

Town of Halfmoon Planning Board

Meeting Minutes – September 23, 2013

Those present at the September 23, 2013 Planning Board meeting were:

Planning Board Members: John Ouimet – Chairman
Don Roberts – Vice Chairman
Marcel Nadeau
John Higgins
Lois Smith-Law

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Ouimet opened the September 23, 2013 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the September 9, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the September 9, 2013 Planning Board Minutes. Mr. Partlow seconded. All-Aye. Motion carried.

New Business:

13.095 NB Pleasant Valley Estates PDD, Plant Road – Major Subdivision/PDD – Amended Site Plan (formerly Plant Road PDD)

Mr. Mike McNamara from the Environmental Design Partnership stated the following: I'm here tonight representing TRA-TOM Development for Pleasant Valley Estates. I'm also here with the project attorney, Mr. Tony Ianniello. In my presentation I will talk about some of the physical changes that we are proposing between what the Board saw during preliminary subdivision approval and what we have tonight and if the Board has any questions related to the reasons for the change, I will have Mr. Ianniello answer those afterwards. The plan on the left is what the Board saw for preliminary approval. Originally the community center area was going to have a 2,900 SF building with a fenced in pool and deck area and to accommodate that there was a rather substantial parking lot for 27 vehicles. What we are proposing to do is to simplify that configuration to the plan on the right and we are now proposing a 1,200 SF picnic pavilion with a sundeck and a detached gazebo. We also have a putting green and a large open lawn area. In addition to those facilities, we have added a centralized mail kiosk and the access for the mail center will be with a circular driveway off the main road and there's parking for 4 spaces for short term access to that. Since we submitted the plan, another change that we've made is we've added a mail kiosk over on the east side of Plant Road for those units in that area that would also have a provision for off-road parking for 3 vehicles for short term. The other change that we've made

since the submittal is originally we did have 2 project site signs on either side of the entrance road and we've taken one of those and we put it over on the east side so there is now 1 sign at each entrance. As far as the environmental impact of this proposed change; it certainly is a positive one and what the Board saw for preliminary approval had about 23,000 SF of impervious surfaces and for our proposed change tonight that is down to about 5,000 SF. Obviously, the visual impact from travelers along Plant Road would be much less with what we're proposing tonight. There's no diminishment of public benefit with this proposal and the public benefit for the project is road improvements on Plant Road at the north and south end and an offsite water main. This facility was always for the exclusive use of the project residents and it was never intended to be open to the public. What we are essentially doing is just converting the recreational opportunities from what is an often underutilized use of the swimming pool to something with probably a broader appeal, which are the picnic area and the lawn space. Mr. Ianniello and I would be happy to answer any questions the Board may have. Mr. Ouimet stated the maps that we have are different than what you are showing here tonight. Mr. McNamara stated yes, what we've changed is we've added the mail kiosk over on the other side and the project signage and that's the only difference. Mr. Ouimet asked since August 23? Mr. McNamara stated since the submittal, yes. Mr. Harris stated I believe the sign also. Mr. McNamara stated the following: Right, the sign and the mail kiosk. The mail kiosk is new and there were 2 signs at the opposite ends of this entrance and we've moved 1 of the signs over to there and that was through discussions with the Planning Department that we made those changes. Mr. Nadeau asked would there be mail kiosks on each side of the road? Mr. McNamara stated yes, a mail kiosk on each side. Mr. Ouimet asked has that been run by postal service? Mr. McNamara stated no, we haven't yet, we are starting here. Mr. Ouimet stated so in the event that they have an objection to 2 mail kiosks, what are you going to do? Mr. McNamara stated the following: Well, it makes sense to have 2 because there are two separate roads, there are units on the east side and I think if this had been two projects, obviously they would be looking at 2 mail kiosks. I know that their concentration is they try and narrow everything down as much as they can. I guess we'd be looking for the Town's input as to what to say if they do that, but this seems to make sense to have them on separate sides. Mr. Ouimet stated the concern that I have is that if you're limited to 1 kiosk, and you don't know the answer because you haven't approach the postal service, but if you're limited to 1 kiosk and you keep that kiosk on the west side of Plant Road, you don't have enough parking for the people to come across from the east side of Plant Road to come and get their mail because you took the parking spots away. Mr. McNamara stated right, it certainly alleviates all those concern by splitting it and it's also an inconvenience for those people on the east side of Plant Road to have to go over onto the west side and then come and turn back around. Mr. Ouimet stated I think it is more than an inconvenience. Mr. Partlow stated it's definitely more than an inconvenience because I see it as a big traffic issue. Mr. McNamara stated it certainly alleviates to divide and conquer with having 2 of them. Mr. Ouimet stated I don't know what you would do with cars especially in inclement weather because the cars would stack up. Mr. McNamara asked if it all moves to one location or just the way it is now? Mr. Ouimet stated the following: If it all moves to one location. If you're proposing two locations, I would assume that you have approached the postal service to find out if there was a problem. Mr. McNamara stated as I said, we're going to start here and then we will go to them. If they are adamant that it has to be one location, I guess we'll have to come back to this Board. Certainly, if it went to one location, can we squeeze a few more parking spaces out, sure. We could probably do something down in here to pull off the side of the road, but this just works better to split it this way and I think it is something that we can probably sell to the post office. Mr. Higgins stated are the signs going to be such that that they're different for east and west or how are you going designate so that people coming there for the first time doesn't pull into one and then have to go all the way through and then pull across. Mr. McNamara stated the following: I don't know specifically what the signs are going to look like yet. I don't know if this is something

where he's going to name it and call it one thing east and one thing west or maybe perhaps that this street would be on that one, but I don't know specifically. Mr. Higgins stated at one time the applicant had proposed having the Town take over these interior roads and is that still something that they're anticipating doing? Mr. McNamara stated I think they have been public roads. Mr. Higgins stated the following: As far as the parking areas for the mail pickup and things like that; the Town usually doesn't plow parking spaces and they plow the road surfaces. So, who is going to be responsible for maintaining the parking areas? Mr. McNamara stated there is going to be a Homeowner's Association (HOA) for the driveways and everything. Mr. Ianniello stated the following: I'm the attorney for TRA-TOM. The HOA will have the responsibility for maintaining the kiosk and the area surrounding it. Mr. Higgins asked are they going to be doing snowplowing also in the winter? Mr. Ianniello stated yes. Mr. Higgins stated okay, so they would be then responsible for any parking areas for the mail. Mr. Ianniello stated yes they will. Mr. McNamara stated one thing to add to that; they're already going to be plowing for the driveways so, they're certainly going to have the equipment and everything available that they need to do that. Mr. Higgins stated so will all the single-family homes have full service as far as driveways, plowing and things like that? Mr. McNamara stated yes, that is correct. Mr. Ianniello stated the following: The HOA will maintain the land that is owned by the association. Any land owned by the homeowner will be taken care of by the homeowners. There will be covenants and restrictions so that in the event if any part of the homeowners who own property was not maintained properly, the association would have the authority to come in and maintain that for the homeowner and then to assess specially whatever the costs are for maintaining the homeowners property. Mrs. Smith-Law stated I may have missed this, but is there going to be parking around the pavilion as well for visitors or whoever might be using that area? Mr. McNamara stated no, there is an area in front with 4 spaces where you can drop off your supplies and everything for the picnic area, but there's not going to be any long term parking for the picnic area. Mr. Higgins stated the following: I understand the logic of not wanting to have a parking lot to have to take care of near the pavilion area. Are the people from across the road going to have to drive over, drop their stuff off and then drive back over and put their cars back in order to use that area? Mr. McNamara stated yes that's the intent as it is setup now and it's not going to be long term parking so, they would have to do that. Mr. Partlow stated the following: What are you going to do for the parties that you're going to have there for the association? Where are those people going to park and where are the guests going to park? Mr. Ianniello stated the following: Generally when a pavilion is used in connection with a HOA and if there is a party planned, there would be a request made to the association and the pavilion would be reserved for that use. So, only those people that are involved with that particular event would be using the pavilion. So, we wouldn't anticipate parking issues beyond those that would be parking there and some of those that would be dropping off supplies. Mr. Higgins stated the following: I totally disagree because if you're having a party and you're inviting people, not only from within the complex, but also people outside, you may have room to park one or two cars at your house if it's a single-family home, but you have to provide areas for the people to park that are coming from outside the area or even from across the road. You're changing the total concept here and you're eliminating the community building, the pool and everything else and a 27 space parking lot and you're asking us to accept all those change and then just putting 4 parking spaces in. I don't think that is appropriate. Mr. Ianniello stated the following: We could certainly increase the size of the parking lot. Our original intent was to make the pavilion area much less intense and much more visually attractive. We can certainly go to parking slots that are not pure asphalt, but have some of the half blocks or there's grassing in between so that visually it will appear as if it's all grass, but there would be space for additional parking. So, we could do that and that would not change what our concept is, which is to make it much more attractive and much more environmentally sensitive. Mr. Ouimet asked what was the original number of parking places that were provided for the clubhouse? Mr. McNamara stated in this configuration there were

27 parking spaces. Mr. Ouimet stated so, out of those 27 parking spaces some have been configured into a mailbox drop off area, correct? Mr. McNamara stated correct. Mr. Ouimet stated the following: I will have to say that I agree with Mr. Higgins' analysis that if you have a party in the pavilion or people that come and go to use the putting green, and they unfortunately happen to live on the east side of Plant Road, how are they going to get across? They are either going to walk across or what are they going to do with their cars? So, it is not as incidental as you might think for the use of those because you have units on the opposite side of the road. Mr. Ianniello stated we can provide for an equal number of spaces as in the original plan with the way that I suggested and not with just pure asphalt being laid down. Mr. Ouimet stated obviously you're not going to be able to use an outdoor pavilion or an outdoor putting green in the wintertime and you won't have to worry about plowing. Mr. Ianniello stated the following: Right. That's why we would be able to use the spacers and have it appear as if it was all grassed. Mr. Ouimet stated so, if we went back to a plan where you showed exactly the same number of parking places reconfigured around this new design, is that what you are talking about doing? Mr. Ianniello stated yes, if that's the Board's pleasure to have the same number of parking spaces, we would do so, but not with asphalt. Mr. Ouimet stated it is hard to guess how many parking spaces you will need in the good weather. Mr. Ianniello stated that would be the case regardless of what the amenities were on the commonly held land. Mr. Higgins stated I think a provision somewhere in that number of 20 to 27 so, at least if you have a party, people will have a place to park. Mr. Ianniello stated we agree with you. Mr. Ouimet stated there should be at least 20. Mrs. Smith-Law stated the following: Yes. I think the whole point is to keep people from parking on the road, which they are going to do because people just don't walk. So, no matter how close they live to this pavilion they're going to get in their car and drive and I think that we just want to make sure that we don't have cars lining up on the road. Mr. Ianniello stated the following: One of the covenants and restrictions in the HOA will pertain to parking on the roads. We don't intend to have a project which will have roads that will appear as if the roads are a parking lot. So, there will be strict provisions preventing that and appropriate fines in the event that people do so. Mr. Higgins stated you can't do that if it's a Town road. Mr. Ianniello stated but the HOA can extract some penalties or assessments. Mr. Higgins asked on a Town road? Mr. Ianniello stated the following: Not because it's a Town road, but because of what we want on the parking spot. If they're not using the parking that we've created, then obviously if it's a Town road, they can park on a Town road. If they're not using the parking that we've assigned and they're using the parking on the Town road, then we could do so. Mrs. Smith-Law asked how do you enforce something like that? Mr. Ianniello stated we can ticket the vehicles and indicate what their violation is and cite the section of the covenants and restrictions. Mrs. Murphy stated the following: For clarification; what the attorney is talking about doing isn't like issuing a parking ticket and the Town would have no authority whatsoever to enforce what he's talking about. It would be some sort of restriction; like sometimes you'll see "no basketball hoops" or "only 3 cars allowed in the driveway". With a HOA they are free to create, in essence, whatever restrictions they want because the person has to agree to the HOA to buy the house. So, they actually consent to some things that the Town wouldn't have the power to do, but if they have 400 cars parked on the road and we get a phone call saying that all we can do, unless they're obstructing traffic in some way, would be to notify the HOA. Code Enforcement and Highway Department would not have the ability to enforce that what is, in essence, an agreement between two parties. Mr. Ianniello stated the following: Also, what we would be doing is, in the event that a party was planned for the pavilion, we would want to know what the party is for, how many people are anticipated and certainly part of the agreement to allow for that particular party, there would be a numerical limit on the number of people. So if, for whatever reason, that agreement is violated by the homeowner and they bring 100 people instead of 50, then we'll do what we have to do to evict them because at the end of the day that property does not belong to one particular homeowner; it belongs to the association. Mr. Nadeau asked is

the pavilion only going to be open at certain times or can anyone use the pavilion whenever they want? Mr. Ianniello stated the following: This will not be open to the general public and would only be open to the residents. There would be a prohibition in the covenants and restrictions with the HOA so that after dark or beyond a certain point, they could not be there. Mr. Nadeau asked could anyone use it throughout the day? Mr. Ianniello stated throughout the day, yes. Mr. Nadeau stated going back to the parking, if 2 or 3 people come in and they want to use it, are you telling me that they are going to turn around and bring their cars back? Mr. Ianniello stated there would be parking on the site. Mr. Nadeau asked for the pavilion? Mr. Ianniello stated yes. Mr. Ouimet stated so; the parking would be available for anyone of the residents who wanted to access the common area, correct? Mr. Ianniello stated yes, but not to park their car and just leave it there. Mr. Ouimet stated again, that is an enforcement issue for the HOA and like they say, good luck with that. Mr. Higgins stated I for one, would prefer to see a drawing appropriate for what we discussed tonight showing the parking areas and seeing whether or not the post office is going to allow the 2 mail kiosks. Mrs. Murphy asked Mr. Ianniello if they were looking for another preliminary approval so you can proceed with the necessary government agencies? Mr. Ianniello stated the following: Yes and the reason why we're here is not for final approval. The reason why we're here is to get your feedback with respect to the change in amenities. This is important at this particular juncture because the process of preparing an offering plan and submitting it to the necessary governmental authorities is a lengthy process and it will vary greatly depending on what the amenities are. So, if the input of the Board is favorable for this change, then we can proceed. The actual preparation of an offering plan and its acceptance for filing is a process which will take 6 to 8 months. Mrs. Murphy stated he is not looking for final approval; he is just looking for preliminary approval again for this concept change. Mr. Ianniello stated we will be back again showing you the final site plan, which will incorporate many of the comments that you have made this evening. Mr. Ouimet stated plus you have some other open issues as well, right? Mr. Ianniello stated yes.

Mr. Roberts made a motion to approve the amended site plan for the Pleasant Valley Estates PDD preliminary approval contingent on the following conditions: (1) the HOA would be responsible for all maintenance and snow removal associated with the HOA lands, including the parking area/pull-off areas associated with the "community area" parcel and mail kiosks; (2) approval of the mail kiosks by the Post Office prior to Final Subdivision approval; and (3) installation of a parking area with a minimum twenty spaces on the "community area" parcel and to be constructed utilizing a porous product/material that allows grass to grow through. Mr. Higgins seconded. All-Aye. Motion carried.

13.097 NB Saratoga Strategic Partners LLC, 1406C Route 9 (Capital Storage) – Change of Tenant & Sign

Mrs. Leslie McLain stated the following: I'm here tonight representing my husband, Mr. Shon McLain who is the president and owner of Saratoga Strategic Partners, and he is unfortunately out of state on business. So, I'm here to answer any questions the Board may have. Mr. Roberts questioned Mrs. McLain regarding the sign and asked if the sign was going to be on the top or bottom of the existing sign. Mrs. Murphy stated I believe Mrs. McLain is saying that they are removing the one panel and putting their sign panel in its place. Mr. Roberts asked so, that sign is not going to be there, right? Mrs. McLain stated I think there may be some confusion. Mr. Higgins asked if this was the building in front of Mabey Storage? Mrs. McLain stated yes. Mr. Roberts stated we don't want that particular sign there. Mr. Ouimet stated it is my understanding that O2 Solutions is still remaining as a tenant in that building. Mr. Roberts stated and you are putting your own new sign in that spot and that's the answer I'm looking for and maybe your husband should be here. Mr. Ouimet stated I guess the questions is; is the sign going to continue to advertise space

available in that building for rent after you move in? Mrs. McLain stated no, that's the tenant space that we're taking. Mr. Ouimet stated so, that's the space you're taking and the existing tenant, which is depicted on the top panel of that sign, is staying in the building. Mr. Roberts stated you're putting your own sign in place of this. Mrs. McLain asked would it be okay for me to call my husband? Mr. Roberts stated personally, I think this should come back when he's around. Mr. Ouimet stated if you think you can talk to him on the phone, we'll call you back up later in the agenda. Mr. Higgins stated the following: Also, there has been parking problems at that site. Driving by the site I've seen the lot full and cars parked almost out to Route 9. So, are these spots there all lined? Mr. Ouimet stated I think that is a different site. Mrs. McLain stated this one has the parking around the back and there are 24 parking spots. Mr. Higgins stated the following: Okay, so that's a different site. What is the building that is right in front of Mabey's, just to the north of their entrance? Mr. Ouimet stated the following: There is a 2-story building that sits on top of the hill and that's this building that they are talking about. There is a little shopping complex where the flower store and a bunch of other tenants. Mr. Higgins stated I'm sorry, that's a different location entirely. Mrs. McLain stated they really have ample parking. Mr. Ouimet stated Mr. Higgins is thinking about the place that is further north, same side of the street, but further up. Mrs. McLain stated the sign is a permanent sign. Mr. Ouimet stated I know the sign is permanent, but right now it shows an existing tenant and "space for rent" underneath where there is a whole panel that just talks about rental space. Mr. Higgins asked Mr. Ouimet if the Board could do an approval for the change of tenant and not for the sign? Mr. Ouimet stated the following: I'd rather do it all at once. I will give you time to call your husband and I will call you back up before we get into some of the heavier stuff on the agenda and at that time if you can answer the questions, fine and if not, we're going to have to ask you to come back. Mrs. McLain stated okay. Mr. Roberts stated I'm really thinking that at the next meeting her husband should be here so we can get this whole thing straightened out. Mr. Ouimet asked Mrs. McLain if her husband could be here to attend the next meeting? Mrs. McLain stated he can, but I think the problem was that the office was supposed to open and asked if the office could open without the sign? Mr. Ouimet stated it can open without a sign. Mrs. McLain asked could we get the change of tenant application approved tonight so we can open without the sign? Mrs. Ouimet stated sure. Mr. Ouimet asked Mr. Harris if the Planning Department looked at this site to determine whether or not there is sufficient parking? Mr. Harris stated this use requires 14 parking spaces and we show 28 parking on the site plan that we have for the total building. Mr. Ouimet stated okay, so they have sufficient parking. Mr. Harris stated yes.

Mr. Nadeau made a motion to approve the change of tenant application for Saratoga Strategic Partners LLC. Mr. Higgins seconded. All-Aye. Motion carried.

The sign application was tabled for the applicant to come back before the Board at the October 15, 2013 Planning Board meeting with a proper rendering of the sign.

13.099 NB Nicholas J. Marchese & Co., CPA's PC, 2A Executive Park Drive – Change of Tenant & Sign

No one was present for this application; therefore, no action was taken by the Planning Board.

13.100 NB Among Angels, 1675 Route 9 (Watkins Plaza) – Sign

Mr. Scott Earl, the applicant, stated the following: I am the owner of Watkins Plaza. We had a tenant that was approved by this Board a long time ago and now we are applying for a sign application. The sign would be a lit sign over the top of the door that matches all the rest of the signs previously approved at the plaza. We will also have a sign panel on the existing monument

sign. Mr. Roberts asked are you just replacing what was previously there? Mr. Earl stated yes. Mr. Roberts stated the signs both fit with our requirements.

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

Number of Signs - 2

Sign 1

- a. 15"x 148"= 15.41 SF
- b. Wall-Mounted
- c. Internal Lighting- LED

Sign 2

- d. 17'9"x 10'
- e. Replacing \$1.00 Store Panel Sign
- f. Internal Illumination
- g. Monument/Free-Standing
- h. Two-Sided

Mr. Roberts made a motion to approve the sign application for Among Angels. Mr. Nadeau seconded. All-Aye. Motion carried.

13.102 NB Center for Nanoscale Science & Engineering, 5 Corporate Drive – Change of Tenant

Mr. Tom Andress from ABD Engineers & Surveyors stated the following: The Center for Nanoscale Science & Engineering has been located at 13 Corporate and they have occupied a portion of 5 Corporate for a number of years. Anaconda Sports who was initially in there when we actually built 5 Corporate is moving out to accommodate them so they can take over the whole building. So, now they'll have all of 13 Corporate and all of 5 Corporate. There is actually a walkway between these two buildings so it would allow all the employees and the different research that they're doing to go between the buildings. Mr. Ouimet asked are they expanding their number of employees? Mr. Andress stated they are adding a few more employees. Mr. Ouimet stated so basically it's still research and development going on. Mr. Andress stated the following: Yes, it is research and development. This is the office portion of it so, they're doing office work in this 6,000 SF space, but then they have a larger portion of 5 Corporate that was the original warehouse where they have all the machinery for the research and development. Mr. Ouimet asked has the Planning Department looked at the parking situation? Mr. Marlow stated the following: Yes, we did the calculations and we went and looked at the site today and they only need 77 parking spots combined between the warehouse and the office space and there are 81 parking spaces on the lot. So, they have more than sufficient parking available.

Mr. Roberts made a motion to approve the change of tenant application for the Center for Nanoscale Science & Engineering. Mr. Higgins seconded. All-Aye. Motion carried.

13.103 NB Anaconda Sports, 3 Corporate Drive – Change of Tenant

Mr. Tom Andress from ABD Engineers & Surveyors, stated the following: Anaconda Sports is proposing to move from 5 Corporate Drive to 3 Corporate Drive. They previously occupied 6,000 SF of space and now they will occupy around 2,700 SF of space. So, they are reducing the number of people and the square footage. Again, they will use this space for their office and for the ordering for the Northeast area for their institutional sales. Mr. Ouimet asked the Planning Department if the parking situation was reviewed? Mr. Marlow stated yes, they only need 14 parking spaces and there are over 250 on the lot. So, they have more than sufficient parking available.

Mr. Nadeau made a motion to approve the change of tenant application for Anaconda Sports. Mrs. Smith-Law seconded. All-Aye. Motion carried.

013.104 NB Stewart's Shops, 1857 Route 9 – Sign

Mr. Chad Kiesow from Stewart's Shops stated the following: I'm applying for a gasoline panel pricing sign that previously was a Plexiglas and backlit sign and we will be replacing it with an LED lit gas price sign that would be the same size. This sign is similar to the signs that you previously approved on Route 146 and on Route 9 at the Crescent Bridge, etc. Mr. Ouimet asked is this sign adjustable by ambient light? Mr. Kiesow stated correct. Mr. Roberts stated make sure that the brightness is no brighter than what is on the other LED signs. Mr. Kiesow stated yes, this sign has multiple brightness levels and they can be set by 10 different degrees, but we keep them all the same. Mr. Higgins asked is the existing sign 15 feet-6 inches tall? Mr. Roberts stated yes, that sign has been there for a while.

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

Number of Signs - 1

Sign 1

- 5'x 8' = 40 SF
- Two-Sided
- Internal Illumination - LED
- Monument/Free-Standing Sign
- Total Height- 15' 6" (existing)

Mr. Roberts made a motion to approve the sign application for the Stewart's Shops. Mr. Nadeau seconded. All-Aye. Motion carried.

Old Business:

12.079 OB The Kensington at Halfmoon PDD, 127 Stone Quarry Road – Major Subdivision/PDD

Mr. Bill Hoblock, Esq. from Capital District Properties stated the following: I was last before the Board in the springtime. The Kensington of Halfmoon Planned Development District (PDD) is a top of market multi-family proposal. The 2 issues that really came to the top in the springtime, and they're the same issues that have been discussed with the Board since we have been before this Board for a year seeking recommendation back to the Town Board in connection with the PDD application. The 2 issues that the Board had asked for was; more information before a public informational meeting is set, and that's why we are here tonight, and the unit count and also the potential impacts of traffic. In response to the Board's comments over the last year on those 2 main issues and I have provided the Board with a revised site plan with a decreased total unit count. The unit count went from 90 total units down to 70 units. The plan itself is the same with respect to the buildings and all the buildings are 10-unit buildings with in-building parking and this is actually the same building that is under construction with the development we are building across the road; Hudson Ridge. So, there has not been any other change to the site plan that you're looking at except for a significant one, which is an almost 25% decrease in overall unit count. Significantly with the decrease in unit count, our greenspace actually now exceeds 83%, which is a big number. A lot of times the focus is on density, as is on unit count, and greenspace can be overlooked and in this situation I don't want it to be because a development with 83% greenspace is certainly something that is a good thing. The second issue is traffic and what I wanted to do after the springtime meeting was wait until the traffic improvements that we're making in connection with Hudson Ridge across the street were complete. Over the summer we

did finish those improvements and we've gone through them many times and it's the full redesign of Woodin Road/Stone Quarry Road and a complete redesign of that intersection. Also, the massive pretty significant upgrades to Stone Quarry Road and Route 9 with the addition of the right turn lane, the vertical redesign, etc. The reason why I wanted to wait for those to be done is because what that does now and what those major improvements do, it makes the local road network around this proposal efficient and capable of handling this proposed PDD. So, I didn't want to just keep talking traffic until these improvements were done and they are now done. We're happy to say that they are done, they came out great, they've been signed off by the Town, they've been signed off by the New York State Department of Transportation (NYSDOT) as built per spec and it just makes that local network able to accommodate this proposal. I did bring Ms. Alanna Moran from Creighton-Manning here tonight just to briefly address the Board and just talk about how our decrease in overall unit count helps alleviate some of the traffic concerns that the Board has had in the past. I will now turn this over to Ms. Moran who can answer your traffic questions and I can also answer questions that you have. Ms. Moran stated the following: As Mr. Hoblock has said, specifically we just want to talk a little bit about what the unit count reduction has done for the trip generation. We know that the Town of Halfmoon prefers knowing information about specific data from projects within the area. So, we did do traffic counts at the Paddocks up near Exit 15 to get an understanding of what an apartment development would generate in this particular area. So, with the reduction in units from 90 to 70, it went from 26 AM peak hour trips down to 20. So, that's 1 trip every 3 minutes or so and during the PM peak hour it went from 30 trips down to 23, which is 1 trip every minute and a half or 2 minutes. So, there is not very much traffic or trips associated with this particular project. Mr. Higgins asked when did you do the counts at the Paddocks? Ms. Moran stated they were done in the winter of 2012. Mr. Higgins stated the following: Okay. We've had this discussion before, but I don't think you were here. Regarding the Paddocks, from what I understand, a number of those apartments are seasonal and not occupied year round. Mr. Hoblock stated we heard you the last time and we are in the process of redoing those now before a public informational meeting is held. Mr. Higgins stated okay, thank you. Ms. Moran stated I can also give you the IT numbers if you would like to hear that comparison as well. Mrs. Sautter stated a traffic study was done on January 14, 2013 and was that an updated traffic study or is that an actual count study? Ms. Moran asked did you say January? Mrs. Sautter stated yes, that is what I have. Ms. Moran asked Mrs. Sautter what she was referencing from or what letter. Mrs. Sautter stated well, when was the traffic study done? Ms. Moran stated the following: There was a traffic study done for this project on December 12, 2012 and then there was a response to comments when Creighton-Manning originally came before the Board. There were some questions raised concerning traffic so, there was a letter completed on February 11, 2013 that addressed the questions that had been raised by the Board. So, those are the 2 studies that are addressed for this project. Mrs. Sautter stated so, for the actual traffic study; you actually did the counts on the December 12, 2012 as opposed to an updated or a revised study? Ms. Moran stated the actual traffic counts were completed on September 27, 2012 and October 3, 2013. Mrs. Sautter stated okay, so when the report came in, you finalized it in December 2012. Ms. Moran stated correct. Mrs. Sautter asked do you know what you took into account at that point; what buildings and what was going on in the area? Ms. Moran stated the following: At the time it was just at typical conditions, but we did add within the study things that have been on the books, but not yet constructed. So, this study does include other developers projects. Included in that study were; 200 apartment units for Hudson Ridge, Linden Village and in this case we've included 468 units, but my understanding is that has been dropped to 300 units so, that's a very conservative estimate, Princeton Heights, which is 52 single-family homes and then the Halfmoon Village & Yacht Club, which is the 244 condos. So, all of those have been included in the analysis for this study. Mrs. Sautter stated when you come here before the Board and because it's Halfmoon, we only concentrate on what's being built in Halfmoon as opposed to right next door where we have

over 150 single-family homes coming on Grooms Road in Clifton Park, which I know that you did do the traffic study for. So, I would like to get those numbers incorporated into these types of things and that's not the only one, there is one on Vischer Ferry and these are all just recent where there are 50 to 70 homes. So, I would like to start combining the two because we use the same roads and every traffic report that I've seen and I have said "what have you studied" and it's just Halfmoon and you don't take into account the 300 buildings that are going in on Grooms Road recently. Ms. Moran stated the following: Specifically we did not call the adjacent communities, but the project does also take into account a background traffic growth, which does adjust for growth happening in those adjacent communities. So, while this project does not specifically include those others, it does include a background growth rate of $\frac{1}{2}$ percent per year to account for that. While that doesn't sound like a large number, historically traffic volumes had increased at a rate of about 2 percent per year. However, since about 2005/2007 they kind of flat lined a little bit and in our most recent historical traffic volumes, the rates are actually going down as far as the general traffic growth in the area. So again, while that $\frac{1}{2}$ percent doesn't sound like it is that big, it does account for what's going on within the area and it is consistent with growth trends. Mrs. Sautter stated the following: Okay. Did you also do Linden Village? Ms. Moran stated yes, Creighton-Manning is working on that. Mrs. Sautter stated they gave a 5 percent rate increase annually. Ms. Moran stated the following: I doubt that it included 5 percent per year. It may have included an overall growth rate of 5 percent, but that was also an older study and it has been on the books for a while. So, this one being most recent is using the most recent traffic data available. Mrs. Smith-Law asked when you say "older", what do you mean by older? Ms. Moran stated I want to say that that one is like a 2007 project that it started in, whereas this one was started in 2012. Mr. Ouimet asked are you talking about Linden Village? Ms. Moran stated yes. Mr. Ouimet stated the following: Linden Village has been updated like 3 or 4 times at our request. So, if the projected growth rate is 5 percent; that's the current one. Ms. Moran stated while I did not work on this study, I highly doubt that it's 5 percent per year unless that includes all of the other traffic projects within the area as well and it overall makes 5 percent per year and it would be very unusual to have a 5 percent per year background growth rate. Mr. Ouimet stated it seems to me that it is quite embarrassing if you're saying a $\frac{1}{2}$ percent and somebody in your office is saying 5 percent. Ms. Moran stated I'm not at all embarrassed by $\frac{1}{2}$ percent per year. Mr. Ouimet stated but somebody in your office said 5 percent. Ms. Moran stated again, I don't have that study in front of me and I did not do that study so, I cannot answer that for you. Mr. Ouimet stated the following: You're not answering for me, you're answering for you. It seems to me that the traffic study is going to be a big issue at the public informational meeting. So, whatever Creighton-Manning is developing for the other projects they have under review, you better get your ducks in order when you come in. Ms. Moran stated thank you. Mrs. Sautter stated I would also like to see the projects that I mentioned in Clifton Park to correspond with this because that's going to have a direct impact on those roads. Mr. Hoblock asked which projects were you talking about in Clifton Park? Mrs. Sautter stated it would be the one off of Woodin Road on Grooms Road. Mr. Hoblock asked do you know the name? Mrs. Sautter stated it is Brooks that has 100+ single-family homes that is in the Presidential Estates area and then Crescent Woods that is on Route 9. Mr. Hoblock asked did you say the first one was called Brooks and is that the subdivision name? Mrs. Sautter stated the following: I don't believe so, I believe that is the developer's name and it's right near Presidential Estates and that has been approved or is in the process of. Also, on Lapp Road; I don't know where this is in the development stage and Hoffman is proposing hundreds of apartments. Mr. Hoblock asked is that in Clifton Park also? Mrs. Sautter stated yes, right next to us. Mr. Ouimet asked Mr. Hoblock if he was in the process of doing updates for the traffic study? Mr. Hoblock stated the following: Yes, just the one that Mr. Higgins had asked for. We are going to do new actuals for the Paddocks that's now verses the middle of the winter. I also didn't want to do it in the summer and I wanted to do it in the fall, which we thought was ideal, because in the

summertime there are too many people there and in the wintertime there is not enough people there. So, I thought the fall. Mr. Ouimet asked what is the occupancy rate at the Paddocks? Mr. Hoblock stated almost 100 percent. Mr. Ouimet stated it should be a true comparison. Mr. Hoblock stated the following: We did the true the last time and what we did is the 2 days and I gave you actual units occupied on that day and I'll do the same exact thing this time. Mr. Higgins asked are we going to schedule a public informational meeting. Mr. Ouimet stated yes, if we're ready. Mr. Higgins stated the following: What I was going to suggest is that we want to make sure that the traffic studies are all completed and also, even though it's not under this Board's prevue, I'm sure the question of the public benefit it going to come up at the public informational meeting, so I suggest you might also want to make sure that you are able to answer any public questions about what you're proposing as far as a public benefit. Mrs. Murphy stated the following: It is my recollection that at the pre-meeting you were talking about referring the changes to Mr. Bianchino for his review and then scheduling the public informational meeting further out. Mr. Higgins stated I didn't know if we were going to wait for the traffic studies before we referred it to Mr. Bianchino. Mr. Ouimet stated the following: I would rather not do that. I'd rather refer it to Mr. Bianchino and in the interim schedule a public informational meeting for maybe the second meeting in November, which would be the 25th of November because at our next meeting we are going to have to approve the meeting minutes from tonight's presentation in order for those meeting minutes to be available for the public. So, that will give them sufficient time to digest the minutes and the project and be prepared to come in and ask their questions and to make their comments. That should give you plenty of time to reconcile the traffic studies and if there is no adverse traffic impacts by the Clifton Park projects and you can tell us why you conclude that. Mr. Hoblock stated yes, that schedule is fine with me if that works for the Board. Mr. Ouimet stated okay, then we will schedule the public informational meeting for the November 25, 2013 Planning Board meeting. Mrs. Sautter stated the following: Right now this piece of property is divided into 10-lots, correct? Mr. Hoblock stated yes. Mrs. Sautter asked when was that approved? Mr. Hoblock stated it was called Stone Quarry Estates and I don't have the exact dates, but it was somewhere around 2006 or 2007. Mrs. Sautter stated the following: Let's say it is roughly 20-acres. I looked at those lots and each lot was well over an acre, maybe one was 1.5-acres and the rest of them were 2 and 3-acres. So, how much of this land is buildable and how much is unconstrained? Mr. Hoblock stated the following: Under the Town Code; just under 8-acres is buildable and the remaining is constrained as steep slopes. The way the property works; you have a plateau where this is built and with everything else; the slopes go right down to C-1 Commercial and M-1 Industrial that surrounds it. Mrs. Sautter asked what is the density with the 8-acres and these buildings? Mr. Hoblock stated the following: The old, which was 90, was over 12 and it has dropped down to 9.5 and gross was 5.1 and it dropped down to 4. Mrs. Sautter asked is 10 the maximum and you had 12 before? Mr. Hoblock stated correct. Mr. Higgins stated are you aware that typically this Board tries to get projects similar to this in the 7 range? Mr. Hoblock stated the following: Yes, understood. The one thing that I would say to that is that I think from a planning perspective I don't think every parcel should be treated similarly. Like a Comp. Plan does, a Comp. Plan looks at different parts of the Town and sets up different standards and different densities in a lot of Comp. Plans. So, it's not a one size fits all approach. I think if you look at a density, let's say in the northern part of Town like in the farmlands; I think is a lot different than what is an appropriate density in this area. Here you have a true infill parcel in the core area under the Comp. Plan that calls for multi-family, which targets as it says; development given its location in close proximity to Route 9 utilities, etc. and here you have and in the past I've called it a true transition piece where it literally abuts all of the commercial and industrial along the major spine of the Town, which is Route 9, and then it transitions over through more multi-family and to single-family. So, from a planning perspective I think you can make the argument, as we do, that this is a good infill parcel that has a little bit higher density than you would have out in the cornfields or the farmlands

somewhere where you don't have the utilities or it's not really ripe for development and it's a little bit more appropriate here. So, that's the way we view it and I have talked about it in the past it's somewhat of an awkward piece of land and there is the single-family development there that you mentioned that just failed and for a variety of reasons; one is the surroundings. You're surrounded by commercial down to an industrial park and you have a transmission line there and you have a cell tower there. There is a reason that single-family home project that was not only approved, but the plans were filed and it was never built. So, the question becomes from a planning perspective of what works here and what fits here and it is a good multi-family piece because that's the next best thing. You want to keep it residential and if you have a piece that maybe a higher density fits; multi-families that fit and the multi-family accents what is across the road, which is top of the market multi-family and it acts as kind of a natural progression of it. So, that's the way we look at this parcel. Mrs. Sautter stated can you show me where the power lines are indicated on the map. Mr. Hoblock showed Mrs. Sautter where the power lines were location on the plans. Mrs. Sautter stated okay, so they run right next to it. Mr. Hoblock stated yes, they do and a cell tower so there are challenges associated with this parcel. Mrs. Sautter stated the following: Yes and I agree with you and I understood why the single-family wasn't going to work because nobody wants to live next to those power lines. I think it was Mr. Polak who said would this work there either. Mr. Hoblock stated the following: It will and it is a challenge and you deal with it. In development or whatever you're building you have those challenges whether it's the cell tower, power lines, a railway, a highway or an industrial park. So, there are challenges that you deal with. Mrs. Smith-Law stated the following: Can you describe all the greenspace and what will it look like? Is it treed or is it fields? Mr. Hoblock stated it is actually pretty treed. It's mostly treed and if you look at the 7 or 8-acre plateau and then it goes down pretty steeply. So, you have big tall trees and when you drive by, you're going to see good vegetation. This is so steep that you don't have the height of the trees or the maturity of the trees, but that's all green and it's all vegetation and nothing has ever been done on this parcel, it has always just sat vacant so, there has been nothing that has ever disturbed it. Mr. Ouimet stated the following: I think we are going to refer this to CHA and during their review; we will set the public informational meeting for November 25, 2013. Does the Board agree that we should do an expanded notification area for this project? Mrs. Smith-Law stated yes and I also think that we have to take into consideration that that's Thanksgiving week so a lot of people are on vacation. Mr. Hoblock stated oh, you're right. Mrs. Smith-Law stated so; I have some concerns about people traveling on Thanksgiving week. Mr. Ouimet stated I don't think we can have it before that and we only have one meeting in December. Mrs. Smith-Law stated I think this is a very significant project and I think the people deserve an opportunity to take a good look at it. Mr. Ouimet stated I definitely agree and that's why we're pushing it this far out as we can. Mr. Harris stated we have to have enough time to get the expanded notices out. Mr. Ouimet stated we will have the public informational meeting on December 9, 2013.

This item was tabled and referred to CHA and a public informational meeting with an expanded notice was set for the December 9, 2013 Planning Board meeting. Additionally, the applicant indicated they will be providing updated traffic study information.

12.107 OB Earl – NYS Route 9 Mixed Use Facility, 1613 Route 9 – Commercial Site Plan

Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant for the proposed NYS Route 9 Mixed Use Facility. The proposed development is an 8,800 SF building that will be constructed east of the existing Halfmoon Salad & Sandwich Shop and north of the Prestige building. The proposed project adheres to the required parking requirements for the Town. Significant items that came up at the last meeting that have since been addressed and one of those items was that we provide additional parking in the form of banked parking for the site.

Another item that was significant at the last meeting that we addressed was the topic of outdoor storage of vending machines and vending machine equipment and that outdoor storage has since been removed per the direction of this Board. One of the other big items was that we originally had the proposed dumpster area located in this portion of the site and we revised that dumpster location to an area that you had pointed out on the map. So, that item has been addressed and that dumpster enclosure will have some proposed arborvitae around it. The height of the fence for that dumpster will be a 6 FT high fence. One other question that you had asked me was the actual height of the proposed building at its highest point and that will be approximately 21 FT. So, at this point we feel that we have addressed all of CHA's comments and we're here tonight to answer any additional questions that the Board may have and to ask for an approval for the project. Mr. Higgins asked was the question proposed the last time about the possible tenants for this building? Mr. Scott Earl, the applicant, stated the following: Regarding the possible tenants for the building; we've talked to an ATM machine company that displays things in a small retail area that has storage and they take their ATM's out and drop them off at different sites and a locksmith who has a small showroom to show you what he sells, but he will also go out to homes to put locks in. So, it would be those types of tenants. Keeping in mind that the Town has full rights to approve or deny any tenant and for every single tenant we would have to come back to the Board for the use, parking and go through the whole process. Mr. Higgins stated that was a concern the last time on whether or not there is sufficient parking depending on the intensity of the occupant. So, as long as you fully understand where we are coming from because we just don't want people parking all over. Mr. Earl stated I won't bring a library in here or a health fitness center and that's for sure. I'm very realistic in this and it's a nice space, a nice use of the property and we've done a nice job out there behind the Halfmoon Salad & Sandwich Shop. So, this just continues that development a little further. I fully understand and aware that any and every tenant has the risk of being denied. Mr. Ouimet asked for the proposed site for the dumpster, are you still going to do the moveable gate in the front? Mr. Earl stated the following: Absolutely and it's a single piece gate and access is only needed by the company. The tenants would use the side entrance, therefore, the gate is removed and opened only in the early morning so, it pretty much stays locked all the time. I don't want to see dumpsters from Route 9 either. The candy store across the street has 2 brand new ones with yellow lids and they're a deterrent when you go down Route 9 and you spot that lid, it screams out at you. Mr. Roberts stated just so we don't repeat the problem we had with the vending machines; whoever comes in this building has to be made aware that there cannot be any outside storage. Mr. Earl stated the following: Right, no outside storage and if this dumpster is not adequate, they'll have one inside the building that would be plastic on wheels and dry trash. The vending machines were a temporary thing and we put up a screen to screen them. We had a big problem with America's largest soft drink provider Coca-Cola; they're lazy and they can't read a map because they never came to get their machines. So, finally after screaming and screaming and threatening and bringing a load to Albany myself, they came and got them.

Mr. Roberts made a motion to approve the commercial site plan application for Earl – NYS Route 9 Mixed Use Facility conditioned on all current and future tenants shall have no outside storage on site. Mrs. Smith-Law seconded. All-Aye. Motion carried.

11.104 OB Earl – Italian Restaurant, 1589 Route 9 – Commercial Site Plan
(formerly Phelan's Brothers Caterers)

Mr. Jason Dell from Lansing Engineering stated the following: I'm here tonight for the proposed Route 9 restaurant. This site is the location of the former Phelan's Banquet House. This project was previously before the Board back in 2011 and at that time it was the specialty grocer project. The site plan we have before us has the building, the parking configuration, and the access is the same configuration that it was back in 2011. The site parcel itself is 1.77-acres, it is zoned C-1

Commercial and the proposed project will involve now, as opposed to the specialty grocer, a 12,000 SF building. The applicant is now proposing a 6,000 SF high-end Italian Restaurant with a lounge and a 2,000 SF storage area is associated with that as well as 4,000 additional SF of a possible banquet area and/or retail. We looked at the parking that is required per the zoning for all the uses for the storage, the restaurant and potential retail. This is detailed out in the narrative that we had submitted, however, the required parking number in either scenario came to 72 stalls required and we are proposing 76 parking stalls for this project. Stormwater would be managed on-site per the New York State Department of Environmental Conservation (NYSDEC) stormwater regulations and the green infrastructure practices. Sanitary sewage will be provided to the property via a connection to the Saratoga County Sewer District's sewer line located west of NYS Route 9 and water will be provided to the building from a connection to the water main that's located along Route 9. Greenspace for the project; we're required to have 20% greenspace and the project proposes 29%. Back in 2011, as I mentioned, detailed plans, stormwater and a pollution prevention plan were submitted to CHA for their review and the project had been referred to CHA. We did go through a couple of rounds of comments and responses back to them so; the plans moving forward are in good shape. There were a couple of outstanding items that remain from those comment letters and those pertain to just moving forward with how we're going to have the mechanism by which the applicant can construct the road since it is not on his property. The proposed road that is going to come off the intersection with Sitterly Road is located on the Hess property and along with that there was additional New York State Department of Transportation (NYSDOT) coordination that has to go on. So, we are here tonight to reintroduce the project to the Board and to move the project forward however the Board sees fit. Mr. Higgins stated in relation to the road that may get built someday; is there any way that you could move the entire building a little further north to give you a little more room on your parking on the bottom end because obviously if there is a road built there, there might be a conflict as far as snow removal. Mr. Earl stated the following: Currently we are operating with a 15 FT setback from the adjoining parcel. Next to that we have a rear loading dock from the original proposed specialty grocer and it depicts a tractor-trailer unloading supplies. From that there is a 19 FT travel lane to clear snow and things like that. In this instance we placed the dumpsters behind the loading dock out-of-sight/out-of-mind so no one would see them from Route 9. Moving the building back is an option, but you lose the loading area and the front of this is designed as a high-end Italian restaurant and what you're going to see from Route 9 is esthetically very pleasing. We've incorporated the recycled asphalt where the water permeates through the asphalt in the parking lot with the under drainage system that is very expensive. It's a complicated site as this had a well that was producing in excess of 30 gallons a minute on-site and many of you remember the water was just gushing out and it took us about 6 months to get that well capped so the water stopped. We probably should have built a bottling plant there to be honest with you and I think it is part of the Town's aquifer. One of the most challenging issues will be this road and we're going to need 100% Town support. Hess is 100% against us and it will probably be a half of million dollar lawsuit to get them to agree to do what they agreed to do 19 years ago. This Board insisted when they built Hess that an extension be provided for Sitterly Road. I'm paying for the entire extension myself, but only on your command. With that you're giving up 3 curb cuts to Route 9 that will essentially improve the traffic flow in that area. You're not going to have cars trying to exit Route 9 or enter from Route 9. This will totally shut off all the exits, which is definitely a positive improvement. If you have been in that intersection, you'll understand what I mean. There is a control and lights there and Hess is basically going to lose the entrance and it will be an opened up public entrance and they'll have an entrance off it. Hess will lose their dumpster pad, some of the trees that are there and a minor amount of brush. But again, we plead with the Town to assist us to command Hess to do what they said they were going to do 19 years ago because as of now, they've got amnesia. Mr. Higgins stated this is the first time we are seeing this so we're trying to absorb it. So, the only entrance

and exit is going to be off of the new extended Sitterly Road. Mr. Earl stated the following: Per the NYSDOT, that is correct. Everything on Route 9 closes and you'll be on the Sitterly extension. Mrs. Smith-Law stated is that toward the back by those 2 green round things? Mr. Earl stated yes, we're almost to the end of the street and Hess's entrance would be 2 entrances before on the south side and that is a two-lane road divided because it was proposed per the Town 19-year ago to be Sitterly's extension going to the eastern part of Town and it dead ends at DeVoe's Farm. Mr. Higgins stated okay, but our drawing is a little different than yours. Mr. Ouimet stated yes, we still have the original one. Mr. Dell stated this is just broken up a little bit more. Mr. Higgins stated the following: Right, but we don't show this as a loading dock and a road going by. It didn't show the road in the back and that's why I asked if you could push the building up. So obviously, this is the first time we are seeing this and that's why we are asking the questions. Even if you can get a few feet up that way because all I'm worried about is if you have the road here and the Town is trying to plow and you're trying to plow, it is liable to get a little close. Mr. Ouimet stated the thing that confuses me is; is this still going to be mixed use or is this all going to be an Italian restaurant? Mr. Earl stated the following: It will be a mixed use; 6,000 SF in the front for an Italian restaurant, there is 2,000 SF flex and 4,000 SF for retail. Again, this is subject to the Board's approval on the tenants. Mr. Ouimet stated so it would all stay the same from the plan that was originally submitted except for instead of a grocery store, it's going to be an Italian restaurant. Mr. Earl stated the original tenant was a green grocery store organics. Mr. Ouimet asked are you proposing outdoor patio seating. Mr. Earl stated a minor amount and that is depicted on the plan and that would be seasonal as well. Mr. Higgins stated the following: Would the parking be the same for a restaurant and retail? I thought it goes by number of seats. Mr. Earl stated the number of tables. Mr. Dell stated the following: Based on the number of seats, it would require 1 parking stall per 3 seats. So, we're looking at a 90 seat restaurant and there would be approximately 12 employees and the same numbers go for the additional 4,000 SF. Mr. Ouimet asked does that include your banquet facility? Mr. Dell stated for the banquet facility, we're adding an additional 90 seats of parking requirement. Mr. Ouimet stated so, that would be 90 plus 90. Mr. Dell stated yes. of a parking requirement, and there is ample parking at the site. Mr. Ouimet asked would the 2,000 SF be for the kitchen area, prep area and something else? Mr. Dell stated it would be storage associated with the restaurant. Mr. Ouimet stated the following: So, I'm still confused. It still sounds like it is one enterprise that has multiple uses. Mr. Earl stated it's basically a 6,000 SF restaurant with 6,000 SF of flex space for 2,000 SF and 4,000 SF. Mr. Ouimet asked would it be the same tenant? Mr. Earl stated not necessarily the same tenant. Mrs. Smith-Law stated so, if you do build the banquet center would that go in that 4,000 SF area? Mr. Earl stated the following: I will give you an example of a banquet center; we're talking with two area funeral parlors who package services. Everyone needs a place to go after the graveside service and the restaurant would prepare the food and use basically just a room to serve it in. It would be a gathering room. Mrs. Smith-Law stated okay. Mr. Earl stated again, that would be done during the day and not during the restaurant's normal operation. Mr. Higgins stated but your parking could overlap depending on the time of the banquet and do you have sufficient parking based on 1 space per 3 seating for that also? Mr. Dell stated the following: That is correct. We have the parking based upon the total occupancy of both facilities at the same time. Mr. Partlow stated regarding the retail flex space, are you saying that the 2,000 SF space is going to be possible storage? Mr. Earl stated the 2,000 SF space would more than likely either be a hair salon or a card shop and again, we would come back to this Board for tenant approval and we would also be bringing in the proposed parking at that time.

This item was tabled and referred to CHA for further review.

12.103 OB Santoro Warehouse Facility, 45 Route 146 – Commercial Site Plan/GEIS

Mr. Jason Dell from Lansing Engineering stated the following: I'm here tonight on behalf of the applicant for the proposed Santoro Warehouse Facility. The project is located at the corner of Route 146 and Farm to Market Road. The parcel is approximately 2.86-acres and is currently zoned Agricultural-Residential (A-R). There is an existing 6,600 SF building on the property that's currently operated by Sanson Snack Distributors. The proposed project will involve the construction of an approximately 13,952 SF warehouse facility. The Town of Halfmoon required parking has been provided for the site and zoning calls for 26 stalls and we are proposing 26 stalls for the facility. For this project two zoning variances were required and we did obtain both of those zoning variances for the project. The last time we were before the Board the delivery times and the amount of deliveries were questioned. There will be one tractor-trailer on Monday, Tuesday and Thursday around 8:00am and then there would be approximately 14 box trucks that access the site on Monday and Thursday during the afternoon hours. So, at this time we have addressed all of CHA's comments pertaining to the project. There was a letter that had 2 outstanding items that have since been addressed and those involved a contour label that was incorrectly labeled and that has since been fixed on the site plans. The other comment pertained to contacting the Building Department to see if there was any additional fire protection required and according to the Building Department they are satisfied with the well being utilized to the service the proposed building. So, they are satisfied with the current building as is and the water supply. We are here tonight to answer any additional questions that the Board may have and to ask for an approval. Mr. Bianchino stated we did have two outstanding issues, which Mr. Dell has addressed. Mr. Ouimet stated there was a discussion at the pre-meeting that the issue of fire flows from the well was discussed with Code Enforcement with the Director of Code Enforcement, Mr. Steffen Buck. There is no indication that the Hillcrest Fire District, where this property is located, has opined one way or the other. Is there some reason why no one reached out to them? Mr. Dell stated the following: I have not, but I know that Mr. Buck is the Emergency Services Coordinator for the Town. So, I guess I shouldn't assume, but him being the Emergency Services Coordinator and the Building Inspector I would believe that he would have the same opinion. Mr. Ouimet stated I would think that it would always be good to check with the fire district that is servicing the property. Mr. Dell stated I can certainly do that. Mr. Partlow asked Mr. Dell to show the Board where the entryway is located. Mr. Dell stated the entranceway is off of Route 146. Mr. Partlow asked is there going to be any entrance from Farm to Market Road? Mr. Dell stated no. Mr. Higgins stated is the existing entrance onto Farm to Market Road going to be closed off? Mr. Dell stated I don't believe there is an entrance on Farm to Market Road, but either way, there will only be one entrance off of Route 146. Mr. Nadeau stated we didn't want an entrance on the opposite side because there are residents in that area from the previous project. Mr. Higgins stated I agree and I just wanted to make sure for the record. Mr. Partlow stated the residents are just to the north of there, correct? Mr. Dell stated that is correct. Mr. Partlow stated there are not a lot of trees in that area and asked are we going to try and hide that facility a little bit from the residents? Mr. Dell stated the following: We do have some proposed trees and some landscaping along the northern border. So, we can look to bolster that a little bit if this Board wishes. However, there is some landscaping there now that we are proposing. Mrs. Smith-Law stated the following: I was on the Zoning Board of Appeals (ZBA) when we gave you a variance for this and I think, if my memory serves me, we asked for vegetation as a condition of that variance because of the residential properties on that side. I will have to look back, but I remember having that discussion. Mr. Dell stated we are proposing landscaping along there now and we can certainly increase the density of that landscaping. Mrs. Murphy stated when you looked at the ZBA granting of the variance, were there any conditions set forth in the granting? Mr. Ouimet stated when you devised this plan with the

screenings that you're proposing; did you review the ZBA resolution? Mr. Dell stated I was there at the ZBA and I do recall there being a discussion about vegetation and as I mentioned that is why we prepared some vegetation along the back. The majority of the traffic and the cars will be isolated to this area and there would only be an occasional tractor-trailer that would have to come around and access the site. Mr. Ouimet stated refresh my recollection; does this property sit below Farm to Market Road or equal to or higher than? Mr. Dell stated it is pretty equal to and the grading plan is pretty flat through there. Mr. Ouimet stated so; the vegetation is only as good as the height of the vegetation, right? Mr. Dell stated that is correct. Mr. Ouimet stated so; if there is a box truck in there, you would be able to see it. Mr. Partlow stated I would like to see the vegetation go along the whole line there because if they're going to bring tractor-trailers behind the back of that building, the residents just to north are going to see any single one of those trucks. Mrs. Sautter stated once again, I believe that what you have there and what we have here, and we only have the 2 entire copies, this does show more vegetation. Mr. Dell stated this is just a rendering or a picture of it. Mrs. Sautter stated the following: Once again, the Board can't see it and on this you have the actual and it's going to have 23 junipers along the front. So, what you're saying is that it's a lot more. Mr. Dell stated that is correct. Mrs. Sautter stated the following: So, they need to see this plan and that's why I'm saying that it's very hard because there is only 2 and as you see, it's a big packet, but there is much more landscaping here. Mr. Dell stated the following: Yes, we put together, as part of the site plan package, a very detailed landscaping plan that has been reviewed as part of the package. Also, as you mentioned, we do have quite a few more landscaping trees along the top that is part of the detailed site plans. Mr. Ouimet stated it seems to me that you would have to add some more. Mr. Dell stated we can certainly add additional landscaping. Mr. Ouimet stated with the point of blocking the view from those homes and they don't extend all the way down the road. Mrs. Smith-Law asked how many evergreens are you putting in? Mr. Dell stated approximately 8 or 10 depending on the species. Mrs. Smith-Law stated just because once the leaves come down then it will be wide open so, I would like you to consider having some kind of a buffer year round. Mr. Dell asked would you prefer to see a row of arborvitaes or something along those lines? Mr. Ouimet stated the real problem with arborvitaes is that sometimes they don't take. Mr. Nadeau stated I don't know if the Board is aware, but there is industrial there; there is a machine shop right on that corner there and the residents are up a little bit. Mr. Ouimet stated that is why I'm saying that we should limit it to the upper part of the parcel and right now it is clustered in one small area. Mr. Dell stated we can certainly look to make the vegetation denser up there. Mr. Ouimet stated yes, you can definitely do that. Mr. Dell asked can we make that a condition of a potential approval? Mr. Ouimet stated yes.

Mr. Roberts made a motion to declare a Negative Declaration for SEQR. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Higgins made a motion to approve the commercial site plan application for the Santoro Warehouse Facility conditioned on a denser, year-round vegetative buffer is installed on the northwest side of the property. Mrs. Smith-Law seconded. All-Aye. Motion carried.

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

Mr. Higgins recused himself from this item. Mr. Jason Dell from Lansing Engineering stated the following: I'm here tonight on behalf of the applicant for the Victor's Farm Residential Subdivision. This project has been before the Board on multiple occasions and the project consists of 13 proposed lots located roughly at the intersection of Farm to Market Road, Cary Road and Smith Road. We are here before the Board tonight to get additional feedback from the Board as we have revised this plan quite a bit since the last time we were here. We did not submit new plans

because we wanted to get feedback from the Board on the revisions that we made. The previous renditions of the plan called for two shared access drives; one coming off of Farm to Market Road and traveling towards the east and the other one is coming off of Smith Road and traveling towards the west; both ending in hammerheads, thus kind of dividing the project into two sections. After hearing the concerns of the Board and the public during the public hearing, as well as in discussions with Mr. Bianchino and CHA, we've looked to revise this plan and prior to going through and addressing all of CHA's technical comments that they gave to us pertaining to the last plan, we wanted to get your feedback on the proposed layout, which now, we no longer are proposing to construct the entrance drive shown off of Farm to Market Road. The existing driveway will stay on Smith Road; however, we'll access all of the other lots via a shared driveway that comes off of Farm to Market Road at about the center portion of the triangle that is formed by Cary Road, Smith Road and Farm to Market Road. Moving that access road over to that point would alleviate the concerns of the residents that came out for the public hearing and they were concerned about additional cars accessing Smith Road and the intersection right there and now it will only be the existing house that utilizes that driveway. In discussions with Mr. Bianchino and CHA, they were concerned with the approach grades and exit grades of the driveway over here that they felt that it was a bit steep so, now we would only propose a hammerhead and no connection up there so, that eliminates what they felt was an unsafe driveway access. Also, it will line up this entrance with any potential future improvements that would happen to the realignment of this area, if that ever were to occur, would kind of come in right straight across and have a "T" intersection here. We have looked at sight distance for the new access point and the sight distance is not limited. We have 462 FT looking towards the west and over 700 FT looking towards the east. Right now the only thing that is limiting it looking towards the west, or it would be more, is corn growth that is out there right now. So, the corn that is up is actually limiting the sight distance. Again, prior to us going through and revising the plans and responding to CHA or any other comments that may come our way, we wanted to get the Board's feedback regarding the site with the new access point to see if the new access is more in line with what the Board likes. Mr. Ouimet asked would this still be a private road? Mr. Dell stated correct and the road would still be maintained and operated by a Homeowner's Association (HOA). Mr. Ouimet asked has this layout been shared with fire services and is there any issue with access for fire equipment on either end now that it doesn't have two access points and it only has one access point? Mr. Dell stated the following: I have not re-contacted fire services and for the last iteration, they were most concerned with the fact that there were hydrants, pull-offs and "T's" in accordance with the fire code and we do have both of those. We are still running the waterline through, we still have the appropriately sized turnarounds at either end and we also have bump-outs in the driveway to 26 FT in the area of the hydrants that is required for emergency services. So, if this is the preferred layout, we'll certainly contact them again and go through that with them. Mr. Ouimet stated what I'm hearing you say is that you haven't reached out to them, but you're planning on it. Mr. Dell stated certainly. Mr. Ouimet asked what about the mailboxes; where are you going to locate the mail facility? Mr. Dell stated we will locate the mail facilities over in the main portion or possibly on the opposite side here. We haven't gone that far into any engineering of that and again, we just wanted to get feedback from you before we did anything. Mr. Ouimet stated right and if I remember correctly, there's going to be an HOA here. Mr. Dell stated that is correct. Mr. Ouimet stated so; would it have to be located on HOA property? Mr. Dell stated that is correct. Mrs. Smith-Law stated on the one end where we're not going to be putting an entrance; is it possible that emergency vehicles could get through there if they needed to? Mr. Dell stated the following: We could certainly look at that, however, I don't believe so because in doing the revised layout the way we would do it; we wouldn't have to cut into that hill. This area of Farm to Market Road is significantly higher than back here so, I don't know that we would be able to get an emergency access to get up that high, but we can certainly look at it. Before we were grading down off the road and now we're going to be able to stay much more

level and it will actually facilitate the stormwater site quite a bit to eliminate that. Mrs. Smith-Law stated okay, thank you. Mr. Ouimet asked is the property going to be owned by a landowner on both sides? Mr. Dell stated yes. Mr. Nadeau stated I thought initially that you couldn't cross that stream area and how is it that you're going to cross that now? Mr. Dell stated the following: We did look further into the wetland disturbance and where we situated it now, we're only looking at approximately 2,000 SF of disturbance. So, if this Board indicates that this would be the preferred direction to go, we would start the ball rolling with the Army Corp of Engineers (ACOE) and the New York State Department of Environmental Conservation (NYSDEC) with getting that permit in the works. Mr. Ouimet asked Mr. Bianchino if he had a chance to look at this plan yet. Mr. Bianchino stated the following: We looked at it briefly and saw that it addressed some of the concerns that we had raised in terms of the access, the grading along the roads and so on. So, the reason why we wanted it to come back in front of Board was to make sure that it was consistent with some of the concerns that the Board had. From what we were looking at, I think it addresses most of those issues. We will see obviously as we go forward with the engineering review. I think this is better and it will be easier to address the engineering issues with this layout than we did with the other one. Mr. Ouimet asked does this come back to CHA at this point? Mr. Bianchino stated if the Board is comfortable, he can start to do his engineering on the grading and so on and also address those other specific comments and I can work with him and then bring it back to the Board when he has those addressed. Mrs. Sautter stated the following: I know that you just answered this, but I was looking at the map. Regarding the wetland disturbance, I heard you answer "kind of". How is it that you can go across there now or how are you going to go across the wetlands there with the road. Mr. Dell stated we would go across the wetlands with the proposed driveway and we would have to get a disturbance permit from the ACOE to make that disturbance. Mrs. Sautter stated it just looks like an awful big area and it's not a small one and I can see a lot of problems. Mr. Dell stated the following: This wetland is a big area and the crossing would be small. It would be approximately 25 FT wide and approximately 20 to 25 FT long. Mr. Nadeau asked have you looked at all of the Smith Road intersection? Mr. Dell stated the following: That is one of the other items that I should have brought up and I apologize for that. We are proposing the Smith Road/Farm to Market Road where it traverses to the east and there is a very acute angle right now and we would look as part of the project plans to pull that radius back and make that radius wider to accommodate a car being able to kind of pull in and more "T" up with the intersection as opposed to the way it is an acute angle right now. So, we would look to make some improvements to that Smith Road/Farm to Market Road intersection. On the opposite side, we did look to do kind of an offset and a jog in the road to maybe try to line that one up a little bit better. However, with the tightness of the right-of-way and the width of the road we don't feel we would be able to do much on that side. However, on this corner here we will be able to open up that radius a little bit and that will be as part of the design drawings that we work through with CHA.

This item was tabled and referred to CHA for further review.

12.076 OB Anna's Place Residential Subdivision, 95 Werner Road – Major Subdivision

Mr. Roberts recused himself from this item. Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant for the Anna's Place Residential Subdivision. The property for the subdivision is located along Werner Road and encompasses approximately 19.22-acres. The applicant is proposing 27 single-family residential lots that are all in accordance with the zoning for the area. The project will extend municipal water and sanitary sewer to all of the proposed residents. At this point in time with the project we have received a preliminary approval previously from this Board. We have addressed all of CHA's technical comments pertaining to the

plans. The New York State Department of Environmental Conservation (NYSDEC), the New York State Department of Health (NYSDOH) and the Saratoga County Sewer District (SCSD#1) are prepared to sign and stamp the plans. So, at this point we are before the Board to ask for final approval on the project. Mr. Ouimet asked Mr. Bianchino if he had reviewed this. Mr. Bianchino stated the following: We did take a look at the final plans and did confirm that the conditions of preliminary approval have been addressed on the final plans. We have not done a final sign-off letter for the Board because I usually like to wait until I get a complete final set for stamping and then I will look at those and do a final sign-off. At this point everything has been addressed.

Mr. Nadeau made a motion to grant final approval for the major subdivision application for the Anna's Place Residential Subdivision. Mr. Higgins seconded. All-Aye. Motion carried.

Mr. Nadeau made a motion to adjourn the September 23, 2013 Planning Board Meeting at 8:47pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary

