

Town of Halfmoon Planning Board

Meeting Minutes – January 28, 2013

Those present at the January 28, 2013 Planning Board meeting were:

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

Planner: Lindsay Zepko

Town Attorney: Lyn Murphy
Deputy Town Attorney: Matt Chauvin

Town Board Liaisons: Walt Polak

CHA Representative: Mike Bianchino

Mr. Watts opened the January 28, 2013 Planning Board Meeting at 7:03 pm. Mr. Watts asked the Planning Board Members if they had reviewed the January 14, 2013 Planning Board Minutes. Mr. Nadeau made a motion to approve the January 14, 2013 Planning Board Minutes. Mr. Berkowitz seconded. Motion carried.

Public Hearings:

13.004 PH James A. Coulombe, 128 Pruyn Hill Road – Special Use Permit

Mr. Watts opened the Public Hearing at 7:03 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. James Coulombe, the applicant, stated the following: I have applied for a special use permit at 128 Pruyn Hill Road to construct an in-law apartment on to my house. I would like to take my single-family residence and make it into a multi-family residence by adding a 1,200 SF apartment on to my house. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:05 pm.

Mr. Roberts made a motion to approve the special use permit application for James A. Coulombe. Mr. Ruchlicki seconded. Motion carried.

13.008 PH Pomellitto Subdivision, 48 Brookwood Road – Lot Line Adjustment

Mr. Watts opened the Public Hearing at 7:05 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Brian Holbritter, of Brian R. Holbritter Land Surveying & Site Development, stated the following: I'm representing the Pomellitto family and I did a survey of their property. The Pomellitto's have 46.7-acres located on the south side of Brookwood Road about a mile up from Route 4 & 32, which is located in the south easterly corner of the Town of

Halfmoon. The Pomellitto's own 2 parcels; a 16-acre parcel and a 26-acre wood lot that had no road frontage. The proposal is to revise the property line between the 2 parcels and in doing so, it would create frontage for this parcel. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:07 pm. Mr. Higgins asked what is the frontage on Brookwood Road for that lot? Mr. Holbriiter stated for the new parcel there would roughly be 265 FT before the slope failure that has been taken care of and purchased by the Town of Halfmoon and on the other side of that there is another 173 FT of frontage.

Mr. Berkowitz made a motion to approve the minor subdivision/lot line adjustment application for the Pomellitto minor subdivision. Mr. Ouimet seconded. Motion carried.

13.009 PH Slish Subdivision, 183 Johnson Road – Minor Subdivision

Mr. Watts opened the Public Hearing at 7:08 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mrs. Sonya Slish, the applicant, stated the following: We are proposing to subdivide a 1-acre parcel from our 124.46-acre parcel to create a building lot for a single-family home for my son. Mr. Watts asked if anyone from the public wished to speak. No one responded. Mr. Watts closed the Public Hearing at 7:09 pm.

Mr. Nadeau made a motion to approve the minor subdivision application for the Slish minor subdivision. Mr. Higgins seconded. Motion carried.

13.013 PH Windsor Woods Phase II, Vosburgh Road – Major Subdivision/Special Use Permit Lots #1, #2 & #3

Mr. Matt Chauvin recused himself from this item. Mr. Watts opened the Public Hearing at 7:09 pm. Mr. Watts asked if anyone would like to have the public notice read. No one responded. Mr. Jason Dell, of Lansing Engineering, stated the following: I'm here on behalf of the applicant, Mr. Peter Belmonte, for the Windsor Woods Phase II development. The project site is approximately a 5.5-acre parcel located along the north side of Vosburgh Road. This was part of the original subdivision of the 134-acre Windsor Woods Phase I subdivision. The existing zoning for the parcel is Agricultural-Residential (A-R). The proposed project involves the subdivision of that parcel into 3-lots for the creation of 3 duplex units. One access driveway would come off of Vosburgh Road to service the 3 buildings. Water and sewer would both be provided from connections along Vosburgh Road. The duplexes bookends the Windsor Woods project. There are to be 3 duplexes located on one side as part of Phase I where there were 3 duplexes approved for that portion of that project. We are here tonight for a public hearing to hear any questions any one may have as well as questions from the Board to further the project however the Board sees fit. Mr. Watts asked if anyone from the public wished to speak. Mrs. Starr Morvay, 27 Vosburgh Road, stated the following: I do have some comments concerning this development and I have typed them up in a short document. I also have copies for each Board member and for the developer's representative. Mrs. Morvay read the attached document:

(see attached: 5 page document submitted by Daniel and Starr Morvay)

Comments on the Proposed Development of Windsor Woods Phase II

Presented by Daniel and Starr Morvay
Owners of 27 Vosburgh Road

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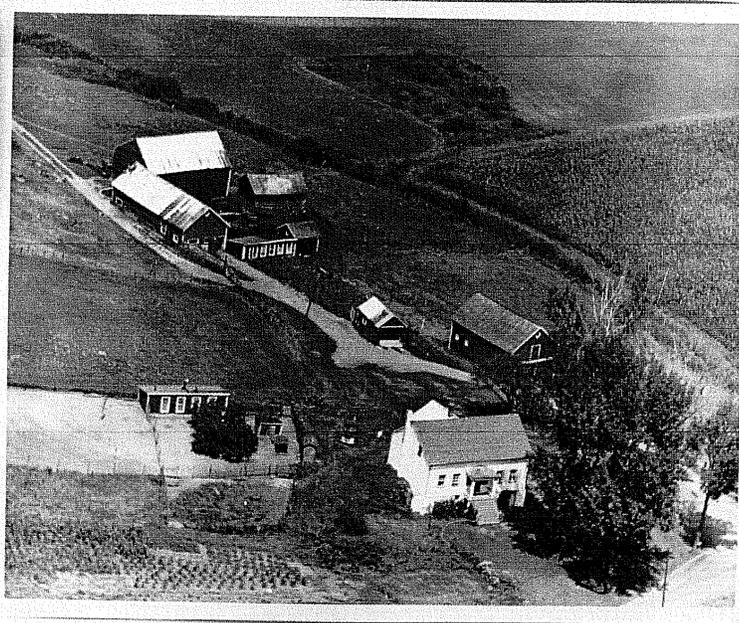
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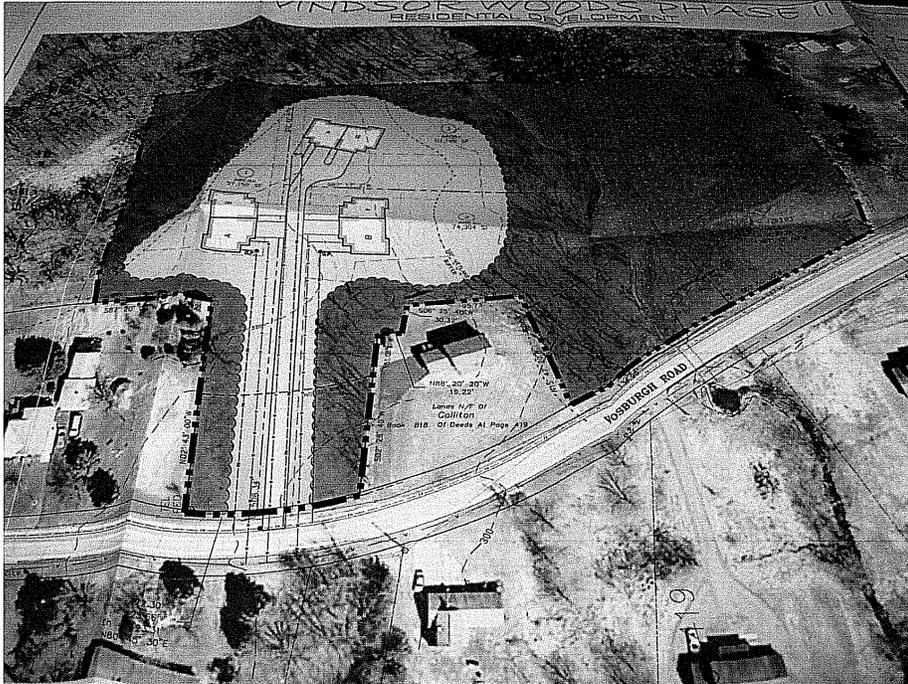
The purpose of this document is to provide the Planning Board of the Town of Halfmoon with information the board may or may not be aware of that Daniel and Starr Morvay consider to be important and relevant to the discussion concerning the proposed development of Windsor Woods Phase II. The information is presented in three sections. The first section offers a brief history of the property, the second section raises concerns about the development of the property, and the third section offers possible suggestions to address these concerns.

History

Vosburgh Road is named after the Vosburgh family, who owned and farmed the land. At some point, the Vosburghs sold the farm, and the land was sold separately from the house. The farmland was eventually sold, and the farmhouse fell into disrepair. The farmhouse was torn down, and our house was built in 2010 in roughly the same location as the farmhouse.

Remains of the original farm are still visible. Foundations for the shed, chicken coup, cow barn, and long utility shed can be seen, along with the surface well and farm driveway. The following photograph serves as a guide for finding these features.



Concerns

1. According to the Planning Department of Halfmoon, the proposed lot is 5.2 acres; however, almost half of that land is wetland. That means the developer is proposing to build three duplexes on approximately 2 acres of land. That is a lot of development for a small area of land on a rural road.
2. The three duplexes and the resulting road to and from the duplexes will be built on higher ground than our property; therefore, runoff will be a major concern. The town of Halfmoon already has to pay attention to the drainage ditch on Vosburgh Road, as it carries a lot of water down the hill to the creek during periods of snowmelt and rain.
3. Three duplexes means six families and potentially twelve cars on approximately 2 acres of land. We believe the close proximity of these duplexes to our property will diminish the intrinsic value of our property, as well as the market value and resale potential.

Suggestions

1. While we don't wish to see the land developed, we understand the developer's right and desire to do so; however, it seems a single family home is more suited to the size of the lot than three duplexes.
2. If the developer's proposal is approved by the board as is, we request our property tax be reviewed and lowered, as we believe the intrinsic value of our property, as well as the market value and resale potential, will be diminished.
3. We request the town grant us permission to build an eight-foot privacy fence along the border of our property and the developer's property. We consider three duplexes in such close proximity to our property a potential liability, and a privacy fence, therefore, an unfortunate necessity.
4. We request the date the developer plans to start construction on his property so we know how long we have to decide whether to keep our property, rent it, or sell it.
5. We have offered to purchase the land or a portion of the land from the developer. That offer remains open.

In conclusion, we request the developer and the board consider the information presented in this document, and we thank them both in advance for their time and attention.

Mr. Nadeau asked Mrs. Morvay to point out her property on the map. Mr. Watts asked Mr. Dell if he had anything to say at this point. Mr. Dell stated the following: As far as your stormwater concerns; a stormwater pollution prevention plan will be prepared for the project, which will take in to account runoff and runoff characteristics of the area. So, you certainly wouldn't see any additional runoff to your property. Additionally, you are correct, there are wetlands on the property. However, we are not proposing any disturbances to those wetlands. Regarding any other questions as far as the duplexes: The design of these duplexes was on the original plans from years ago. However, there were some archeological issues with this lot, which resulted in the removal of those duplexes at that time. Since then, the archeological issues have been worked through and we show a small avoidance area that is not going to be impacted by the project. So, these duplexes are not something new that's proposed for that lot. This was something that was on the original plan some time ago. Mr. Peter Belmonte, of Belmonte Builders, stated the following: My first thought is that the improvements that we make to a community are not intended in any way to diminish anyone's value. The architecture that we construct, the density we construct, the placements of the homes and maintenance of the vegetation is always a very keen concern of ours because we are looking to not only create an opportunity for ourselves; we're not looking to create the opportunity at someone else's expense. As was pointed out, these 3 duplexes were very much part of the original concept for Windsor Woods when it was conceived and most of the way through the approval process. Due to the logistics of completing the archeological study in time to not slow down that approval process; we had to extract this portion of the land from that approval process. What we are proposing here is virtually a clone of what we both proposed and have approved on the westerly side of the project. With one of the neighbors in comparable proximity to those 3 duplex units as the surrounding neighbors are to these. The architecture that we plan on building there is not intended and is not being decided purely based on value or cash flow. The primary intention of these homes is to service our own cliental. Very frequently we have families moving in from out of town and they need a place to stay. I think as we can see from the caliber of the homes that we're placing the families in that we build for, we're not looking to become a slumlord or we're not looking to build substandard housing. We are looking to build something that is keeping with what we build in our neighborhoods. So, we are providing proper housing for our clients as they come in. Also, we're not doing anything out of character of the surrounding area. I drove Vosburgh Road earlier today and almost across the street from where we're building there are 3 if not 4 other duplexes that reside on the south side of Vosburgh Road. There has been 2 duplexes constructed within the past 6 months further west on Vosburgh Road and I believe that one of our adjoining property owners has a 2-family home on their property that abuts one of the building lots that we're going to be building on. On that particular one I'm speculating but there is clearly two stairways, two doorways and the two structures are totally separated. So, it's a possibility that it's being used as two different dwellings. So, I think what we are proposing here is very keeping with what's out there, we're trying to do a very nice job of it and we're not looking to diminish anybody's value. I think we're going to find when this whole thing is said and done that we've actually created quite an improvement. As far as the property owner adjoining us and reaching out, yes they did and that is accurate. I do have a voicemail and I was out of town all of last week and haven't had a chance to respond to all of them but at this point in time we would not be interested in selling that parcel of land. Mrs. Deanna Stephenson, 7 Cindy Lane, Clifton Park, stated the following: I want to preface this conversation by saying that Mr. Belmonte does build quality homes, I love most of the homes that you build and you do a good job. Having said that though and the conversations that we have had about duplexes and going back, Mr. Belmonte started this project years ago when Toll Brothers wasn't there on Vosburgh and some of those residents were not there and what I heard the last time the Board talked about duplexes

and the fit of the characteristics in the surrounding areas was "scattered". That's the word that I'm confused about. If you say "scattered", I'm not sure that it does fit in with the characteristic of the surrounding areas. We also talked about would people be renting or would they be buying and it sounds like they are going to be renting. Again, here we are again talking about this. So, we have a grandfathered piece in, we're back to renting in a scattered area and it doesn't fit. Mr. Joe Christopher, 96 Werner Road, stated the following: I would just like to say that we're here because of new legislation that I think was enacted in the fall. I think that is a step in the right direction and it addresses community concerns about multi-unit developments. I think that the proposals that are here today; the 2 duplex proposals present a perfect opportunity to show that the Board is going to act in the best interest of the residents of Halfmoon and use that legislation in the right way. The first proposal of Mr. James A. Coulombe clearly deserves a permit. He did not propose multi-units, he's not looking to change the character of the community, he's not going to overburden our infrastructure and he's not going to increase the tax burden of the residents of Halfmoon. His proposal makes sense and I think if you view these laws and the language in the right way, we can protect his right to build and still act in the best interest for the Town and the Town's residents. The latter proposal on the other hand, I think is quite the opposite because it does change the character of the community, burdens the infrastructure, increases taxes and it's dense. That tract that's there, and I drive through that area everyday, is going to go right down at Stone Crest Drive out to Werner Road to get to the Northway and that's the way that anybody could logically go. I don't know if anybody is here from that development and I don't know if they were notified but they are going to be asking questions for the remedy for this increase in traffic. They are going to want to know if you did everything that you could to limit the density of that new development. I think last fall the residents made it clear to not build multi-unit housing where it doesn't belong. I hope you guys make the right decisions. Mrs. Starr Morvay stated the following: I just wanted to address the comment about the duplexes that are across the road. There are duplexes across the road but they are not so tightly crammed. Actually, you can look at google maps and do the satellite and you can look down and you can even tell by looking at the road that those duplexes are not crammed in because there is quite a bit of space. The closest duplexes are actually off of Vosburgh Road on the main road. The duplexes on Vosburgh Road are just not that crammed. Basically, by proposing perhaps a single-family home to address the fact that the developer does have the right to develop his land but I just feel like that's too much development for too small an area. This is a rural road and I do understand that there are duplexes, but like I said, they are much better spaced. So, I really feel like these duplexes will definitely change the character of the road and many of the people living on the road actually are Vosburgh descendants. I feel like that's something that I just wanted to bring up. It is our personal wish that the land is not developed at all. Like I said, I do understand his right and so that's why we tried to see if there was some middle ground that we could find but I feel some of my concerns were addressed. Mr. Dell stated the following: I would like to clarify the density. We are talking about 6 dwelling units on 5-acres and the underlying allowable density is 2-units per acre. So, we are significantly less dense than what the underlying zoning would allow for. Mr. Watt stated could you give me those numbers again. Mr. Dell stated we have approximately 5.5-acres of land and we are proposing 6 dwelling units, which would come out to about 1 per acre and the underlying zoning would allow for 2-units per acre. Mr. Watts asked how much of the property is wetlands? Mr. Dell stated about 40 percent. Mr. Dan Morvay, 27 Vosburgh Road, stated the following: Approximately 3 years ago we purchased the house that we moved into. When we moved in, we heard from some of the neighbors and we were told that this was slated for development. So, my wife came down to the Town and asked about the development and what was going on. At that time she was told that it was slated for future development but there is no official plan. So, we purchased the house

thinking that some day down the road and today is some day down the road. So, our strategy going into it 3 years ago was should things move, as they are now basically, that we need the fence and that we would most likely make this a rental property then. We are experienced rental property owners; we rent 2 places in very high-end communities outside of Washington, D.C. We typically live in a place and then when circumstances change, we make it a rental. We believe our circumstances are probably changing so we have already contacted realtors and we're already lining up. But 3 years ago we did not understand that there was going to be 3 buildings that were going to go in that tight a fashion. So, had we known that at that time, we probably would have never purchased the property. Mr. Watts closed the Public Hearing at 7:32 pm. Mr. Higgins stated regarding parcel #1; how close to the back of the building is that no-cut buffer where that dotted line is on the map? Mr. Dell stated the dotted line is a 100 FT New York State Department of Environmental Conservation (NYSDEC) buffer line. Mr. Higgins asked so are you within 10 FT of that line? Mr. Dell stated yes. Mr. Higgins stated the following: What is the actual buildable piece of property that's not wetlands and not no-cut buffers? I know you said 40% is wetlands but just looking at it, it seems like a lot more than 40% is either wetlands or property that's restricted because of no-cut buffers and things like that. So, what is the actual buildable piece? Mr. Dell stated the following: The actual buildable area would be the area within the dotted line. The exact acreage I do not have at this time and I would have to get back to you with that information. Mr. Higgins stated the following: Also, you were talking about restricting the flow. The driveway is approximately 20 FT higher than the residence to the right. So, are you going to have stormwater retention the entire length of the driveway? Mr. Dell stated we would need to provide some form of a conveyance; that being in the form of a swale that would have check dams along it to reduce flow rates but we would have to work through that and design that driveway accordingly. Mr. Higgins asked so would you have to have a stormwater retention on one of the lots and divert all of the drainage that way? Mr. Dell stated the following: Yes, we would have to work through that. We would have to look at each individual lot on a lot-by-lot basis with roof run-off as part of the original plan that we had at the time. New York State wet swales is what they were called in the New York State design manual on each individual lot. Mr. Higgins stated and all those regulations have changed since this was original proposed. Mr. Dell stated the following: Correct and they have become more restricted to what you are allowed to do. So, we would certainly have to look at that and make that an integral part of the design. Mr. Belmonte stated the following: We are certainly going to be compliant with whatever the standards are. We're identifying buffer areas and it is not uncommon to get variances from the NYSDEC to be able to construct or move earth inside of a NYSDEC buffer. What we're doing is we are displaying those buffers at their extreme. When I say extreme, at 100 FT. We look at neighborhoods such as Harvest Bend and the NYSDEC cordially agreed to allow the buffers to be reduced at 30 to 40 FT. So, there is navigation within those buffers and we're showing them at their fullest. As we come along the entryway, those buffers are voluntary. When I say voluntary; there may be things required by the Town but they're not jurisdictional issues by the NYSDEC. So, if we wanted to expand these clearing limits beyond what they are, I believe there is justifiable reason why we can make that request but we're not making that request because we don't feel they are necessary and we are looking to retain as much of the vegetation possible on the site. Where I'm going is we're trying to do a calculation with the useable buildable manageable area is. It's larger than what we are displaying here but this is what we think we need to accomplish what we're attempting to accomplish. Mr. Higgins stated but to make it bigger you would have to get NYSDEC approval to reduce those setbacks. Mr. Belmonte stated the following: Partially, yes to go into the NYSDEC areas but we're showing extensive buffers here along adjoining property lines far beyond what the Town has customarily asked for. But we don't have a reason to disturb those areas so we are not proposing to disturb those areas

to create the buffers. Mr. Higgins stated the following: I wasn't talking along the driveway. I was just talking about around the building sites themselves. The only thing I said about the driveway was it's 20 FT higher than the adjoining property and I was just concerned about runoff. Mr. Belmonte stated the following: It is and we always need to manage runoff. In all the Stormwater Pollution Prevention Plan (SWPPP) programs that we put together, runoff is managed in every which way. If we refer back to the 3 duplexes to the west side of the neighborhood, as was mentioned, we are doing the stormwater management on each of the sites. Under the new regulations there may be an alternate way to do that since they have given more options. Stormwater will be properly managed and that is something we have to submit to the Town for the Town's review and approval but not something that we would have developed at this point trying to understand if we're investing our money wisely or not. Mr. Higgins stated and obviously you did take a look in the possibility of putting 3 single-family homes on this and decided not to. Mr. Belmonte stated that is correct. Mr. Ouimet asked why duplexes? Mr. Belmonte stated the following: We feel that it is a very low impact way to handle the parcel of land. We have a 22 home community immediately adjacent to it. We're trying to come up with a variation of housing and it's just part of the program that we're bringing to the table in trying to present diversification. Mr. Roberts asked is that 22 single-family homes? Mr. Belmonte stated that is correct. Mr. Berkowitz asked are there existing trees already? Mr. Belmonte stated there is vegetation and maybe our neighbors could more clearly on how dense that vegetation is. Mr. Morvay stated the following: Currently it's a field that has slowly grown up. So, the vegetation isn't that dense but there are trees that are scattered about in this particular area and closer to where the creek is where the beavers have basically dammed that up and that's really dense. Mr. Berkowitz asked is it deciduous or coniferous? Mr. Morvay asked are you referring to the trees? Mr. Berkowitz stated yes. Mr. Morvay stated up on the hill where they're proposing to do that it's mostly tall trees but then down closer to the creek it's basically vine that has crawled up the tall mature trees and there are a lot of black walnut trees around there too. Mr. Berkowitz asked what is buffering between your property and the proposed project? Mr. Morvay stated just a few scattered trees at this point. Mr. Berkowitz asked how about on the other side of the driveway on the neighbor's property? Mr. Belmonte asked are you talking about the tree buffer? Mr. Berkowitz stated the following: Yes. I'm not worried about the size of it, just how dense is it or is there a density there already that's blocking some of view? Mr. Belmonte stated the following: Again, I'm going to have to assume that it's a similar density that was just described to us; it being, in general, one parcel of land. Presently there is approximately 100 FT being proposed in between dwellings and the natural area that we're proposing not to disturb from our tree line to the property line is 40 FT. Mr. Berkowitz stated so it's just sparse with trees there; it's nothing to measure it's just what it looks like. Mr. Belmonte stated again, I'm going to rely on our neighbors for that information. Mr. Morvay stated it's pretty open. Mr. Ouimet stated the following: Could we have a little more discussion about the character of the neighborhood? I'm virtually confused as to where these existing duplexes are in relation to the proposal. Mr. Belmonte showed the Board where the duplexes were located and I believe there are 3 of them. If we come to one of the adjoining parcels that abut the existing Windsor Woods, is another one. If we go around the 90 degree turn/45 degree turn where Toll Brothers just constructed their neighborhood and go 1,500 FT down the road, there are the 3 others that we have approved and we just put the driveway in for. If we go another couple thousand feet down the road, there are 2 more that were just built and one of them is not occupied yet. Mr. Ouimet asked does the Toll Brothers project have any duplexes in it? Mr. Belmonte stated the following: No, it does not; it's all single-family. If we cross Vosburgh Road into Sheldon Hills, that development has an extensive number of duplexes. Mr. Nadeau asked do you have an idea of the number of single-family residences on Vosburgh Road from Route 146 to Smith Road? Mr.

Belmonte stated there are 22 single-family homes in our community and I'm sorry but I don't know how many homes are on Vosburgh Road. Mr. Nadeau stated the following: There are quite a few directly across from your driveway that I'm aware of as you go toward the intersection towards Toll Brothers. In fact, there is a new single-family home right on the corner. Mr. Belmonte stated there is one home where the foundation has been there for over a year but I don't know what the status of that is and then there is one that was formerly Toll Brothers model home. Mr. Nadeau stated also when you turn the corner there are 2 to 3 nice homes. Mr. Belmonte stated I would have to guess that there are 20 or 30 in between here and Smith Road. Mr. Nadeau stated I believe the 3 duplexes that are there now were built about 20 to 25 years ago by Mr. Greg Barnum and he also owns the other 3 on Route 146 and at that time the zoning was different. Mr. Watts stated the following: The zoning was changed and the Planning Board had made recommendations relative to the duplexes and the public had made recommendations at the Town Board level and the Town Board adopted new regulations. So, when we get these duplex questions, we have what was the past and if the past was to stay the same as it always was, then you wouldn't have new ordinances or new regulations, which were duly adopted. The new/current ordinance reads, "The use shall be in such a location and of such size and character that will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts". I think what everybody is wrestling with is old, new and what's fair. I think that that's basically what the role is of a Planning Board in terms of making a recommendation and where we go. Mr. Roberts stated based on the new ordinance and the concerns of the neighbors, and I do realize Mr. Belmonte went through a lot of work on this with the conceptual plan before and all, but based on where we are now, I think this property would be better served with single-family homes. Mr. Belmonte stated the following: There is one more thing that I would hope you take into consideration; these units are a long way away from the road. They're not in a situation where they are being peppered along the edge of the road. This is a very discrete and elegant cul-de-sac or driveway going back keeping these homes set far off the road. Mr. Roberts asked how long is that driveway? Mr. Dell stated to the back lot it's about 400 FT. Mr. Roberts asked how far back is the front lot? Mr. Dell stated the front lot is about 250 FT. Mr. Belmonte stated the following: So we take into consideration the normal setback of most homes and the typical setback is 50 FT and here we are at 5 times that to the closest. Mr. Roberts stated the following: Our new ordinance was passed to address situations just like this because of public concerns. It's a difficult decision but I still think it should be single-family. Mr. Watts asked who would own the driveway? Mr. Belmonte stated it would be owned by the owner of one of the buildings and I believe that would be the rear most building. Mr. Watts asked is that your plan? Mr. Belmonte stated at this point in time, my plan is to maintain ownership of all units. Mr. Watts asked so, in essence, you would own them and rent them. Mr. Belmonte stated theoretically; but they are on individual parcels so they could be sold. Mr. Watts stated okay, they could be if somebody wanted to buy one. Mr. Belmonte stated that is correct and at that point the driveway with either have to be assigned to one individual or an association would have to be established to care for the driveway. Mr. Higgins asked would the driveway be owned by the owner of Lot #3 and just easements by the other two? Mr. Belmonte stated that may very well be the case. Mr. Higgins stated that's what it appears to be on the drawing. Mr. Belmonte stated yes, the driveway would be owned by the rear most house. Mr. Higgins stated and the other two would have easements. Mr. Belmonte stated that is correct. Mr. Ouimet stated the following: The difficulty that I see with this proposal is that it is 3 duplexes and not 1 duplex. If it were 1 duplex, I could almost justify the fact that it doesn't really change the character of the community by adding 1 duplex on a road where there's 3, 4 or 5 other single lot/single duplexes on each of the lots. I have some pretty serious problems with the proposal for 3 duplexes. I don't think the 3 duplexes are

consistent with the character of the community. I think 1 would be, but that's not the proposal here. Which one? I don't know. Why would you take that entire piece of buildable land and just build 1 duplex on it, I have no idea. A single-family home or two, in that lot configuration, I don't know. I'd be more inclined to support something like that especially with the development of single-family homes in that area. It seems that there are more single-family homes than duplexes being developed in that area. What was approved prior was approved prior and to me it's significantly distance from this particular proposal. That's the problem that I have with this one. Mr. Berkowitz stated the following: The density bothers me but looking at the satellite overview, there are about 6 duplexes and 10 single-family homes. So, I don't know if it changes the complexity of the neighborhood that much but the density does bother me. Mr. Ruchlicki stated I think that there has been enough comments made and I would only be reiterating things that the other Board members have already said. Mr. Watts asked do you have a concern relative to this proposal? Mr. Ruchlicki stated the following: I would say that the density is probably an issue for me. I know what Mr. Berkowitz is looking at there because I looked at it myself and I actually took a drive down through there and Mr. Berkowitz is correct. I don't know if it changes the complexion of that area but maybe 3 duplexes are too many. Mr. Watts stated the following: Our choice at this point is to refer this proposal to CHA for further review and that would be more for the site review with drainage, etc. We could hold it for further review or disapprove the application, which is a special use permit for 3 duplexes on this lot. Mrs. Murphy stated that is correct. Mr. Watts stated the following: I don't see any overwhelming support from the Planning Board for the 3 duplexes on this particular property. If you do that, the developer then has an idea where we're at without going further and then could come back and rethink further use of the lot. The actual application that we have is for the 3 special use permits for Lot's #1, #2, and #3. Ms. Zepko stated you have both tonight; if Mr. Belmonte wants to continue with the subdivision, he could do the subdivision and the special use permits are separate applications. So, the Board could approve the subdivision and not include the special use permits. Mr. Watts asked approval of the subdivision would mean what? Ms. Zepko stated the following: That means that the 3-lots are created if that's what Mr. Belmonte wants. It's up to Mr. Belmonte whether he wants to continue through with the subdivision. Mrs. Murphy stated that's correct but I'm just looking to Mr. Belmonte to see what his wishes are or he could adjourn and try to rethink what he wants to do and ask the Board to put the proposal on hold. Mr. Nadeau stated the following: In fairness to Mr. Belmonte I think we need to decide if we will accept single-family verses the duplexes. I have to go back to what Mr. Roberts was saying; the public basically helped us with the new zoning and that put us in this position to do what we want to do in this case. Mrs. Murphy stated the following: The only thing I said about the adjournment had to do with the subdivision not with the duplexes. Mr. Belmonte stated the following: My consultant and myself think that the best option we can do is to go back to the drawing board and reconsider our options. We could go with single-families, we could stay the course, and we could come back with a new proposal that addresses some of the public's concerns. I don't know which one is the right one in trying to think this out in a few moments on the fly because that is probably the wrong step to take. So, if we could ask for an adjournment, we'll proceed that way. Mr. Watts stated the following: Yes we can do that but I think you've heard clearly the concerns of the public, the neighbors and the Planning Board relative to the density and the number units there. I'm sure that's why you want to think about what your options are. Mr. Belmonte stated we got that message pretty clear. Mr. Watts adjourned this item for further review by the consultant and application.

This item was tabled for the consultant and developer to further review their proposal.

New Business:**13.016 NB Shenendehowa Central School District, Route 9 & Chelsea Place – Sign**

Mrs. Murphy recused herself from this item. Mr. Kenneth Patenaude, Facilities Director at Shenendehowa Central School District, stated the following: Our proposal is to add a placard to the existing sign that is located at 5 Chelsea Place at the intersection of Route 9. This is at the request by the taxpayers and residents. Currently we are doing kindergarten registration and it is difficult for a lot of the residents to find the District Office that is located at the top of the hill. I've reached out to the lessee's of the property at 2 Chelsea Place as well as MRK Realty and there are no issues on either side. Mr. Peter Belmonte, of Belmonte Builders, stated the following: I'm the owner of that sign and this is the first time I've heard of this. Mr. Patendaude stated this was a difficult process because we reached out to MRK and the last person that I had correspondence with was Ms. Paula Grassi with Care-Net Medical and she said she was a lessee of that sign and they had no issues with it. Mr. Watts stated the following: Relative to the sign for clarification purposes; the main portion of the building is in the Town of Halfmoon and the sign is located in the Town of Clifton Park but based upon the Town of Clifton Park Building Department wishes, they passed jurisdiction to the Town of Halfmoon Planning Board, which is fine with us. The bottom line is that people can't find and you're sticking a little sign in on the bottom; they are not altering the sign and they are not changing it. Mr. Roberts stated the following: I also couldn't find the place to pay my taxes either so I know that it's hard to see. To me the sign looks fine but what does Mr. Belmonte think of it? Mr. Belmonte stated I think the proposal is very keeping with the other sign so I don't have a problem with it.

For the record: The Planning Department's write-up for the sign(s) is as follows:**Sign Size:** 12 SF**Sided:** one-sided Two-sided**Location of Sign:** Intersection of Route 9 & Chelsea Place / Additional panel on bottom of existing free-standing sign**Lighted:** Internal Flood

Mr. Roberts made a motion to approve the sign application for the Shenendehowa Central School District. Mr. Nadeau seconded. Motion carried.

13.017 NB Power's Inn & Pub, 130 Meyer Road – Sign

Mr. Bryah Gifford, the applicant, stated the following: We have slightly tweaked our name a little bit with Power's Irish Pub and have changed it to Power's Inn & Pub to reflect our changed menu and added feel of the building. Mr. Roberts stated the following: I have reviewed this and again, they are changing the name and it meets the requirements. However, there are some concerns about additional signage during different times of the year and you are supposed to come to the Board to get permission for that. Mr. Gifford stated I apologize but what additional signage are you referring to? Mr. Higgins stated the following: The signs on the bottom of the sign that you have for Easter, Christmas, Halloween and things like that. Mr. Gifford stated that sign is actually in the Town of Clifton Park and is owned by the New York State Department of Transportation (NYSDOT) and we had signed an agreement with them that we were allowed to use that sign. Mr. Higgins stated I apologize because I thought it was located in the Town of Halfmoon. Mr. Gifford stated the only sign I'm here for is the one on the building. Mr. Robert stated so you're not touching the sign out in front. Mr. Gifford stated yes, that sign also did change but that was with an agreement with the NYSDOT. Mrs. Murphy asked are you actually going to have an inn there? Mr. Gifford

stated the following: No, it is also a word used for a place you can eat. The word "Irish" sometimes defers folks from coming in because they think of only Guinness or Sheppard's Pie and we have a whole lot more there. The building has also been called an inn for the Dater Inn and for the Dublin Inn for a long time and it was tossed back and forth when we were in the beginning phases of this and if should we use the word "inn" and we did not use the word "inn" thinking that we don't want everybody to think it's the same, but that was probably a wrong call because folks keep coming in calling it an inn anyway.

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

Sign Size: 30 SF

Location: Same location as previously approved on the corner of Farm to Market Road & Route 9

Sided: one-sided Two-sided

Lighted: Internal Flood

Mr. Roberts made a motion to approve the sign application for Power's Inn & Pub. Mr. Ruchlicki seconded. Motion carried.

Old Business:

06.185 OB Princeton Heights, Princeton Street – Major Subdivision

Mr. Jason Dell, of Lansing Engineering, stated the following: I'm here tonight on behalf of the applicant, Mr. Peter Belmonte for the Princeton Heights Residential Subdivision. The project site is located on Princeton Street and is south of Manchester Drive. The project site is approximately 39.5-acres and is currently zoned Residential (R-1). The majority of the property is covered with brush and woody areas. The proposed project would create 51 single-family residential lots that will meet the current R-1 zoning requirements of a minimum of 20,000 SF lots. There would be 2 means of access for the project. The first access road would come off of Manchester Drive and will come south to where we'll wrap into a cul-de-sac. The second point of access would come off of Princeton Street and connect onto our connection to Manchester Drive and would loop around to road "B" on the preliminary plan. Water would be provided by a connection to the municipal water supply located down towards Manchester Drive. Sanitary sewer would also be provided for the project via what we feel now is going to be a gravity connection down to the Manchester Drive area. Stormwater would be managed on-site in accordance with the New York State Department of Environmental Conservation (NYSDEC) regulations. A revised traffic study has been prepared and submitted to CHA for their review. That traffic study evaluated the additional point of access as well as the condition of the existing road infrastructure that is out there. An archeological investigation was also performed as part of the project and several sites have been identified on the proposed plan that we show as avoidance areas. Conceptual plans have also been submitted to CHA and they have also commented on it and the plan has been revised based upon those comments from CHA. Notable revisions per CHA comments include a future right-of-way designation and a 60 FT right-of-way located on the south side of the project for any potential future development to the south. The driveway location for Lot #1 has been revised from the rear of this property line and we would slide the property line over to between Lots #2 and #3. The archeological areas that I mentioned previously are shown on the plan in the circles. At this time we feel as though we've made a majority of the comments that CHA has come back with. We would like to advance the project into the preliminary design phase with input from the Board. Therefore, we would like to move the project forward on how the Board sees fit and ask the Board to schedule a public hearing and that way we can proceed with the preliminary plans with input from the public as well. Mr. Ouimet stated the following: I have a couple questions about the

response to the CHA comment letter. Comment #7; CHA recommended that you include a no-cut buffer restriction in the deeds and what was your response to that? Mr. Dell stated the following: That could certainly be worked on. Are you referring to the area along the Northway? Mr. Ouimet stated the following: I think you have more than that. I think that the lots that you are proposing on proposed road "B" have vegetation behind there. Also, CHA comment #8; regarding the NYSDEC Stormwater Design Guidelines and the green infrastructure. Are you going to comply with green infrastructure or are you going to seek a waiver? Mr. Dell stated the following: At this time we would seek the waiver. Basically what the waiver request is; if you had a design submitted prior to a certain date that you don't need to comply moving forward with the green infrastructure approach to stormwater that was essentially grandfathered in to design the stormwater management features in accordance with the general permit GP08. So, we did indeed have that submitted prior to that date and the infrastructure that Mr. Bianchino mentioned in his letter has all stayed very similar to that. Mr. Bianchino indicated in his letter that he supported that waiver, correct? Mr. Bianchino stated based on what we had talked about, my letter stated that we were comfortable with their request barring any other changes with their preliminary plans. Mr. Ouimet asked why not comply because you don't have to seek the waiver, correct? Mr. Dell stated the following: We don't have to seek the waiver. The new green infrastructure regulations seek to do more of the stormwater management and stormwater management features on the individual lots. So, essentially down the road a ways, leaves it up to more of the individual homeowners to maintain this. Some of the methods by which you can meet those criteria are permeable asphalts. Which, if we were to put the driveways as permeable asphalt, homeowners would then not be able to seal their driveway because you would have to have that as a stormwater feature. You have to look to do possibly rain gardens in the front yards, which again would then be the responsibility of the homeowner and you would almost have to have somebody looking to see that they were compliant and go around to the individual lots to see if those rain gardens were maintained. So, what that does by not applying is it puts all of the stormwater management and the stormwater flood control into the stormwater basins where they can be managed, maintained and protected. Mr. Belmonte stated the following: We've done a fair amount of green infrastructure along with green construction. The one consistent element to all of them is the long-term management of it. We're finding that locations where we've put rain gardens; the homeowners are going back and they're debilitating the rain gardens. They are filling them in, they are removing the vegetation and they don't understand what they are nor do they have a desire for them. Storm management; when it is put into a central location, becomes managed by a central entity and instead of 50 individuals, you have one central entity managing that. We've done a great deal of investigation regarding permeable pavement. It is our conclusion that permeable pavement used in a construction site is not wise because how are you going to clean it? We're going to have concrete trucks, equipment, flatbeds loading and off loading and no matter how much you try caring for that pavement, you're going to be filling the pores of the pavement because basically it is a porous surface with mud and dirt that is never going to be able to be cleaned out. We think it is an excellent application in a commercial site where the parking lot is paved at the completion of the project but not in an on-going construction site. Mr. Dell was very clear about the driveways. We've talked to a number of homeowners who have a great deal of interest in green construction about the practicality of maintaining and owning a green driveway or a porous driveway. There are 2 things that constantly come up; can I still seal it because people want to get rid of oil stains, rejuvenate the look to bring it back to the look of new, which you can't do. Secondly, how's it going to work with the kids who roller-skate and skateboard because it is a porous surface and it's very difficult to skateboard or roller-skate across. Again, it's very applicable in a parking lot but we don't see it working well in a residential community where you have children and this is a community that we expect families

to live in also. So, we've steered away from those just due to the practicality and the long-term durability of them. Mr. Watts stated just out of curiosity; I would presume that these standards were promulgated by regulations of the NYSDEC. Mr. Belmonte stated you are absolutely correct. Mr. Dell stated the following: Correct. GP10 or General Permit 10. Mr. Watts stated the following: I know when this stuff was starting the State Builders Associations and their groups started to complain about the things that apparently are bothering homeowners. If we're hearing it now, we are going to hear it for some other place. Mr. Belmonte stated the following: I can't speak specifically on that but I can certainly investigate it and get back to you. We have a representative that is on the Capital Region Builders Association who is a voice to the State but I don't know the specific answer to your questions. Mr. Watts stated I'm just curious because to me it doesn't seem to make a lot of sense and if these regulations were promulgated and it cost the builders and the homeowners if people aren't happy, maybe they should be revisited. Mr. Belmonte stated the following: I think many of us know Mr. Bill Lupo, who is in charge of NYSDEC Region 5, and Mr. Lupo acknowledges that some of the rules that they have come up with are not always the most practical to implement in a residential situation. They are very broad rules; they're representing them all, they're representing the local store and they're representing the builder of a residential development and it's not a one-size fits all. Mr. Watts stated the following: If this was brand new project, you would have to go along with it and I've heard people complain but we haven't had a lot of new residential development where that was required to my knowledge, now it is. I was curious for our future whatever's and for the rationality of this one as well. Mr. Ouimet stated the following: Mr. Scott Lansing did the last presentation for this proposal. I know you weren't here; I had asked Mr. Lansing to tell me what the width of the road structure was through the existing Northwood's development. We had a public hearing on the last proposal and there were a lot of questions about putting additional traffic through the existing development roads that were not built to current standards. Mr. Belmonte stated Northwood has multiple roadways. Mr. Ouimet stated the following: Yes, but you're only accessing two of them. I know the width of Princeton Street; that's wide and that's a new road. Mr. Belmonte stated that is correct. Mr. Ouimet stated I'm talking about the roads that you are going to exit on because you have to leave this place someway and you have to go through Northwood. Mr. Belmonte stated the following: In the traffic study that was one of the things that I believe CHA pointed out and they wanted it specifically addressed. If we look at that traffic study, that has been identified and addressed. Manchester Drive is more of a primary road and when you get over to New Castle Road and some of the other areas in the community, the roads become considerably different than Manchester Drive. Mr. Ouimet stated yes, I know and there is a considerable difference in those roads and that is a concern to me. Mr. Belmonte stated we are not exiting on to them either. Mr. Ouimet stated yes you are, aren't you going to exit on Princeton Street? Mr. Belmonte stated yes, you are correct. Mr. Ouimet stated the following: This should be a concern to you as well because you're putting a lot of cars on older roads. If it is part of your traffic study, I can wait for the public hearing. Just make sure you have a traffic engineer here. Mr. Belmonte stated we would be more than happy to do that. Mr. Ouimet stated the following: When this was originally before us in 2007, we questioned the density of the proposal and we questioned the fact that it only had one method of ingress and egress. Mr. Belmonte has been able to solve the ingress/egress problem by developing a second method but hasn't addressed the issue of density whatsoever. I think it is really too dense a project. Mr. Belmonte stated the following: I guess I don't understand that comment because we are complying with the regulations. The regulations allow a certain number of units. Mr. Ouimet stated the following: Yes, but you can jam in whatever the regulations approve but you don't have to jam in everything. You could develop a better community without maximizing the use of the space. Mr. Belmonte stated the following: Not to be argumentative, but

I don't feel that we're jamming anything in. I think we have allowed for an abundant amount of greenspace around the community, we've allowed for good buffering along the Northway and we've created a very good flow to the community. It wasn't in any way intended to maximize the yield. If you recall at one time in one of the very early proposals we had several hundred units being proposed because we were using a mixed use product. We were bringing in narrower width lots where we were going to do an age-targeted community in a portion of it much like Arlington Heights. We had condominiums, we had townhouses and we had conventional or traditional family style homes. That community was on a little bit larger of a parcel of land because we were acquiring some land for that community from the adjacent homeowner but the per unit per overall acre was significantly greater than it is right now. Based on listening to the public at that time and trying to respond to their concerns, we felt by leaving the amount of greenspace we are leaving and conforming with the regulation as it's written, we have reduced the number of units and the density significantly and we have generated some very large home sites as a result of it. These are far from averaging a half-acre home site. When you look at some of the triangulations of these home sites, they are very large. Mr. Higgins asked does the dark green represent wetlands? Mr. Dell stated the dark green does include some wetland areas as well as it is to signify the proposed tree line. Mr. Higgins stated for instance; behind lots #48, #49, #50 and #51 is that wetlands or is that trees? Mr. Dell stated trees. Mr. Higgins asked how can we determine what is wetland and what are trees based on this? Mr. Belmonte stated based on the map we have this evening I don't believe we can but we certainly can provide that. Mr. Dell stated yes, we will provide that. Mr. Higgins stated the following: Okay, because obviously if there is wetland restrictions on some of these 20,000 SF lots and if people can only use half of the lot, by the time you get the house footprint and the driveway it generally cuts down the usable piece on that lot. So, I for one would like to know where the wetlands are. Mr. Belmonte stated the following: That is no problem at all and we would be more than glad to provide that information to you. The cleared area that you see and other than the areas where the ponds are, that is non-encumbered land. Mr. Higgins stated okay, so it's generally where the 2 stormwater retention areas are. Mr. Belmonte stated the following: There are other wetlands besides that but I was just pointing out where the light green for the home sites themselves are identified that is non-encumbered land. Mr. Higgins again stated okay, I for one would like to know that. Mr. Dell stated we will provide that. Mr. Quimet stated the following: Not to belabor the point, but if this configuration is going to have any life to it, I think that there needs to be some kind of buffers between the existing homeowners and the new homes being proposed. Right up to the line it looks like where proposed road "B" is located on the map; where it enters Princeton Street it is pretty much a field back there and there are not any trees or anything. So, it's pretty much wide open. So, those houses will be right in the backyards of the people who are already there. I think some consideration of buffering that needs to be made now. I know you are going to hear a lot of this stuff at the public hearing and I'm not opposed to having a public hearing now, but I know you got to do what you got to do but we have to do what we have to do too. Mr. Belmonte stated the following: I understand and I understand that we're all on the same team even though we have potentially different interests and different ways of getting there. We've been very quick to conform to requests or suggestions and that tree lines be added or evergreens be planted and we understand that. We also have to be practical. The homeowners that purchased these homes, and these are relatively recently purchased homes, had gone in there and identified exactly where their property line is and sent a harvester in there to clean it right to the property line. At some point in time and I may be speaking as a frustrated developer, but people do have to take responsibility for their privacy. If they wanted privacy, maybe they should have thought about having a 15 or 20 FT tree line left on their property especially on a home site as expansive as that one is. That's my opinion, but I will conform to a request to plant a tree line

down our property line and I also believe we expanded the setback to make that possible. I can't protect everybody against everything that they want to do. Mr. Ouimet stated we are really only talking about 4 lots. Mr. Belmonte stated I understand and that's not enough to argue over but certainly a point that has to be made is that we have homeowners out there playing weekend cowboy taking down all the trees and pointing at the guy next door and saying "well it's your problem to solve my cause". Mr. Ouimet stated this is a minor issue but I think it is important to the people who are already there and I appreciate you taking this into consideration. Mr. Belmonte stated no problem, we're always glad to. Mr. Higgins stated where road "B" comes out to Princeton Street there's a residence right across that's going to get the headlights from the cars when they are coming out. Mr. Belmonte stated if that is a concern here, that's something that those people did not cause and I'm more that willing to work on that. If those individuals are looking for us to build a berm and put some plantings in or to do some screening that's a good point and that's not a problem. Mr. Ouimet stated please make sure that a traffic engineer is here for our next meeting. Mr. Belmonte stated we will.

Mr. Ouimet made a motion to set a public hearing for the February 11, 2013 Planning Board meeting. Mr. Roberts seconded. Motion carried.

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

Mr. Roberts and Mr. Matt Chauvin recused themselves from this item. Mr. Jason Dell, of Lansing Engineering, stated the following: I'm here tonight on behalf of the applicant, Mr. Bruce Tanski, for Anna's Place Residential Subdivision. The project site encompasses approximately 19.2-acres along the eastern side of Werner Road. The existing zoning outlined in the Zoning Ordinance is Agricultural-Residential (A-R) zone. The majority of the existing site is forested with a couple of small meadows on the property. The proposed project consists of the creation of 27 single-family residences. The proposed access for this project will be off of Werner Road with a road that will continue on down and connect to Kelly Lane and there would be a short cul-de-sac off of the center of that road that will service an additional 4 lots. The lots will all adhere to the existing zoning of 20,000 SF minimum lots. We did receive comments from CHA related to the preliminary plan that was submitted, which included the detailed engineering analysis. Water for the project would be coming from the Werner Road area. So, the project will connect to the municipal water supply as well as the sewer system that will connect into the Saratoga County Sewer District #1 (SCSD#1) sewer system located along Kelly Lane. Stormwater would be managed on-site through both a conventional stormwater management basin as well as the green infrastructure approach and methods will be utilized on this project. As I mentioned before, the preliminary plans that you have in front of you were submitted to CHA for review and comment. We've have received CHA comments and we have begun to address and revise the plans according to their comments. At this time we take no exception to the comments that they have provided. We will certainly provide everything accordingly. We are here tonight to answer any questions the Board has at this time and to further the project as well as to ask the Board to set a public hearing for this project. Mr. Watts asked Mr. Bianchino to clarify where this project is at with CHA's review. Mr. Bianchino stated the following: We reviewed the preliminary submission and we issued a letter January 21, 2013 with some comments, a couple of which are issues that I think we need to look at closely for the stormwater area and a couple of other things from an engineering standpoint. However, I do think it is a good idea to schedule a public hearing. We talked about having a public hearing so that as these guys are revising the preliminary plans to address our comments, they will have the Board's comments and any comments from the public. At this point there are 2 major issues; one

is regarding the sight distance at the proposed roadway intersection with Werner Road and they have proposed some clearing that would improve the sight distance. But the comment in the report is the result of the available sight distances that would remain less than desirable due to the vertical curvature of the roadway. We had asked that they add some additional mitigation measures to help correct that problem. So, we want some details there. The second issue is regarding the way the stormwater management area is with the overflow in order to get to the drainage area has to flow across, at some point, the roadway. We want to talk to you guys about how they are going to do that because typically the drainage area adjoins the wetlands. So, we would have the stormwater management area on the same side of the road as the wetland so that an overflow would go into the wetlands. So, that is something that we obviously we commented on. Those are really the two major issues. Mr. Nadeau stated on Lot #20 they are showing a 15 FT ingress/egress easement and asked if that was sufficient for large emergency vehicle. Mr. Bianchino asked is Lot #20 a flaglot? Mr. Nadeau stated that was my question; aren't flaglots a minimum of 20 FT? Mr. Dell stated the following: That lot also fronts on Werner Road. Currently it is approximately 210 FT. Mr. Bianchino stated 20 FT would be better because obviously it would provide the added length if we need it at that end. Mr. Ouimet stated the following: What is the alternative? Would you have to run hose for 250 FT? Mr. Bianchino stated it's not the issue if you can get a vehicle down that 15 FT driveway without a problem. Mr. Ouimet asked what size vehicle? Mr. Bianchino stated you could get a vehicle down there. Mr. Higgins asked how are they going to get out? Mr. Bianchino stated 20 FT would be better. Mr. Dell stated we will look at the fire code and we can work through that with CHA. Mr. Watt stated the road has to be a lot far longer than that in order for other things to kick in because they can run hose a long way. Mr. Ouimet stated CHA's review letter indicates that the traffic report concludes: "The resulting available sight distances will remain less than desirable due to the vertical curvature of the roadway." Mr. Bianchino stated yes. Mr. Ouimet asked how can we approve a project that has compromised sight distance? Mr. Bianchino stated the following: The standards are such that in the standards there is an allowance for those approved. However, in our comment we did ask for additional mitigation to be proposed to address that issue before we can sign-off on it. Mr. Ouimet asked what was the response from the developer? Mr. Bianchino stated they haven't looked at it yet. Mr. Watts stated that letter was dated January 21, 2013 so they are working through them. Mr. Dells stated yes and we will have the traffic engineer available for the next meeting. Mr. Nadeau asked in what direction is that sight distance lacking? Mr. Dell stated towards the south. Mr. Higgins stated in the previous presentation there was some discussion about the developer taking that house down. Mr. Bruce Tanski, the applicant, stated the following: That was when we were proposing the apartment complex in the Planned Development District (PDD). Mr. Higgins stated the following: Okay. During your presentation you mentioned 4 additional lots and I'm not sure where those 4 additional lots are located. Mr. Dells stated the following: The 4 lots that I mentioned are coming off of the cul-de-sac. Mr. Higgins stated the following: Okay. So, it has nothing to do with the adjoining property or anything like that because those are all approved and being built. Mr. Dell stated the following: No. That is strictly off of that cul-de-sac shown on the plans. Mr. Higgins stated thank you for the clarification. Mr. Berkowitz stated so that road is going to continue back down. Mr. Dell stated this road is going to continue over to here and the cul-de-sac is going to wrap up on itself. Mr. Watts stated your total single-family lots with this proposal is 28, is that correct. Mr. Dell stated and Mr. Tanski stated 27. Mr. Watts stated this is the one that started out with 168 apartments and then 38 duplex units and now were looking at 27 single-family homes, is that correct. Mr. Dell stated that is correct. Mr. Berkowitz asked what is the maximum amount you could build as far as a conventional subdivision? Mr. Tanski stated the following: This proposal is a conventional subdivision. In response to a comment made earlier; some of the lots

here are 26,000, 25,000, 36,000 SF and a lot of the lots are bigger than the minimum 20,000 SF. Mrs. Murphy stated your planner stated 35,000-40,000 SF.

Mr. Ouimet made a motion to set a public hearing for the February 11, 2013 Planning Board meeting. Mr. Nadeau seconded. Motion carried.

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

Mr. Jason Dell, of Lansing Engineering, stated the following: I'm here on behalf of the applicant for the Santoro Warehouse Facility. The existing warehouse distribution building facility is located at the intersection of Farm to Market Road and Route 146. The existing site is currently owned by Joseph and Pauline Santoro and is operated by Sanson Snack Distributors. The parcel is currently zoned Agricultural-Residential (A-R) and the existing use is considered a pre-existing, non-conforming use. The proposed project involves the expansion of an existing 6,600 SF facility and they are proposing a warehouse expansion that is 13,978 SF. The expansion facility would distribute pre-package snacks and potato chips. The site layout has been configured to allow for access off Route 146 and has been sized to allow for box trucks as well as large highway haulers to enter and exit the site back onto Route 146. The proposed project is proposing a landscape buffer along Route 146 that will beautify the site a little bit. Stormwater would be managed on-site according to the new stormwater regulations and that would be worked through. For the proposed parking; both the existing and the proposed warehouse expansion will require approximately 27 parking stalls and we are proposing 27 parking stalls. As part of the project we needed to go to the Zoning Board of Appeals (ZBA) for 2 zoning variances for the project to move forward. One variance was for the expansion of the pre-existing, non-conforming use. The other variance was for the proposed expanded building didn't meet the new setback to Route 146. We were before the ZBA and the ZBA did approve those variances. We are here tonight to answer any questions that the Board may have and ask that the project be referred to CHA for review. Mr. Berkowitz asked how many tractor-trailers are going to be coming in and out of there everyday? Mr. Dell stated I don't have an exact number on the vehicular trips. Right now we have provisions that would allow for 4 trucks to be on the site backed up to the building. Mr. Berkowitz stated the only reason why I asked this question is because if someone is coming north on Route 146 and they want to turn into that facility during rush hour they are going to back up that whole lane because there are only 2 lanes there. Mr. Dell stated understood. Mr. Berkowitz asked do you know when the deliveries would be coming in and out of the site and how many deliveries they would have each day? Mr. Dell stated I will certainly have that information for you at the next meeting. Mr. Higgins stated the following: At the previous presentation and again tonight you mentioned that both buildings are going to be occupied by the same company and they just needed additional storage capacity, is that correct? Mr. Dell stated that is correct. Mr. Higgins asked are both buildings going to be operated by same company? Mr. Dell stated that is correct. Mr. Higgins asked what size are the parking spaces, are they 10 FT x 20 FT. Mr. Dell stated yes.

This item was tabled and referred to CHA for their technical review.

13.015 OB Skyview Landscapes, Inc., 466 Hudson River Road – Commercial Site Plan

Mr. Jon Endres, of Ingalls & Associates, stated the following: I'm here tonight with Mr. Mike Scaringe of Skyview Landscapes. We presented this proposal as a preliminary plan a couple weeks ago. What we are proposing is a new building 48 FT x 80 FT steel Morton style building at 466

Hudson River Road that is just north of the Birch Bottling Plant. We submitted this with a proposal for a landscaping business with associated parking and some banked parking spaces for future use if necessary. We are proposing to remove some of the asphalt that is already on the site and retain some of it for parking and a display area. We are also removing a bunch of existing concrete, both slab and frost walls for the old building and installing some material storage bins that are basically concrete bunker blocks and provision for a future 800 SF greenhouse. We will have a connection to the municipal water service, which is located on Route 4 & 32 and an on-site septic system. We did submit this to CHA for review comments and we did receive a comment letter back from CHA. We addressed CHA's comments and I sent an electronic copy of the comment back to CHA and to the your Town Planner today along with a revised copy of the site plan. There are certain things that we did address. A minor comment that your Town engineer made was that they wanted to make sure that the parking spaces were 10 FT x 20 FT and they are indeed 10 FT x 20 FT. We did take one of the spaces from in front of the building and move it to the back because they weren't originally 10 FT x 20 FT. So, we expanded the parking spaces a little bit and we made the handicap space a little bit larger. Another one of the comments was the path from the handicap space to the building. So, we extended the concrete sidewalk in front of the building as a ramp down to the handicap parking space. CHA wanted to know where the proposed water service was supposed to be. We didn't know whether there was an existing tap on the main and according to Mr. Frank Tironi, of the Town's Water Department, he indicated that this building had disappeared before the water main had been extended up Route 4 & 32. So, Mr. Tironi said that there was no tap on the line. So, we are proposing a brand new connection to the water main to the building. Another comment was that we need to obtain a permit from the New York State Department of Transportation (NYSDOT) for widening the existing curb cut and that's in the works. The most significant comment was that a lot of the existing site is pavement or gravel and it is highly impervious and we are not proposing any modification to the drainage. That's true. There is an existing drainage swale on the south side of the property that goes into a culvert and eventually goes into the river. We have a net reduction of impervious area on this site. It's not a lot; it's only about 800 SF. The proposal for the future, at some point in time, is to get rid of more of this pavement. It is a cost issue at this point in time. If we get rid of more of the pavement, what that's going to do is it is going to reduce the impervious area on the site. So, we are not proposing any modification to the drainage. We do have a full erosion sediment control plan, which I believe you have in your packages. The last comment CHA had was site lighting and signage and we are proposing some down lights on the building, one over each of the bays and also one in the back to illuminate the rear parking. We are proposing a shoebox fixture or cutoff fixture directly across from the building on the other side of the parking lot and this will illuminate the parking area, the drive coming in and the material storage bins. That will be on a maximum of a 20 FT pole but it may be a little bit shorter. Ms. Zepko stated to Mr. Endres that if they were going to have a sign, they would have to submit a sign application to the Planning Department. Mr. Endres stated absolutely and we are well aware of that. Mr. Watts asked are you here tonight for site plan approval? Mr. Endres stated yes. Mr. Bianchino stated we reviewed this proposal, we sent our comment letter and they did respond today with those comments. Mr. Watts wished the applicant good luck and asked that they advertise that they are located in Halfmoon.

Mr. Ouimet made a motion to approve the commercial site plan application for Skyview Landscapes, Inc. Mr. Ruchlicki seconded. Motion carried.

Mr. Ruchlicki made a motion to adjourn the January 28, 2013 Planning Board Meeting at 8:52 pm. Mr. Higgins seconded. Motion carried.

Respectfully submitted,
Milly Pascuzzi
Planning Board Secretary