

Mr. Berkowitz: The north of Craver.

Mr. Ouimet: Right where the cul-de-sac road begins, all the way down. Where is that going to drain? Right now it drains to Dunsbach.

Ivan Zdrahal: It will go down to this storm water management area here and very small portion of that part of the road will drain into this area and overflow here

Mr. Ouimet: The front of the existing house which is going to remain, see where that is, lot 37. The front of that existing house to Dunsbach is like this and water ponds on Dunsbach now and there is some kind of self-made culvert there

Ivan Zdrahal: I wouldn't call it a self-made, there is a catch basin

Mr. Ouimet: Yeah, now is that

Ivan Zdrahal: We will be eliminating that and the drainage from this area would flow this way to the north.

Mr. Ouimet: You're going to pipe it?

Ivan Zdrahal: Portion pipe it to discharge it to

Mr. Ouimet: and that is going to handle all of the water from all of those lots?

Ivan Zdrahal: No, not from all, only from very small area from here.

Mr. Ouimet: And the other lots?

Ivan Zdrahal: From the point where it actually.

Mr. Ouimet: The other lots, it is going to be piped across?

Ivan Zdrahal: All this area here would go here and then out. This is a concept plan.

Mr. Ouimet: I understand that and the final engineering is yet to be done. But, I have to say that I am familiar with this property. There is an existing water problem there and I think that you know about it, because if you don't know about it, you need to know about it. The other issue that I have with this proposal as it is currently designed, is the land of Brown, the white rectangle that is there, it's separated from your proposed road by a tree line, very mature pine trees. They are wide, but they are not that wide and you are not proposing any buffering whatsoever. I think that I raised this when we originally sat down with you and talked about this and you said that there was existing vegetation. Well, quite honestly, there is existing vegetation, but it is sparse. You may have to redesign that road to make a buffer for that lot. You will have to consider doing something with lot 42 from the Brown's. This is an existing family that lives on Dunsbach Road and has lived there for a long time. It is very hard to look at this property where there once was an apartment, it wasn't a legal apartment that was there and burned down. There is a cistern there, I don't know what it is, but it is a concrete cistern that is protruding from the ground. I don't know what that is, but I am sure that you are going to explain that to us someday when you get that far along. But, the existing water problem is something that I don't know if you can cure by taking it down the road because once you pipe it to where it's got to go, underneath Dunsbach Road, where is it going after that? In the existing drainage corridor that is already there? And that is not going to negatively impact on the homes that are already built there?

Ivan Zdrahal: You said that you are familiar with the area. Do you realize how deep is the drainage corridor

Mr. Ouimet: water will undermine land every time, so are you going to undermine these homes? There are existing homes there

Ivan Zdrahal: There is no way that any of the water can undermine any home. I looked at it; I walked the area to the east

Mr. Ouimet: So, at least you are considering it. You are very mindful of the fact that it is going to have some impact on

Ivan Zdrahal: I walked this area here. I walked downstream. There is no danger to any undermining to any property

Mr. Ouimet: and you are confident that you can engineer a way to move that water off of this property into the existing drainage corridor?

Ivan Zdrahal: I intend to do that, yes. We feel right now that the water will go across the property this way. We feel it would be a better and safer way for addressing concerns of the existing property owners to bring the water down to the well-defined drainage channel.

Mr. Ouimet: Have you done soil tests on this property?

Ivan Zdrahal: Yes.

Mr. Ouimet: You didn't find anything unusual buried there did you?

Ivan Zdrahal: No.

Mr. Berkowitz: Where have you done the soil tests? What area have you done the soil tests?

Ivan Zdrahal: Generally, we follow the proposed road.

Mr. Berkowitz: Not under any of the homes or the proposed homes on the Craver property? No, it is the Hughes property.

Ivan Zdrahal: We will be doing more testing in that area.

Mr. Berkowitz: You are going to be doing more testing?

Ivan Zdrahal: Right.

Mr. Ouimet: Because that was used for storage for RV's for a lot of years, for storage for electrical contracting gear, whatever it is.

Ivan Zdrahal: Our intent is to do test pits there.

Mr. Ouimet: But you didn't do any of that before you bought this thing?

Ivan Zdrahal: We will do it as part of the due diligence process.

Mr. Ouimet: Any other questions from the board?

Mr. Higgins: Ivan, I am just looking at it and I know Michael reviewed all of this, but my thoughts are kind of the same thing that John is looking at. I have a hard time imagining that you are going to be able to get that amount of storm water along the Dunsbach right of way. I'm thinking you may very well have to pipe it around in the area with 38 and 39 and cross into 42 and go that way to get the amount of flow that you are going to be talking about away from crossing the road. So, I assume what you are talking about is that existing pipe under the road, that is going to be abandoned when this is all done so there won't be any chance of water going into that and running under the road? It will be sealed and all of the water will then go the other way that you are proposing.

Ivan Zdrahal: During the PDD review, this is what we show the existing drainage area. This is the PDD and this is the individual drainage area on the side vicinity of the project. So, you can see this green area goes into the culvert, you just asked me was going to be abandoned. That is our intent to abandon that culvert and divert this small area of the site to this very low area which is wetland and well defined drainage way. It will be also be indicated, we have another possibility to discharge storm water here, which is the existing drainage outlet, which will actually will be doing some improvements, but right now since the Hughes property is part of the subdivision in this area, we think that we might be able to divert this water also, this way because there was a property owner there, a well-built home there with a narrow channel. It would help not to create any drainage issue on his

property, even though we still would design it, we would exceed the pre-existing flows as you always do, but I think it will be a better situation eventually to go north into this area here.

Mr. Higgins: I don't believe that I used the word abandoned on the existing culvert from the Hughes property. I think what we would want to see is that to be sealed off totally so there is no way that any run off can go through there once this is all done.

Ivan Zdrahal: Right.

Mr. Higgins: Again, I know Mike can look at this but, just seems like an awful long way to run the storm water without having some piping system to guarantee that it just doesn't overflow to Dunsbach Road.

Ivan Zdrahal: We will document that.

Mr. Berkowitz: I just have one more question. I know that the Hughes portion of this is a conventional subdivision and the Linden Village is a PDD, that has been passed already by the Town Board. Now, there are certain traffic improvements that have been done on Dunsbach and Vischer Ferry, if I remember correctly?

Ivan Zdrahal: Right.

Mr. Berkowitz: Is there another traffic study needed because you are doubling the amount of traffic that is going to go down Dunsbach?

Ken Wersted, Creighton Manning: The answer is yes.

Mr. Berkowitz: So you will be doing another traffic study?

Ken Wersted: Yes, Ivan sent us the plan and we looked at it and said yes, it would be a good idea to update the traffic study. The original study was done 7 years ago. The most recent version for Linden Village was done last year. We submitted that in April. We had a couple of meetings over the spring and summer about that. So, with the new additional area here, we said, yes you need to update that, given the new amount of traffic that it will generate. We did go out and in addition to the Linden Park Drive, now being aligned up with Red Maple Lane, we went out and collected at that intersection and have that data. That wasn't previously part of the analysis because the driveway wasn't aligned. We did prepare that document and we sent it over to Rich and Mike this afternoon. I am sure that nobody has had a chance to look at it, but as it starts to circulate, I am sure that some more questions will be raised and then. I can certainly give you an overview now, I will leave that up to you.

Mr. Ouimet: Let me ask you one question, Ken. Does the new traffic study take into consideration the approval that was given by this board for Princeton Heights?

Ken Wersted: Yes, it included several other developments in the area and Princeton Heights was included in that background analysis.

Mr. Ouimet: At the level it was approved?

Ken Wersted: I believe we have got it at 51 units, if that is still accurate as to what it was approved at. We also included MMMH which was on earlier this afternoon, so included that as background as well.

Mr. Ouimet: OK, any other questions? Margaret?

Ms. Sautter: I have a question. Can you tell me the distance between the two points of Red Maple Lane and where you are proposing the new roadway? I know the PDD, I didn't realize; even though I read about it, it was going to change this much of where you were going in and out of. It was Hatter Lane, I believe before

Ken Wersted: 560 feet.

Ms. Sautter: 560 feet, and I know that there is going to be a big issue with this amount of vehicles and cars coming out of that small road again. If you can refresh my memory, where was the original, it wasn't just an emergency exit on the original PDD, it was coming much farther down the road.

Ivan Zdrahal: Red Maple is here and it goes 125 feet further south

Margaret Sautter: Further south 125 feet? Where was the exit over at Hatter though? Right? All the way down? You had a separate exit

Donald Zee: We had looked at various options. We had mentioned the possibility of Hatter. We had talked about the possibility of going westerly through the lands where the driving range is. We hadn't finalized any specific location. Part of the PDD and part of the recommendation of the Planning Board was to in fact have a second meeting to readdress.

Ms. Sautter: Right. So, and this is your best option here?

Donald Zee: Yes.

Ms. Sautter: These just seem awfully close to me and just so much traffic on there. I know that has always been an issue. Where are the wetlands? I know that there is an enormous amount on Mr. Elliott Hughes property. And as you said, I believe you said that you walked through that property and you walked through that stream, so you are aware there is a large stream there that runs through his property.

Ivan Zdrahal: At this point we have accurate topographic survey of this side. The wetlands flagged and all the wetlands were verified by both the Army Corps and DEC, so we know exactly where everything is. With this proposal shown here and this entire composite subdivision we are disturbing under half acre of wetlands, which would fall under the nationwide permit of the Army Corps of Engineers.

Ms. Sautter: Can you physically show me where they are and when was the delineation done.

Ivan Zdrahal: Well, most of the wetlands are shown in the area designated as dark green, which would be a restricted area. It was on the Linden Village project and the Hughes property. Here are the wetlands (pointing).

Ms. Sautter: That's what I thought. It is hard to see on this copy. When was the delineation done?

Ivan Zdrahal: A few years ago, but was verified again. We got a new jurisdictional determination I believe last year.

Ms. Sautter: Last year? So it was done on both properties prior to you meeting him this past December?

Ivan Zdrahal: I'm sorry?

Ms. Sautter: Prior to you meeting him this past December, you had a delineation done when you weren't in contract?

Ivan Zdrahal: The delineation was done for..we were working on this property for many years now, so the delineation was done a long time ago.

Ms. Sautter: Oh, a long time ago, not last year then.

Ivan Zdrahal: Right.

Ms. Sautter: OK. Thank you.

Mr. Ouimet: Any other questions? We're going to refer you to Clough at this point. Thank you.

Ivan Zdrahal: Thank you very much.

Old Business:

15.002 Lands of Joseph N. & Terry A. Bedard, 167 Harris Road – Minor Subdivision

Duane Rabideau: This is basically a continuation of the Bedard four lot subdivision. Since the last meeting, County Planning reviewed the proposed subdivision. I did talk to Mike Valentine, he didn't seem to have any issues with it. We did have to, the sign that we put out in the front, to have the street addresses, he wanted that out of the right of way, so we took care of that. We did talk with Brian Boudreau from the Halfmoon-Waterford Fire District, and the configuration we have now of the driveway is acceptable for fire access. We did explain to him there is a fire hydrant. There was some issue of how wide the drive should be at the access to Harris Road. I heard the number 26 feet. Basically, it's going to be wider than that. We are actually proposing a 30 foot long culvert in the ditch line. So, the width of the driveway is adequate what we have shown on there and he did approve our modification.

Mr. Ouimet: Any questions from the Board?

Mr. Higgins: The County approved the 26 foot wide curb cut? Is that what you're saying?

Duane Rabideau: We are going to get a curb cut. I did talk to Ted Serbalik and the 30 foot length of culvert is adequate.

Mr. Higgins: That isn't what I asked, the length of the culvert. What is the actual curb cut? What we saw in the pre-meeting was that the fire department is asking for a 26 foot wide curb cut.

Duane Rabideau: You're saying where it meets the actual pavement? I would say it's at least 40 feet.

Mr. Harris: They asked for a minimum 26 foot curb cut should be provided and it shows 40 foot.

Mr. Higgins: Right. But my question is, what will the County approve?

Duane Rabideau: They'll be fine with that. We work with Ted a lot and he knows if it's a common drive, and it has to meet the fire code, that the more the better.

Mr. Higgins: I drive that road very frequently and where the chainsaw place is, they have big ones. But the rest of them, majority of them, are 30 feet, 20 feet. That's why I just want to make sure that they will accept or will provide width to meet the fire department's request. That's all I'm asking.

Duane Rabideau: He will.

Mr. Ouimet: Any other questions? We're gonna have to set a public hearing. Motion?

Mr. Roberts: I'll make a motion to schedule a public hearing for the next meeting.

Mr. Higgins: I'll second.

Mr. Ouimet: All in favor? "Aye" (unanimous). We're gonna schedule the public hearing for the next meeting, Duane. In the interim, we're gonna run the 26 foot curb cut issue past the County, just to verify everything. Planning Department will do it. But next meeting, public hearing on it. Thank you.

14.127 Tiger Kings Realty (Dudick Chiropractic), 377 Route 146- Addition to Site Plan

Joel Peller: Good evening. I'm attorney Joel Peller with Block, Colucci and we were here a few months back in October requesting a curb cut. As you know, the property is bordering Route 146 and initially when Dr. Dudick came to look at where the curb cut should be, there was some talk of possibly reopening Werner Road. There was some talk, there is a large guide rail that is in front of his property. So, all of that has been resolved now and we are looking for a curb cut. It has been sent to DOT. Kevin Novak has responded that DOT is comfortable with the application as presented. If the Board approves it then we've been directed to go to DOT in Saratoga County to fill out a highway permit. So, I believe, based upon the time that we were here last time and also in consultation with Mike, we have fulfilled all the requirements and we are asking for approval from the Board.

Mr. Ouimet: Thank you. Just to be certain. What you're asking for is a driveway into the property, correct?

Joel Peller: Correct.

Mr. Ouimet: One way in?

Joel Peller: That's correct.

Mr. Ouimet: No exit?

Joel Peller: That's correct.

Mr. Ouimet: So, anyone going either east or west on 146 could make a right or left hand turn into the property. Park in the back in the existing parking lot and have to exit through Werner Road.

Joel Peller: That would be correct.

Mr. Ouimet: You're proposing putting the signage in that would restrict it to one way?

Joel Peller: Yes.

Mr. Ouimet: Rich, have we heard from DOIT on this.

Mr. Harris: Yes, as Mr. Peller mentioned, there have been communications back and forth over the last couple months with DOT, Kevin Novak and they did mention they will still have to see more detailed design of the curb cut, materials and ensure it meets standards, but that they were comfortable with the location on the property and the proposed access full access ingress into the property.

Mr. Ouimet: It's not full access. It's one way in.

Mr. Harris: I'm sorry, it's one way in. You're right.

Mr. Ouimet: It's a full access driveway or a one way in driveway.

Mr. Harris: One way in, sorry, correct.

Mr. Ouimet: Any questions from the Board? Can I have a motion?

Mr. Nadeau: What's to stop people from going back out onto 146? There will be a sign in that area?

Joel Peller: Yes. The applicant will put up a sign to make sure it's clear that they need to exit on Werner Road not back out the way they came.

Mr. Higgins: You may need several multiple signs, or at least two signs, one on each side, just to make it very clear. Not just one small sign.

Joel Peller: Yes. That it's a one way in. Yes.

Mr. Berkowitz: Make a motion to approve the Addition to the Site Plan.

Mr. Ruchlicki: Second.

Mr. Berkowitz: Contingent on final review of the revised plan according to NYSDOT, with final review by Clough.

Mr. Ruchlicki: Second.

All in favor – Aye (unanimous). Motion approved

Mr. Ruchlicki made a motion to adjourn the January 26, 2015 Planning Board Meeting at 8:47 pm.

Mr. Higgins seconded. All-Aye. Motion carried.

Respectfully submitted,

Lynda Bryan, Town Clerk
Richard Harris, Director of Planning