

Town of Halfmoon Planning Board

Meeting Minutes – November 25, 2013

Those present at the November 25, 2013 Planning Board meeting were:

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

Planning Board Alternates: Margaret Sautter
Robert Partlow

Director of Planning: Richard Harris
Planner: Paul Marlow

Town Attorney: Lyn Murphy

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Ouimet opened the November 25, 2013 Planning Board Meeting at 7:01pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the November 12, 2013 Planning Board Minutes. Mr. Roberts made a motion to approve the November 12, 2013 Planning Board Minutes. Mr. Berkowitz seconded. Mr. Higgins abstained due to his absence from the November 12, 2013 Planning Board meeting. Vote: 5-Aye, 0-Nay, 1-Abstention. Motion carried.

Public Hearings:

13.105 PH Joe Cars LLC, 1648 Route 9 – In-Home Occupation/Special Use Permit

Mr. Ouimet opened the public hearing at 7:02pm. Mr. Ouimet asked if anyone would like to have the public notice read. No one responded. Ms. Brenda Vanier from Joe Cars LLC stated the following: I would like to be able to open a home office out of my home for Joe Cars LLC that would entail buying cars at wholesale from auctions and then shipping to the customers. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the public hearing at 7:04pm. Mr. Higgins stated when you say customers; are you talking about other car dealers and retail customers? Ms. Vanier stated there would be no retail and it would all be wholesale. Mr. Higgins stated so; it would be strictly wholesale. Ms. Vanier stated correct. Mr. Higgins asked so; you're not going to be collecting any sales tax? Ms. Vanier stated the following: No and there are no vehicles. Everything would be bought at auction and shipped directly from the auction. Mr. Higgins stated so; there would be no vehicles parked on the site even with dealer plates, correct? Ms. Vanier stated we have a transporter plate. Mr. Higgins stated so, you're not going to have any dealer plates, correct? Ms. Vanier stated correct. Mr. Berkowitz asked do you

need a license from the Department of Motor Vehicles (DMV) to do this or a permit? Ms. Vanier stated I have requested and I'm waiting for the final paperwork from the State for the license. Mr. Berkowitz asked how long does that usually take? Ms. Vanier stated they said about a month so, that would be within the next 2 weeks. Mr. Berkowitz asked do you need this approval to get that license or no? Ms. Vanier stated correct. Mr. Berkowitz stated so, you do. Mr. Ouimet stated the following: Let's see if I understand this correctly. You have already filed your application with the DMV, correct? Ms. Vanier stated I filed all paperwork for the business license and everything was all included. Mr. Ouimet asked so; is that an application for a license from the DMV to wholesale cars? Ms. Vanier stated wholesale. Mr. Ouimet stated and that has been filed. Ms. Vanier stated correct. Mr. Roberts stated just to repeat again; no vehicles on-site. Ms. Vanier stated correct. Mr. Berkowitz asked do you ship these vehicles nationally or internationally? Ms. Vanier stated both. Mr. Berkowitz asked do you know what the percentage is? Ms. Vanier stated 50-50, it all depends. Mr. Berkowitz asked are these cars inspected prior to shipment? Ms. Vanier stated I would like to have Mr. Joe Hage answer some of the questions. Mr. Hage stated no, there are no inspections on the cars. Mr. Berkowitz asked are the cars required to be inspected? Mr. Hage stated no, there are no requirements. Mr. Berkowitz asked even if they are shipped internationally? Mr. Hage stated no, there are no requirements, none at all. Mr. Berkowitz asked is there a requirement for an inspection to ship them internationally? Mr. Hage stated the following: There are no requirements for inspection, no. Just wholesale, as is. Cars are sold as is. Mr. Berkowitz asked do you receive international shipments? Ms. Hage stated no, we just ship internationally. Mr. Ouimet stated so, just to summarize; you all live at 1648 Route 9, correct? Mr. Hage stated correct. Mr. Ouimet stated and your application to the DMV applies for this wholesales license to operate out of that address, is that correct? Mr. Vanier stated the following: In order to run business out, you have to file all the permits. So, that entails coming before this Board to have the office inside of the home. Mr. Ouimet stated right, but this is a new business and this business is not operating out of this location right now. Ms. Vanier stated correct. Mr. Ouimet stated you're asking for the Board's approval to allow the business to operate out of this location. Ms. Vanier stated correct. Mr. Ouimet stated I just want to be sure that the application that you filed with the DMV is for that address, correct? Ms. Vanier stated correct, it is. Mr. Higgins stated the following: I just want to make sure that I understand this. So, you go to an auction, you bid on a car and you buy a car at the auction. Now, do you typically transport it with your transporter plate to your customer or do the customers transport the car themselves? Mr. Hage stated the following: How it works is; we buy cars from the auction and we either ship them with the bigger transporter truck to different auctions or to the seaport, but sometimes what happens is we have some transporter plates and we transport if there is not a full load for the trucker. So, we would transport a couple of cars and we have applied for 2 transporter plates to transport cars. Mr. Higgins stated but you're never going to bring those cars to the residents. Mr. Hage stated the following: No, unless I'm driving the car I might park it there, but the transporter plate should be on it. I'm renting a transporter plate and I park it anywhere so, I'm legal, I have insurance and I have everything and there is no business going on at this property. There's nothing; there is no retail and no customers coming in, nothing. Mr. Partlow asked are you going to have a sign on the property? Mr. Hage stated we are required to put a small sign next to the doorbell that is a couple inches in size just to show that this is the location and this is a requirement from the DMV. Mr. Roberts stated just to settle some confusion here; I'd be willing to be part of a committee to go on a site visit, if that is what Mr. Ouimet would like. Mr. Ouimet stated I'm thinking that it might be easier for us to make a more informed decision if somebody went to the site to take a quick look to make everything is okay. Mr. Higgins stated I can go to the site with Mr. Roberts. Mr. Ouimet stated the following: Okay so, Mr. Higgins and Mr. Roberts will go to 1648 Route 9 to make a quick site visit. Can you

do this soon so that we don't keep these people holding on too long. Mr. Roberts stated yes, we will make the site before our next meeting. Mr. Higgins stated that's fine with me. Mr. Partlow asked could we get a rendering of the sign, which is required by the DMV? Mr. Higgins stated yes, and I would like to confirm the size of the sign because the signs that I've seen from the DMV are 2 FT by 2 FT. Mr. Ouimet stated okay, but could you and Mr. Roberts do that in conjunction with your site visit so we don't have to keep going back and forth like this. Ms. Vanier stated there was no requirement as far as the size of the sign for the DMV and it just has to be something posted stating the company name and phone number noted on it. Mr. Higgins stated okay, so you don't have to see one of those New York State Motor Vehicle retail dealer signs? Ms. Vanier stated correct because it's not retail, it's wholesale. Mr. Ouimet asked Mr. Harris if he could coordinate the site visit within the next 2 weeks to get this settled? Mr. Harris stated yes, I will touch base with everyone for a date next week with an eye towards this proposal being back on the next agenda and I will contact everyone tomorrow. Mrs. Murphy stated the following: Just because of the confusion with the sign; remember that any kind of DMV required signage is exempt from our sign laws. It would be if it's a sign relating to just like an advertisement of their business that would be under the In-Home Occupation. Mr. Ouimet stated okay so, we'll table this proposal until our December 9, 2013 Planning Board meeting and we'll do a site visit in the interim and hopefully by then we'll be able to make a good decision. Ms. MaryEllen Egan Boyajian asked Mr. Ouimet if she could make a few comments regarding Joe Cars LLC. Mr. Ouimet stated I have already closed the public hearing, but if you have a quick comment to make, go ahead. Ms. Egan Boyajian stated the following: We are neighbors of the Miller's who own the property at 1648 Route 9. I will start out by saying that we have no objection to the business that they requested. As neighbors, we just want to make sure that this seemingly innocuous change to this special use permit is not going to prevent us in the future moving forward or this is not going to change any land usage currently to the fact that if the property is sold in the future or there is going to be any changes that we, as the neighbors, can't come and comment on any usage for the property moving forward and that this is not going to change our rights to comment on anything moving forward. This is just simply for this small change to allow them to run a business out of this small house, is that correct? Mrs. Murphy stated the following: That's what they are currently asking for and you heard them say that there will be no outside parking, there will be no major signage, there will be no traffic and there will be no people coming to the site and that's what their application is and if they fail to comply with those parameters and they haven't gotten an approval from this Board. So, presuming that the Board does approval them and presuming it is based on those conditions, then they would not be in compliance and would be fined if they did something. Ms. Egan Boyajian stated the following: Yes, and we have no problem regardless of what happens moving forward. We just don't want to give up our ability, I guess, moving forward for any future plans that they may have with that property that with this small change being done that all of a sudden so and so says to us 2 years down the road, "oh, we had a public hearing 2 years ago and that was part of it and therefore you don't have the ability to comment on what's coming in next door to you. I guess that is our only concern. Okay, thank you very much. Mr. Ouimet stated you're welcome and thank you.

This item was tabled. The Board established a committee to conduct a site visit prior to the next Planning Board meeting.

13.112 PH Bold/Dudek Subdivision, 151 & 155 Brookwood Road – Lot Line Adjustment

Mr. Ouimet opened the public hearing at 7:11pm. Mr. Ouimet asked if anyone would like to have the public notice read. No one responded. Mr. Greg Bold, the applicant, stated the following: I'm

here tonight with my neighbor, Ms. Barbara Dudek, and we're proposing a lot line adjustment between our 2 properties. If executed, Ms. Dudek will be left with a 1-acre parcel and my lot would be alongside and wraps around the backside that will be about 11-acres total. Mr. Ouimet asked did you bring a map with you that you can put up on the board in case the public would like to take a look at it? Mr. Bold stated sure. Mr. Ouimet asked could you basically indicate to us where the lot line would move to. Mr. Bold stated yes, presently the Ms. Dudek property is an "L" shaped 2.5-acre lot and my lot wraps around behind and we would be taking the rear 1.5-acre of land off of Ms. Dudek's property and adding it to my property leaving Ms. Dudek with a basically square 1-acre property with her house on it. Mr. Ouimet asked if anyone from the public wished to speak. No one responded. Mr. Ouimet closed the public hearing at 7:13pm.

Mr. Nadeau made a motion to approve the minor subdivision application for the Bold/Dudek lot line adjustment. Mr. Roberts seconded. All-Aye. Motion carried.

New Business:

**13.116 NB Soft-Tex Factory Outlet Store, 215 Guideboard Road (Salty's Plaza)
– Change of Tenant & Sign**

Per the applicant's request, this application was withdrawn from the Planning Board Agenda, therefore; no action was taken.

13.118 NB Ballard Subdivision, Smith Road – Minor Subdivision

Mr. Duane Rabideau from Gilbert VanGuilder Land Surveyor, PLLC stated the following: I'm here tonight representing Mr. Tom Ballard in his request for a 3-lot subdivision. The parcel is located on the westerly side of Smith Road, about 1,400 FT north of Vosburgh Road and also at the southerly end of Eleanor Court in the Kingsbrook Subdivision. Mr. Ballard is requesting to subdivide this 16-acre parcel into 3 residential lots. Lot #1 is proposed to be approximately $\frac{3}{4}$ of an acre, Lot #2 is proposed to be approximately 2.5-acre parcel and Lot #3 is proposed to be approximately 12.5-acres. The access for Lot #1 and Lot #2 will be a common drive off the south end Eleanor Court along a strip of land that has been dedicated to the Town for future access. Lot #3 would be accessed directly off of Smith Road. Each of the proposed houses will be tied into public water and sewer. Lot #1 and Lot #2 will tie into to public water and sewer off of Eleanor Court and Lot #3 will tie into public water off Smith Road and tie into a force main that, at this point in time, is at the Health Department for approvals. With this configuration there are no wetland impacts. Mr. Ouimet asked how long is the drive to Lot #2? Mr. Rabideau stated it is probably about 300 FT. Mr. Nadeau asked has the 60 FT wide paper street been done or is that going to be done? Mr. Rabideau stated the following: That has been done and finished. The reason we're using that is because there really isn't much more developable land here because of the slope and the wetlands. Mr. Nadeau stated we're familiar with that, but I just didn't know if it was built. Mr. Rabideau stated no, it's not built. Mr. Bianchino stated the right-of-way was dedicated, but right now the road is not there. Mr. Roberts asked so, who is going to build it? Mr. Rabideau stated there is going to be no road and we're just utilizing the right-of-way for a common drive. Mr. Nadeau asked Mrs. Murphy if the Board can create a subdivision based on a future road that may never happen? Mrs. Murphy stated the following: I can research the issue for you. As long as they have frontage on what is proposed to be Town road, I believe they can go forward, but I will definitely look at the issue. There are subdivisions here in Town where that has occurred in the past, but I will make sure that that rule has not changed. Mr. Higgins stated the following: So, at what point on that road does the Town ownership of it end? Does it end at the circle or does it end at the property line? Also, is the Town going to be required to maintain it? Mr. Bianchino stated no. Mrs.

Murphy stated the following: I'm understanding them not to be building a Town road right now. They are building a driveway so, the Town isn't going to own any of what he is currently proposing until it is a Town road. Mr. Higgins stated but the Town presently owns it now. Mrs. Murphy stated no, he has an easement. Mr. Higgins stated I thought it was dedicated. Mr. Bianchino stated the following: The right-of-way, as I understand it; based on the Generic Environmental Impact Statement (GEIS) information in tax systems; that stub street has been dedicated as part of Eleanor Court. So, it exists as a paper street basically. Mrs. Murphy stated so; up until where the line is would be what the Town would be required. Mr. Higgins stated so; it has to be Town road built to Town standards to the property line. Mrs. Murphy stated the following: Let me research the issue because it's not a Town road and it's not built to Town standards, but paper streets are allowed. So, I just want to get the rule for you specifically as this is the first time that I'm seeing this issue. Mr. Higgins stated yes, this is the first time we are seeing it also, but that's why I have questions about it also. Mr. Ouimet asked that would be the frontage on the Town road, right? Mrs. Murphy stated the following: They are legally okay as far as the frontage goes. It's just the issue of the paper street. Mr. Bianchino stated each lot has 30 FT of frontage on the right-of-way. Mr. Rabideau stated that is correct. Mr. Ouimet stated the following: So, it fronts the right-of-way and you're proposing to build a common driveway from the circle out to the property line. Mr. Rabideau stated that is correct and then it splits. Mr. Ouimet stated then it splits from there right on the property line, correct? Mr. Rabideau stated that is correct. Mr. Nadeau asked Mrs. Murphy regarding the stub; should that not be completed, are they able to sell those 2 lots? Mrs. Murphy started there is frontage so, I would say yes, but I'll look at the issue in-depth. Mr. Nadeau stated but realistically it could never be occupied until the road is done. Mrs. Murphy stated no, they could be. Mr. Bianchino stated the following: I always look at this way; even though the stub street is the Town right-of-way the driveway is built in the Town right-of-way the same way the first 15 or 20 FT of your driveway is in the right-of-way, it's just in this case the Town right-of-way is long. So, what Mr. Rabideau is saying is there is never intent to extend the road farther into the property. Mrs. Murphy stated that has always been mine as well, but honestly I haven't looked at the issue in a while so; I will look into and make sure there hasn't been any changes to the statute. Mr. Ouimet asked Mr. Bianchino how does that affect highway as far as when they plow out Eleanor Court, what do they do with that street? Mr. Bianchino stated they plow the cul-de-sac just like they would normally. Mr. Ouimet stated and then someone has to push the snow away from the edge of the private road then, right? Mr. Bianchino stated just like you have to do at the end of your driveway. Mr. Berkowitz stated for Lots #20 and #23, were those people notified when they purchased their homes that this would be going on? Mr. Rabideau stated the following: I'm not sure. Basically, it's due diligence on their part. Mr. Berkowitz asked are they maintaining that area right now? Mr. Rabideau stated no, it's wooded. Mr. Berkowitz asked it's wooded? Mr. Rabideau stated yes, correct. Mr. Berkowitz stated okay. Mr. Rabideau stated at least according to GEIS. Mr. Higgins asked isn't there a power line that goes that property? Mr. Rabideau stated that's in back of Halve Maen Manor. Mr. Berkowitz asked do you plan on screening those two homes (#20 and #23) from the driveway if they so request? Mr. Rabideau stated the following: The 60 FT strip is wooded at this point in time and the intent is to minimize disturbance going in so, you're going to have natural vegetation in two locations. So, no; we have no intent. Mr. Higgins stated maybe I'm confused, but I thought there was a power line that goes through that property and crosses over Smith Road. Mr. Rabideau stated yes, this one right here. Mr. Higgins stated the following: No, you don't show it crossing Smith Road. You are showing it going into Halve Maen Manor. Mr. Rabideau stated eventually it crosses Smith Road. Mr. Higgins stated one of those houses in there has a sawmill that is back on the other side of the power lines, is that on this property? Mr. Rabideau stated no, there appears to be some kind of encroachment here as a lawn area. Mr.

Higgins stated I think it would be Lot #27. Mr. Rabideau stated that lot is a very deep lot. Mr. Higgins stated okay, and there is one house that has a body shop behind the house. Mr. Rabideau stated that I'm not aware of. Mr. Higgins stated on this piece of property there is no driveway going into right now, is that correct? Mr. Rabideau stated that is correct. Mr. Berkowitz stated the following: What is the future road listed on the map? Where was it supposed to go and where is it coming from? Mr. Rabideau stated that was a future road coming out of Halve Maen Manor North and I believe the intent was to potentially tie it in to Eleanor Court, but because of environmental constraints now and the fact that we really can't develop very much more, if anything back here, they've given that up. Mr. Berkowitz asked what's that listed as a tower? Mr. Rabideau stated that is an electrical power line that Mr. Higgins was talking about. Mr. Berkowitz stated okay. Mr. Bianchino stated looking at the GEIS, it doesn't look like this driveway by Eleanor Court goes into the right-of-way and you may want to clarify that on the map for the public hearing so that people can see where these driveways would go in relationship to what is existing. Mr. Rabideau stated okay, we will modify our map for that.

Mr. Berkowitz made a motion to set a public hearing for the January 13, 2014 Planning Board meeting. Mr. Ruchlicki seconded. All-Aye. Motion carried.

13.113 OB Stewart's Shops Corp., 1859 Route 9 – Addition to Site Plan

Ms. Jennifer Howard from Stewart's Shops Corp stated the following: I'm here tonight on behalf of Stewart's. I know Mr. Tom Lewis was here at the last meeting, however, he was unable to be here tonight so, I'm filling in for him. I think he addressed the exterior freezer addition and I don't know if anybody had any questions with regards to that. Mr. Ouimet stated the question that was raised at our last meeting was the distance from the freezer to the stream in the back and it is not shown on the map. Ms. Howard stated Mr. Lewis did not give me that information and asked what would be the concern with the freezer to the stream, is there a setback? Mr. Ruchlicki stated the following: Just its proximity as Mr. Lewis said it was 60 FT and I questioned that because I know that the north end of the building where the handicap parking is located and when you're in that handicap parking spot on the north end and when you step out the car there, it doesn't matter if you're in the handicap parking space or the other parking space that isn't a handicap space and you look down the bank it's probably like from me to you away. So, I questioned that distance on the south end of the building where the proposal is. Mr. Lewis said it was 60 FT and I didn't go look at it and I was just wondering. Ms. Howard stated this was done off of a survey so, I don't have actual distance, but the distance that is on the print is real and I would have to scale it off to get that answer. Mr. Nadeau stated it is showing that 1 inch equals 20 FT on the scale. Mr. Ruchlicki stated is it, okay. Mr. Higgins asked is that the property line that is shown there or is that the stream? Ms. Howard showed the Board where the property line and stream were located on the plans and stated if you go to the edge it is 49 FT. Mr. Ruchlicki stated okay. Ms. Howard stated Mr. Lewis did say that the Board was looking to see how the freezer was assembled and it is actually assembled on-site and it comes in panels and then they assemble it on-site. Mr. Ouimet asked Mr. Harris if this application was referred to the Saratoga County Planning for review. Mr. Harris stated yes it has and the County approved it at their Thursday, November 21, 2013 meeting stating that this proposal had no significant Countywide or Inter-community impact. Mr. Ouimet asked if the County had any other comment. Mr. Harris stated they did not have any other comment.

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

Mr. Berkowitz made a motion to approve the addition to site plan application for Stewart's Shops Corp. Mr. Roberts seconded. All-Aye. Motion carried.

Old Business:

06.185 OB Princeton Heights, Princeton Street – Major Subdivision

Ms. Nadine Shadlock, Esq., council for Belmonte Builders, stated the following: We are before the Board tonight to update you on what we've been working on for this project since the project was last before this Board on February 25, 2013. We have exhaustively reviewed all questions that were raised at the February 25, 2013 Planning Board public hearing in an effort to identify the very specific concerns of both the public and the members of the Planning Board. We broke down every single question that was raised at the public hearing, we put it in Excel and we worked as a team with Ms. Shelly Johnston, Mr. Jason Dell and Mr. Peter Belmonte. We went through every single question that was raised in an effort to address them, work through them and to mitigate them. The end results of that analysis we presented at a Planning Board workshop on August 28, 2013 and I think we engaged in very good dialog at the workshop. We learned some more things, worked through a couple of more points and the end result is the spreadsheet that was provided tonight for your review and consideration. Mr. Dell from Lansing Engineering will now speak to you running through some more of the details on this proposed 51-lot subdivision. Mrs. Murphy stated the following: Just for clarification purposes; the workshop wasn't what we would typically call a workshop. A workshop would be an open thing for this Board and the members of the Planning Board were not at the workshop; they were working with the Planning Department. Ms. Shadlock stated that is correct and thank you for that clarification. Mr. Dell stated the following: I'm here to discuss some of the more significant changes that we've made to the plan per the public hearing comments that we received. The first item that we addressed on the plan and the revision to the plan that we made pertained to our road listed as "Road A" and for clarification it is located on sheet 3 in the packet that I just handed out to the Board. The revision that we made for "Road A" was to pull the road approximately 40 FT to the east of the Northway. So, we moved 40 FT further to the east to give a more substantial buffer between the edge of the project and the Northway. In addition to the change for "Road A", we also provided a proposed 50 FT no-cut buffer for the rear of those lots, which was accommodated by the fact that we shifted the road further to the east. We have also identified on the plan the proposed tree line that is also to be supplemented with evergreen plantings. The details for this will be worked through during the final development of the landscaping plan. Additionally, the original revision that we made was showing a potential landscape barrier trees for properties that were identified as having impacts due to traffic and headlights coming off the proposed roads. The proposed roads are located in the areas where the existing right-of-ways were accommodated, however, there were some questions brought up regarding cars turning into and out of the subdivision may shine headlights into the residences. So, we are showing on our plan potential areas that the applicant has said that he would be willing to work with those homeowners to provide a mutually agreeable landscaping plan to block off potential headlight impacts. We also took an addition look at the potential drainage improvements that were requested over Manchester Drive where our project's road would intersect Manchester Drive. We took a look at the existing topography (topo) out there and the end result was that it does appear that we will be able to accommodate drainage structures out there to improve the drainage situation as was brought up at the public hearing. So, those are the more significant revisions that were made to the plan. I would now like to turn this over Ms. Shelly Johnston from Creighton-Manning to bring the Board up to speed on the traffic related issues that were brought up at the public hearing. Mr. Higgins asked did you say you were going to do some stormwater

retention off-site? Mr. Dell stated no, it was requested and mentioned that at the intersection of our "Road A" and Manchester Drive that that area experiences ponding of water currently and whether or not our project would be able to potentially mitigate some of those ponding issues. What we have identified by taking a look at the topo and the stream elevation was that we would be able to accommodate and try to rectify a portion of that issue by pulling some of that stormwater, collecting it and discharging it to the stream, thus helping to reduce the ponding issue that is currently out there now. Mr. Higgins asked Mr. Dell to show him where the stream presently goes. Mr. Dell stated the following: The stream traverses from the west to the east across the northern boundary of our site and you can see that it's identified in green on the plan and it comes up along the north side and discharges across Newcastle Road. I'll be able to better discuss the drainage conditions a little bit later in my presentation. Mr. Higgins stated okay. Ms. Johnston stated the following: I'm going to start with the noise because Mr. Dell mentioned some of the changes that have been made to the site plan since we were last before the Board and those are primarily driven by some comments that we heard from both the Board and the public regarding potential noise impacts. The improvements that were made with regard to the alignment of "Road A" are primarily to mitigate those potential noise impacts. The site currently has a buffer at this time and now when you take away some of those evergreens, trees and grass that are out there, obviously the noise attenuation is not as great, but we have mitigated that impact now by increasing the amount of natural vegetation that we're leaving plus adding additional evergreens to help attenuate the noise. In addition, the layout of the houses themselves will attenuate the noise and reduce the impacts. So, we have done exhaustive studies several times where we have gone out to the site and measured the exact noise volume that is out there now and then compared to what the noise would be like with our development with the way it is proposed and the way that the houses are lined up; the alignment of those houses will mitigate the impact such that the increase in noise levels at the existing residences will be about 1 decibel that is imperceptible to the human ear. So, the net impact of our project on the noise impact to the residences is negligible. The other item that I want to address is traffic. There were several items that seemed to be a popular point of contention or concern by the residents at the previously public hearing. One of the first comments was with regard to trip generation and how much traffic this development of 51-lots is going to generate and that generally it is about 1 trip per unit or 1 peak hour trip during the weekday per unit and that trip generation is based on traffic counts that we have done at existing residential subdivisions of single-family homes in suburban locations in Halfmoon, Wilton, Colonie and a number of locations in the Capital Region. We've also taken a look at where those trips will go and previously there were different alignments for this subdivision, but again we have an access on Manchester and one onto Princeton that helps to distribute the traffic and reduce the impact on any one location. Generally speaking, approximately 50% of the traffic is going to go to the north toward the Woodin Road/Grooms Road intersection and the other half would go to Princeton out to Cambridge. That relative impact of about 20-25 peak hour trips again, is pretty negligible as it is adding less than 1% of traffic to the Woodin/Grooms Road intersection and you won't be able to tell the difference when there's 20 or fewer or more cars at that Woodin/Grooms Road intersection and the impact will be imperceptible. Another comment brought up at that time was with regard to accident analysis and there was a concern generally about the safety of the intersections that we studied in the area. We did an exhaustive accident analysis for a 3-year period from 2009 until 2012 looking at all of the accidents that have occurred at those study area intersections during that 3-year period and we found that, as you might guess, the highest number of accidents was at the Woodin/Grooms Road intersection because that's where the volume is the highest. However, there were only 17 interceptions during that 3-year period, which is about 6 per year and around 85% of those accidents are due to driver inattention or failure to yield the right of way. About half of those

accidents are occurring when there is ice or wet pavement conditions. Again, the traffic generated; the small amount of traffic that is generated by this project will not change that existing condition that is at those intersections. Also, there was a comment with regard to the traffic volumes that we had reported at the Grooms Road/Woodin intersection were from our original traffic impact study for this project back in 2006 and we did update those traffic counts after the February 25, 2013 Planning Board meeting where we updated those on March 28, 2013 and we found that the results of our traffic count from 2013 and 2006 are within 10% during those PM and AM peak hours. The AM went up 10% and the PM went down 10%. Again, there has been very little change and it demonstrates the consistency of the results of our analysis when reanalyzed our traffic generated by our project and the impact on the intersection and it is consistent and there has been very little difference in the results of the analysis and every time we count the intersections and reanalyze them, and we've done it several times. I believe you all have the data in your spreadsheet and in a letter that we submitted to the Board. Mr. Ouimet stated the following: You stated that you anticipate with the 51 homes; 1 peak hour trip per home. How is that arrived at because I know these homes are probably going to be 4 bedroom homes. Ms. Johnston stated the following: It is arrived at doing actual traffic counts of existing subdivisions. I understand the concern about 2 cars per home or sometimes 3 cars per home and it's the actual number of trips that are either entering or exiting that subdivision in a 1-hour period. So, to give you an example of what I'm referring to: You may have 2 people that work in household, but one of them goes to work at 7:00am and the other one goes to work at 8:30am and there's 1 peak hour trip, there's only 1 trip that occurs in that household during that time frame. So, that takes into consideration people that work on different shifts, people that might work from home, retired people, stay-at-home parents and a variety of situations. But, consistently time after time when we do traffic counts, we have found that that's the trip rate. That is supported also by the Institute of Transportation Engineers (ITE) with all of the studies that they have done and then to further substantiate that; we've done some traffic counts at the existing residential subdivisions that surround the project site; the North Woods and Oakbrook subdivisions and those existing subdivisions. If you added both of those projects together, there is about 166-167 homes in there and their generating traffic at a lower trip rate; they are actually generating traffic at about .7 trips per unit during the peak hour. Mr. Ouimet stated okay, so it's based on actual counts verses manual interpretation. Ms. Johnston stated that is correct and it's based on actual traffic counts. Mr. Dell stated the following: Another topic that came up at the public hearing was the character of the neighborhood and walkability. As you know, within the existing North Woods development the traffic analysis have indicated in different measurements the existing roads out there are approximately 20 FT wide and the proposed road is going to be designed and constructed in accordance with the Town of Halfmoon Standard Road Cross Section, which is 32 FT wide. So, the proposed road will be 12 FT wider than the existing roads out there. So, the walkability between the existing North Woods development and our proposed development will certainly be improved with the fact that the roads are 12 FT wider. So, we certainly feel that the walkability will be maintained in the area between the existing development and the new development. Secondly, both the public and this Board had asked us to take a look at the impact that our proposed project is going to have on the school district. We did contact the Shenendehowa School District and a district representative indicated to me that future projections for the school district are based upon New York State projections as well as from input from the towns and the towns basically will send along to the school district future projections based upon projects that are within the Town. These are lot based/unit based and these projections are used to generate and determine the funding that's going to be provided to the school district. So, in discussions with the Planning staff, this project and the projections for this project were sent along to the district back in 2012. So, this project has already been included in

the existing and future projections for the Shenendehowa School District. Another item that came up quite extensively and I touched upon it before was the impact that the headlights are going to have on the existing residences. I briefly mentioned before that we have shown potential areas that can be screened via landscaping trees, various brush and shrubs and that sort of thing and the applicant has agreed to work with those homeowners to come to a mutually agreeable buffering plan for headlights. Also, a question came up with respect to wetlands; the amount of wetlands that we have on the site, the impact of wetlands, etc. as there was some confusions for prior submissions that were made in years past with the respect to the amount of wetlands that are out there. The wetland delineation shows that our project has approximately 1.34-acres of Army Corp. of Engineers (ACOE) regulated wetlands on the property of which, for our project, we are proposing approximately 225 SF of wetland impact that will be necessary for our "Road A" to come into the subdivision, which Mr. Higgins leads to the point about the drainage over there. We are taking that whole area into account to size those culverts to convey that stream along the northern portion of the property. Another topic that had come up was the topography; there was a question as to the date of the topography that was shot out there and what we had shown on our plans. The topography that is on the plans that we submitted to you and is on the plan now was verified in May of this year. In May of this year the topo that was shot matched up very closely if not identically to what we had been showing all along from the previous topographic survey that had been done. Additional utility questions that had come up were with respect to sewer and water. I contacted Mr. Frank Tironi, Director of the Water Department, who provided a letter to us indicating that the area and the water system in the area has adequate supply and pressure to accommodate our project. Additionally, I contacted Mr. Grant Eaton from the Saratoga County Sewer District who also provided a letter indicating that the capacity of the existing sewers in the area is adequate to convey the waste from this project as well as the pump station that all of this will be conveyed to and has ample capacity to accommodate the project. So, it leads me to existing conditions and an explanation of stormwater. A question also came up with respect to how does the existing site drain, what are the drainage patterns out there and how are the proposed conditions going to match the existing conditions. We have prepared a map based upon detailed existing conditions and the stormwater model that we had prepared. Basically, we have a drainage divide that heads east-west across the property dividing approximately 31-acres along the northern portion of the site and 14-acres that goes to the south as well as 2 smaller 1.6-acre area and 2.3-acre area. So, the predominant drainage direction for this site is to the north & east and south & east. Along the northern portion of the property there is an existing stream channel that traverses the northern boundary of the property and then discharges via a 24-inch culvert beneath Newcastle Road. So, in preparing the existing conditions plan, I went out and took a look at what we had out there right now and based upon our topographic survey, site reconnaissance, as well as a discussion with a gentleman who lives on the eastern side of Newcastle; we did identify a potential area that could use some improvements out there. As I mentioned before, this stream traverses the north side of the site and it also has stormwater that originates from the western side of the Northway and from Clifton Park. In speaking with the gentleman he indicated that the folks on the western side of Newcastle do experience stormwater related issues; ponding in their yard during more severe storm events and that's backed up by the stormwater model that we had generated. So, a simple remedy to that problem that we would propose for this project, and I would obviously work with Mr. Bianchino and CHA on it, would be to upsize this culvert from an existing 24-inch culvert to a 30-inch culvert, which we feel would be an appropriate mitigation measure and again obviously we would further verify that with CHA. With that, I would like to turn it back over to Ms. Shadlock for a brief conclusion. Ms. Shadlock stated the following: I would like to thank the Planning Board very much for their continued consideration of this project. We are deeply committed to it and are

working through any questions that may remain. In summary of what was articulated by Mr. Dell and Ms. Johnston; we have a beautiful subdivision, which we propose 39% of the existing vegetation will be maintained on this project in its natural state and we believe that helps tremendously with issues of the noise attenuation. We have 2 wonderful access ways, actually 3 for the project if you count the 2 on Princeton, which serves to distribute the traffic without impact on any one neighborhood. The project is already committed to work through the issues with the drainage where we enter Princeton, which we think will be a wonderful benefit to the neighborhood. We're going to be planting the evergreens along the Northway to further mitigate noise issues for everyone and one other thing that is in your papers, but I don't if it was necessarily raised tonight; in an effort to really run down on the issue of noise, we actually went out this summer in August and took a look at the noise in full leaf-out conditions because it occurred to us that that would be time when the neighbors and the residents here would be sitting out in their yards, windows open at night to sleep and enjoying the summer weather and we did take a look at that in full leaf-out conditions and the noise was further attenuated. So, that combined with moving "Road A" to the east along with the attenuation of the houses to be built, we think favorably as a favorable response on the noise. The project will work with the neighbors as Mr. Dell indicated on the lights and we understand their concerns and we certainly want to work with them. We think this will be a beautiful project; it's very walkable, and very harmonious with the existing neighborhoods and a benefit to the Town of Halfmoon in all ways. We would ask tonight in conclusion for the Board's consideration of a preliminary plat approval for the project. We've worked very hard to get through some of the tough questions and it has been painstaking work, but we really believe that we have a wonderful project and we would appreciate your consideration. Mr. Higgins stated the following: I'm still a little confused because the stream appears to be on other peoples land. So, are you saying that you're going to divert the stream into the stormwater or are you just going to pipe it over? Mr. Dell stated the following: Correct, that will be conveyed within the right-of-way underneath the road. So, we will not be altering the drainage direction and we will just be piping it underneath our road. Mr. Higgin stated so; you're going to pipe it under your road over into the stormwater management area at #1. Mr. Dell stated no sir, the stream channel is going to stay right where it is and we're going to be just piping it from one side to the other side of the road. Mr. Higgins asked how does that diminish the amount of stormwater flow downstream? Mr. Dell stated the following: We need to mitigate stormwater from our project from our roads and houses. So, all of the stormwater from our project will be directed into one of two basins. We will have stormwater that will discharge towards the south towards our stormwater management area #2 as well as stormwater that collects in the roads from the houses and the lots that will discharge into the stormwater area #1. Stormwater area #1 is located immediately south of the stream and the two will be separated by a berm. Mr. Higgins stated but fine, you're controlling the stormwater on-site, but the way I understood what you were saying; you were going to improve the existing conditions off-site. Mr. Dell stated the following: Correct. I think your point of confusion is that right now stormwater flows along Manchester Drive and there is an existing low area over here to where we had been asked, and Mr. Bianchino had mentioned as well, that a possible remedy for some of the existing ponding that happens out there right now would be to collect that water and move it over into a low point or the stream. So, we would alleviate some of the ponding issues over on Manchester, which as far as a pre and post comparison for our project isn't necessary in order to meet pre and post development stormwater flows, but it would be a benefit to the community in that it would alleviate some of the existing ponding that is happening out there right now. Mr. Higgins stated the following: Okay. So, the existing condition now is that the water flows north and I think there is a dirt road there now and it basically flows over that dirt road down toward a couple of driveways that are there that intersect.

Mr. Dell stated yes, this area here will actually flow south to the stream and the stream then traverses towards the east. Mr. Higgins stated so, what you're saying is that by capturing the flow on the site for the project you're in essence helping affect what is going off-site. Mr. Dell stated the following: Correct. Our post development flows from our developed site will be less than or equal to the existing flows. However, this is an area off of our site that we're going to be improving as well. We're going to be alleviating ponding of water by pulling that water in and discharging it to the stream. Mr. Polak stated the following: I met with Mr. John Pingelski, Superintendent of the Highway Department, out there and they've been addressing this issue for probably 8 years with the residents there. They've tried to make little valley improvements and at the end of that street there they are going to have to put a catch basin in and pipe it towards the water retention area there and that will help take the water away before it runs down into half-dozen or a dozen of the neighbors yards. Mr. Higgins stated the following: That's the point that I'm trying to make. I just want to make sure because that was definitely one of the questions that the neighbors were adamant about was the fact that they are having problems now and they don't want them any worse. So, that's why I'm asking the questions. Mr. Dell stated we are going to make an attempt to rectify that existing problem that is out there right now. Mr. Polak stated it's actually an off-site improvement that they are going to do to help out the Highway Department. Mr. Higgins stated the following: Okay. Would increasing the culvert from 24 FT to 30 FT create problems downstream? Mr. Pingelski stated the following: I'm not familiar with that one, but as far as the one on Manchester; that area is so flat there that we have a swale there to try to push the water through and what happens in the winter when it keeps freezing, it pushes the ice into the road. So, they're going to take care of that issue that we've been having there. Mr. Higgins stated exactly and that's why I'm asking the questions because the neighbors were very concerned about that area and the existing flooding conditions. Mr. Berkowitz stated the following: I appreciate all of your work and for responding to our comments and also the public's comments, but it has also been 6 months since we have seen this project and I think another public hearing would be warranted just to see what the public has to say about your response. Mr. Roberts stated I agree with that. Mr. Ouimet stated the following: I would have to say that we went back to February for the public hearing that we initially had on the first go around and it was a pretty lively public hearing. There were a significant number of comments made by the residents and by the Board members. I only wish that we were able to have you answers peoples questions presently at that time. I think if you recall correctly, those of you who were here for that public hearing, I made a recommendation to the then Chairman that we hold a new public hearing after you've had an opportunity to address; not only the public comments, but the comments raised by the Board. I'm glad to hear that my fellow Board members are in agreement with that. Mr. Nadeau stated I believe you mentioned that there were 3 exits or 3 roadways out and I'm only seeing 2 on this map. Mr. Ouimet stated there are 2 connections to Princeton Drive. Mr. Nadeau stated okay, thank you. Mr. Harris asked Mr. Dell for a clarification on the wetlands that you discussed, that's based on a delineation that was performed when approximately? Mr. Dell stated I believe it was done in January 2012. Mr. Harris asked what were the total wetlands that you delineated? Mr. Dell stated 1.34-acres. Mr. Harris asked is that on the entire site? Mr. Dell stated correct.

Mr. Roberts made a motion to set an expanded public hearing for the January 13, 2014 Planning Board meeting. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the November 25, 2013 Planning Board Meeting at 8:07pm. Mr. Higgins seconded. All-Aye. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary

